



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 18-07 (CPL 04-05) | **EFFECTIVE DATE:** October 1, 2017

SUBJECT: Local Emphasis Program for Scrap and Recycling Industries

REGIONAL IDENTIFIER: Region VIII

ABSTRACT

Purpose: The purpose of this Notice is to renew a Local Emphasis Program (LEP) to reduce the incidence of serious health and physical injury or death from hazards associated with assembly, breaking up, separating, sorting, processing, handling and wholesale distribution of scrap and recyclable materials in General Industry establishments.

Scope: This notice applies to the establishments within the Englewood and Billings Area Office jurisdiction in the general industry NAICS codes listed in this directive.

Reference: OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.

Cancellations: None

State Impact: None

Action Offices: Englewood and Billings Area Offices

Originating Office: Englewood Area Office

Contact: Assistant Regional Administrator for Federal-State Operations
Cesar Chavez Memorial Building
1244 Speer Blvd, Suite 551
Denver, CO 80204
(720) 264-6559

By and Under the Authority of:

Gregory J. Baxter
Regional Administrator, VIII

Executive Summary

Workers employed in the scrap and recycling industry face many hazards that can lead to serious injury, illness, and death, including fires and explosions, falls, exposure to harmful substances, and caught-in and struck-by hazards from a variety of machinery.

The intent of this renewed Local Emphasis Program is to encourage employers to take steps to address hazards, ensure facilities are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

The Area Offices propose to accomplish this through outreach and enforcement activities. Outreach activities have included letters to employers, and will continue to include training sessions and speeches with stakeholders, as well as electronic information sharing activities through newsletter publications. Enforcement activities will include, but not be limited to, the inspection and review of production operations, working conditions, records, and all applicable safety and health programs; and will include corrections of workplace hazards at all applicable inspection sites.

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- I. **Purpose:** This notice renews policies and procedures for implementing a Local Emphasis Program (LEP) for conducting programmed inspections of Scrap and Recycling Industries. The employers to be targeted are in the scrap and recycling industries and are classified within the NAICS code listed below.

The goal of this LEP is to identify and reduce or eliminate the workplace incidence of health and physical hazards associated with scrap processing which are causing or likely to cause serious health or physical injury or death.

- II. **Scope:** This notice applies to Scrap and Recycling establishments operating within the Englewood and Billings Area Office's jurisdiction of Region VIII under the following NAICS codes:

NAICS (SIC)	Description
423140 (5015)	Motor Vehicle Parts (Used) Merchant Wholesalers This industry comprises establishments primarily engaged in the merchant wholesale distribution of used motor vehicle parts (except used tires and tubes) and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts.
423930 (5093)	Recyclable Material Merchant Wholesalers Establishments primarily engaged in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.
562212 (4953)	Solid Waste Landfill Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
562219 (4953)	Other Nonhazardous Waste Treatment and Disposal Establishments primarily engaged in (1) operating nonhazardous waste treatment and disposal facilities (except landfills, combustors, incinerators and sewer systems or sewage treatment facilities) or (2) the combined activity of collecting and/or hauling of nonhazardous waste materials within a local area and operating waste treatment or disposal facilities (except landfills, combustors, incinerators and sewer systems, or sewage treatment facilities). Compost dumps are included in this industry.

III. **References:**

- A. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016, or the most recent version at the time of the inspection opening conference.
- B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.

- C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
 - E. October 18, 2002, OSHA Memorandum: Annual Evaluation of Local Emphasis Programs.
 - F. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.
 - G. Title 29 Code of Federal Regulations, Part 1910.
 - H. December 3, 2014, OSHA Memorandum: Procedures for Local and Regional Emphasis Programs.
 - I. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, January 10, 2017, or the most recent version at date of inspection opening conference.
 - J. Summary Report: Hazardous Waste Site Safety Hazards Study. Directorate of Enforcement Programs, Occupational Safety & Health Administration. November 12, 2002.
 - K. OSHA. Green Jobs Hazards: Waste Management and Recycling [web page]. Retrieved March 25, 2013 from <http://www.osha.gov/dep/greenjobs/recycling.html>
 - L. OSHA. Recycling [web page]. Retrieved March 25, 2013 from <http://www.osha.gov/SLTC/recycling/index.html>
 - M. OSHA. (2008). Guidance for the Identification and Control of Safety and Health Hazards in Metal Scrap Recycling. Publication OSHA 3348-05.
 - N. Institute of Scrap Recycling Industries, Inc. (isri.org).
- IV. Expiration:** This LEP expires on September 30, 2018.
- V. Action Office:** Englewood and Billings Area Offices
- VI. Background:** Employees in the scrap and recycling industry are routinely exposed to a myriad of safety and health hazards. The Institute of Scrap Recycling Industries (ISRI) states that this industry is one of the most hazardous in the country

(<http://www.isrisafety.org/>).

