



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 02-11-03I

**EFFECTIVE DATE:** October 1, 2018

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**SUBJECT:** Kansas Local Emphasis Program (LEP) for Grain Handling Facilities

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**REGIONAL IDENTIFIER:** Region VII

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## ABSTRACT

**Purpose:** This Notice continues a local emphasis program for conducting programmed inspections at grain handling facilities in the State of Kansas in an effort to reduce injuries, illnesses, and deaths.

**Scope:** This Notice applies to the State of Kansas.

**References:** Field Operations Manual (FOM) CPL 02-00-160, Scheduling Systems for Programmed Inspections CPL 02-00-025, Enforcement Exemptions and Limitations Under the Appropriations Act CPL 02-00-051, and Inspection of Grain Handling Facilities CPL 02-01-004

**Cancellation:** CPL 02-11-03H

**State Impact:** No Impact

**Action Office:** Wichita Area Office

**Originating Office:** Kansas City Regional Office – Enforcement Programs

**Contact:** Assistant Regional Administrator for Enforcement Programs  
(816) 283-8745

By and Under the Authority of:

[for] Kimberly A. Stille  
Regional Administrator

## **Executive Summary**

This Notice continues a Local Emphasis Program (LEP) for conducting programmed inspections at grain handling facilities in the State of Kansas in an effort to reduce injuries, illnesses, and deaths.

## **Significant Changes**

This Notice cancels OSHA Regional Notice CPL 2-11-03H, Local Emphasis Program (LEP) for Grain Handling Facilities.

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I. Purpose.

This Notice continues a Local Emphasis Program (LEP) for conducting programmed inspections at grain handling facilities in the State of Kansas in an effort to reduce injuries, illnesses, and deaths.

II. Scope.

This Notice applies to the Wichita Area Office for grain handling locations throughout the State of Kansas. Specifically, the office will identify workplaces in the North American Industry Classification System (NAICS) codes 311211, 311212, 311119, 493130, and 424510. Operations controlled by grain elevators, grain storage, milling operations, fertilizer, feed, chemical, and farm machinery & equipment repair or maintenance are included in inspection activity.

III. References.

- A. OSHA instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
- B. OSHA Instruction CPL 02-00-025, Scheduling Systems for Programmed Inspections, January 4, 1995.
- C. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs) and Experimental Programs, March 28, 1994.
- D. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998 and Change (Appendix A) dated April 25, 2018, or current version.
- E. OSHA Instruction CPL 02-01-004 Inspection of Grain Handling Facilities, 29 CFR 1910.272, November 8, 1996.
- F. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
- G. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

IV. Cancellation.

This Notice cancels OSHA Regional Notice CPL 2-11-03H, Local Emphasis Program (LEP) for Grain Handling Facilities.

V. Action.

The Regional Administrator and the Area Director of the Wichita Area Office ensure adherence of procedures established in this instruction in the scheduling of programmed inspections.

VI. Expiration Date.

This Notice expires on September 30, 2019.

VII. Background.

The U. S. Department of Labor and specifically OSHA recognize the need to focus enforcement efforts at facilities where fatalities, injuries, and illnesses occur at higher rates. From January 1, 2015 to July 31, 2018 the Wichita Area Office received 41

employer-reported referrals in the grain handling industry NAICS codes 311211, 311212, 311119, 493130, and 424510 after employee's were exposed to hazards that resulted in amputation injuries and/or in-patient hospitalizations. Wichita Area Office initiated thirty-nine inspections because of these referrals. The inspections resulted in the issuance of 75 violations with 84% (63/75) of the violations classified as serious or repeat-serious.

In FY 2018, from October 1, 2017 to July 31, 2018, the Wichita Area Office conducted thirty-seven (37) inspections, improving the working conditions for 723,059 employees nation-wide. Programmed activities accounted for nineteen (51%) inspections.

Unprogrammed activities accounted for eighteen (49%) inspections. In FY 2018, the Area Office responded to a double fatality, which occurred at a grain handling facility after grain engulfed two employees in a bin.

The hazards associated with grain handling facilities are well recognized. The following hazards are present in this industry: combustible dust, falls, engulfment, confined spaces, auger entanglements, electrical shock and electrocution, struck-by and rail car operations. The Wichita Area Office determined the need for renewed OSHA enforcement presence due to the continuing incidences of fatalities in grain handling facilities throughout the State. Thereby, in accordance with the U.S. Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

#### VIII. Outreach.

The Wichita Area Office will continue to make available outreach programs that support the LEP purpose to identify and reduce workplace hazards associated with grain handling and associated work operations. Outreach programs with employers, professional associations, and local unions may include meetings, training, education, mailings, speeches, or other activities designed to involve employee and management stakeholders in the identification and elimination of hazards at grain handling establishments. In August of 2017, the Wichita Area Office signed an Alliance with the Great Plains Chapter of the Grain Elevator and Processing Society (GEAPS). Since signing this alliance the Wichita Area Office and the GEAPS Great Plains Chapter have partnered together to provide stakeholders training in safety and health management systems and grain engulfment prevention. The Wichita Area OSHA Office and the GEAPS Great Plains Chapter will continue to work together to develop and participate in meetings, organize and participate in grain safety stand-up events, deliver and arrange for the delivery of grain engulfment prevention training. The Wichita Area OSHA Office and the GEAPS Great Plains Chapter will work together to organize, publicize, and support the grain engulfment prevention initiatives including but not limited to participation in conferences, local meetings, and other grain industry events.