According to the Bureau of Labor Statistics, in 2015, there were 4,500 incidents of injury or illness involving days away from work, transfer to another job, or work restrictions in these industries.. Thirty-nine of those injuries were fatal and were caused by fires and explosions, falls, exposure to harmful substances, and caught-in and struck-by accidents involving a variety of machinery.

From January 2, 2012, to September 1, 2017, the Englewood and Billings Area Offices conducted 73 inspections at scrap and recycling establishments. A total of 219 violations were issued from these inspections, including citations for serious safety and health hazards.

VII. Inspection Scheduling and Site Selection: The procedures outlined in the November 12, 2014 OSHA Memorandum: Establishments-Targeting Lists for Emphasis Programs will be followed.

A. Establishments that have received a comprehensive inspection within the previous 60 months of the creation of the current inspection cycle will be deleted from the list.

B. The Area Office may delete an establishment if it is determined that:

1. The establishment is a residence.
2. The establishment is not in the scope of the LEP (e.g., the establishment is clearly conducting business other than that covered by the LEP).
3. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; Google Earth or Street View shows conclusively that the business is non-existent).

The criteria used to delete any establishment must be fully documented by the Area Office.

C. In the event a cycle is not completed on or before expiration of this Notice, the cycle will be extended into the new fiscal year, provided this Notice is renewed. The outstanding cycle will be completed by each Area Office before establishments are selected from the new master list. If the Notice is not renewed, the outstanding cycle is effectively cancelled and the Area Office is not obligated to complete inspections on the remaining establishments within the cycle.

VIII. Inspection Procedures:

A. Scope: Inspections under this LEP will be comprehensive in nature and address both safety and health hazards. Inspections will be conducted by appropriately trained CSHOs. The CSHO will make health or safety referrals as appropriate. Inspection procedures outlined in the FOM, OSHA Instruction CPL 02-00-160, will be followed for Scrap LEP inspections.

B. Safety and Health Considerations for CSHOs: Inspections under this LEP are to be conducted by CSHOs who have received the necessary training on the LEP and the hazards associated with the Scrap and Recycling industries. The Area Director will ensure that appropriate training is provided to the CSHOs. Prior to commencing the walk around portion of the inspection the CSHO shall request a safety briefing of the facility. CSHO personal protective equipment such as respirators, gloves, eye-protection, hearing protection, steel-toed shoes, etc., will be utilized based on the information given. At the conclusion of the walk around, the CSHO shall evaluate likelihood of contact with heavy metals and other hazardous substances, and remove and contain any potentially contaminated clothing.

C. At the opening conference, the CSHO will determine if the employer performs operations as covered in this LEP. If the employer does not meet any of the criteria in this LEP and are not engaged in scrap or recyclable material processing activities, no inspection will be conducted.

IX. Outreach: At the discretion of the Area Director, outreach materials may be provided to appropriate stakeholders to explain this LEP and the hazards associated with the Scrap, Waste and Refuse Industries. Stakeholders and companies within the jurisdictional boundary of the Englewood and Billings Area Offices utilizing the NAICS codes listed above were previously mailed a notification of the LEP. Information on the State OSHA Consultation Program will also be included in the mailing.

A sample outreach letter is included in Appendices A1 and A2. The OSHA publication OSHA3349-05, Guidance for the Identification and Control of Safety and Health Hazards in Metal Scrap Recycling, may be referenced or included.

X. Partnerships: Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.

XI. OIS Coding: The following will address only the changes or additions to OSHA Information System (OIS) coding procedures for inspections conducted under this LEP:

A. On the OIS Inspection Form, inspections which are targeted pursuant to the selection criteria in Sections “VII.A.1. through 3.” of this LEP shall be coded as “SCRAP” in the *Local Emphasis Program* block and as “Programmed Planned” in the *Initiating Type* block. Inspections under this LEP will be typically coded as “Safety” inspections in the “Inspection Category” block unless the inspection is predominately health related in nature. In this case the inspection should be coded as “Health.”

B. On the OIS Inspection Form, inspections involving scrap, waste and refuse processing safety or health issues which are initiated as a result of a complaint, referral, or fatality/catastrophe (i.e., Section VII.A.4.) shall be coded as “SCRAP” in the *Local Emphasis Program* block and as the appropriate “unprogrammed” activity

in the *Initiating Type* block regardless of whether they are listed on a cycle list.

- XII. Program Evaluation:** No later than October 31, 2018, the Area Offices will provide an evaluation of this LEP to the Regional Office. The Regional Office will provide the National Office with one evaluation of this REP. At a minimum, the evaluation should respond to the requirements of CPL 04-00-001, Section D, Appendix A as well as Directorate of Enforcement Programs memorandum dated October 18, 2002 for Annual Evaluations of Local Emphasis Programs (LEPs).

DISTRIBUTION: Directorate of Enforcement Programs
Regional Office of the Solicitor

Appendix A

Date

Employer Name
Address
City, State & Zip

Dear Employer,

Employees in the scrap and recycling industry are routinely exposed to a myriad of safety and health hazards. The Institute of Scrap Recycling Industries (ISRI) states that this industry is one of the most hazardous in the country (<http://www.isrisafety.org/>).

According to the Bureau of Labor Statistics, 2,230 employees were injured in 2014. Fifty-seven of those injuries were fatal and were caused by fires and explosions, falls, exposure to harmful substances, and caught-in and struck-by accidents involving a variety of machinery in these industries.

From September 10, 2011, to September 10, 2016, the Englewood Area Office conducted 58 inspections at scrap and recycling establishments. Three of the inspections were responses to accidents, including one fatality, one injury accident related to torch cutting, and one injury resulting from a 15 foot fall. A total of 179 violations were issued from these inspections, including those for serious safety and health hazards (insert comparable data for Billings).

Potential risks for workers include, but are not limited to:

- Mechanical, engulfment and oxygen-deficiency hazards from bodily entering confined spaces without proper entry protocols.
- Struck-by hazards from the operation of powered industrial trucks and earth-moving equipment.
- Mechanical and electrical hazards from improper or inadequate lockout/tagout protocols.
- Amputations and crushing injuries from inadequately guarded process machines, conveyor belts and power transmission equipment.
- Lacerations, abrasions and eye injuries from inadequate personal protective equipment.
- Broken bones and disabling injuries from falls of unprotected heights.
- Shock hazards from inadequate or deficient electrical installations.
- Hearing damage from overexposure to industrial noise.
- Health hazards from overexposure to lead and cadmium.

- Explosions.

The Occupational Safety and Health Administration (OSHA) Englewood (Billings) Area Office has created a Local Emphasis Program designed to reduce occupational injuries, illnesses, and fatalities among scrap and recycling workers through direct interventions by the Agency. This mailing is being sent to you because your company has been identified as being engaged in scrap and recycling industries within the Englewood Area Office's jurisdiction.

Employers are encouraged to utilize the free consultation services provided by the State OSHA Consultation Program in Colorado (Montana). The program provides occupational safety and health services that are funded by Federal OSHA and are available to eligible employers (establishments with 250 or fewer employees) at no cost. The safety and health professionals in the State OSHA Consultation Program will conduct, at your request, a free on-site safety and health evaluation of your establishment. All employers who avail themselves of this service will be required to abate all serious hazards identified during the consultation visit and to provide the consultation service with verification that these hazards have been abated. The Colorado OSHA Consultation Program can be contacted at:

Department of Environmental and Radiological Health Services
Colorado State University
1681 Campus Delivery
Ft. Collins, CO 80523
970-491-6151
OHSS@lamar.colostate.edu
<http://www.osha.gov/dcsp/smallbusiness/consult.html>.

The Montana OSHA Consultation Program can be contacted at:

Montana Department of Labor and Industry
Safety and Health Bureau
201 White Blvd.
Butte, Montana 59701
406-494-0324

It is OSHA's mission to promote safe and healthful working conditions for the nation's work force. OSHA shares each employer's goal of eliminating workplace fatalities and reducing occupational injuries and illnesses to the maximum extent practicable. We look forward to working with you toward this common objective.

Sincerely,

David Nelson (Art Hazen)
Area Director