#### IX. Inspection Targeting/Site Selection.

- A. OSHA's Office of Statistics provided a listing of establishments with NAICS codes 311211, 311212, 311119, 493130, and 424510 based on Dun & Bradstreet information. The Wichita Area Office consulted other sources to identify additional establishments with the above-listed NAICS codes that may not be included in the list provided. These sources include United States Department of

Agriculture (USDA) grain handling inspection locations, OSHA IMIS/OIS data for grain handling facilities, as well as private sources such as industry listings.

- B. The Wichita Area Office combined all identified establishments to make one master list. The list is arranged alphabetically, then random number assignment using the most current version of Microsoft Excel's Random Sample Function, i.e., RANDBETWEEN function in Microsoft Excel to determine the order of inspections. To prevent duplicate random numbers generation for multiple records each time the file opens, the user highlights, copies, and pastes the entire worksheet into a blank worksheet as "Values (V)". The new worksheet will have each random number saved as a value not a formula, which will allow the user to open the worksheet without the possibility of changing the already assigned random numbers. This Notice will continue the use of this master list, as developed from the initial listing of establishments provided by OSHA's Office of Statistics, for cycle development.
- C. Cycles of ten (10) will be generated from the master list. The office must complete each inspection cycle before generating another cycle from that list. The office may carry over an establishment to another cycle for any of the reasons set forth in CPL 02-00-025.
- D. All compliance personnel must look for grain handling worksites. If the office identifies an establishment (with one of the targeted NAICS codes) after the development of the master list, the office will schedule an inspection. The office will apply deletion criteria (outlined below).

X. Deletion Criteria

- A. Delete establishments receiving a comprehensive safety and health inspection within the last twelve (12) months from the date the office generated the inspection cycle.
- B. If a selected establishment has received a comprehensive safety inspection within the last twelve (12) months but not a comprehensive health inspection, a comprehensive health inspection will be initiated and vice versa.

XI. Inspection Procedures

- A. Compliance Officers will conduct inspections in accordance with all applicable provisions of the FOM.
- B. All inspections will be comprehensive. Conduct joint safety and health inspections simultaneously as resources permit. When not possible, either the safety or a health inspection will be initiated with the opposite discipline to follow as resources become available, or the Area Director allows a cross-trained CSHO to address both safety and health hazards.
- C. All inspections will include an evaluation of hazards related to grain handling, paying special attention to engulfment hazards and fire/explosion hazards created by combustible dust. Other hazards addressed will include noise, confined spaces, machine guarding, and falls.

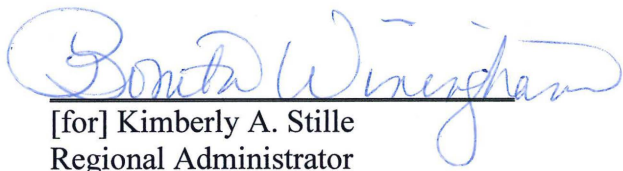
- D. Wichita Area Office will schedule unprogrammed events such as fatalities, catastrophes, complaints, follow-up inspections, and referrals for inspection in accordance with existing procedures outlined in the FOM. If an establishment identified in the Scope (II. above) receives an unprogrammed inspection, a comprehensive safety and/or health inspection will be initiated (as stated in XI.B. above) in conjunction with the unprogrammed activity, unless that establishment meets the deletion criteria in X. above.

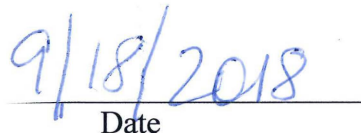
XII. Recording in OIS

- A. All inspections conducted under this program (programmed and unprogrammed) shall be coded *Local Emphasis Program*, with the designation "GRAIN" on the appropriate OIS forms.
- B. If a Compliance Officer determines an inspection will not commence at an establishment due to the process not active or incorrect NAICS code, the appropriate OIS forms shall be coded "No Inspection".
- C. Code all consultation activities (requests, visits, and compliance assistance) conducted at establishments in the NAICS codes included in this LEP, with "GRAIN" in the Local Emphasis Program field on the appropriate forms.

XIII. Evaluation Procedures.

No later than October 30 of each year in which this program remains in effect, the Wichita Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

  
[for] Kimberly A. Stille  
Regional Administrator

  
Date

  
Office of the Solicitor Concurrence

  
Date

Distribution:

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