



OSHA

REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-11-01A

EFFECTIVE DATE: October 1, 2011

SUBJECT: Region-wide Local Emphasis Program (LEP) - Work Places with Noise and Respiratory Hazards

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: To continue a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have noise and respiratory hazards.

Scope: This Notice applies to all Region VII Federal Enforcement Offices

References: OSHA Instructions: CPL 02-00-150, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, and OSHA Notice 11-03

Expiration: September 30, 2012

Action Offices: Region VII Regional and Area Offices

Originating Office: Kansas City Regional Office – Enforcement Programs

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Charles E. Adkins, CIH
Regional Administrator

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- I. Purpose. This Notice continues a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have occupational noise and respiratory hazards.
- II. Scope. This Notice applies to all federal Area Offices in Region VII.
- III. Action. The Regional Administrator and Area Directors shall ensure that the procedures established in this Notice are adhered to in the scheduling of programmed inspections.
- IV. Expiration. This Notice will expire September 30, 2012 and may be renewed based on the program's evaluation at that time.
- V. References.
 - A. OSHA Instruction 02-00-150, April 22, 2011, Field Operations Manual (FOM).
 - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
 - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
 - D. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998.
 - E. OSHA Notice 11-03 (CPL-02), Site Specific Targeting 2011 (SST-11), dated September 9, 2011.
- VI. Background. Under previous and currently used systems to select high hazard establishments for programmed inspections, the priority for General Industry inspections is based on the Bureau of Labor Statistics (BLS) Days Away, Restricted or Transferred (DART) rates in addition to Days Away From Work Injury and Illnesses (DAFWII) rates.

The DART and DAFWII rates are obtained by surveys sent to employers each year under OSHA's Data Initiative (ODI) program. The survey is sent to 80,000 establishments with 40 or more employees. Approximately 4,000 of the establishments with the highest DART and/or DAFWII rates are then randomly selected for inspection under OSHA's Site Specific Targeting (SST) program. Considering that the United States has more than 7 million workplaces under OSHA's coverage, the SST program leaves a large number of establishments that are not included in the OSHA Data Initiative program from which establishments are selected for the SST program, and the SST program does not specifically address health hazards.

This LEP was developed when it was noticed that there were nine SIC codes that were in the top 15 most cited groups for both 1910.95 and 1910.134. Employees of these same nine industry groups would, therefore, possibly be at risk for both hearing loss and respiratory illness or injury. This LEP makes efficient use of OSHA's limited industrial hygiene resources by focusing them on industries that commonly have both noise and respiratory hazards.

This LEP is meant to increase the probability of inspecting such establishments within the jurisdictional boundaries of OSHA Region VII which have not received a comprehensive OSHA health inspection within the previous thirty-six (36) calendar months. As per CPL 02-00-051 (Reference D), this health hazard targeting program will include industries with ten or fewer employees.

- VII. Outreach. Shortly after the effective date of this LEP, a region-wide news release was distributed to the media. This news release informed the affected industries of the existence of this program. In addition, information about this program will be made available during speeches by staff of all Region VII federal Area Offices to any audience with possible connections to the affected industries.
- VIII. Inspection Targeting. Using the Industry Profile for OSHA Standard 1910.95 (FY2008) and the Industry Profile for OSHA Standard 1910.134 (FY2008) from OSHA's Integrated Management Information System (IMIS), a list of Standard Industrial Classification (SIC) Industry Groups was developed.
 - A. Health Hazard Industry List. The Industry Profile for an OSHA Standard identifies those Industry Groups which have had citations for that OSHA Standard issued within a specific fiscal year, and sorts that list from most-cited group to least-cited group. The Industry Profile for OSHA Standard 1910.95 (FY2009), using the three digit SIC code, was compared to the Industry Profile for OSHA Standard 1910.134 (FY2009). There were nine SIC codes that were in the top 15 most cited groups for both 1910.95 and 1910.134. This LEP covers these nine industries as the health hazard list (see Appendix A).
 - B. Establishments in Health Hazard Industries. Using the most recently available Dun & Bradstreet employer list prepared by the National Office, each Region VII federal enforcement Area Office prepared a master list of establishments using the identified SIC codes referenced in Appendix A of this directive. This list of establishments makes up the health inspection list.

C. Deletions.

1. Establishments that have had a comprehensive health inspection within the previous thirty-six (36) calendar months will be removed from the list prior to initiating inspections in inspection cycles. Deletion criteria in OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, Paragraph B.1.b.(1)(b)6.d., will be applied to the list of establishments with the exception of deletion criteria H#, I#, S# and T#.

IX. Inspection Scheduling. Inspection scheduling shall be in accordance with the Field Operations Manual (FOM). *[NOTE: Cycle generation will be a continuation of the previous directive, CPL 02-11-01, dated October 1, 2010, and will follow the same procedures as set forth herein.]*

- A. Inspection cycles. Inspection cycles will be generated from the inspection list. Each establishment remaining on the list shall be placed in alphabetical order and assigned a sequential number. Each cycle will consist of five establishments randomly selected by using the random number tables located in CPL 02-00-025, Appendix C. Each inspection cycle for each list must be completed before another cycle is generated from that list. An establishment may be carried over to another cycle for any of the reasons set forth in CPL 02-00-025, paragraph B.1.b.(1)(e).1. Prior to initiating inspections in each cycle, deletions will be made pursuant to the deletions policy set forth in paragraph VIII(C) of this directive. Subsequent cycles shall be generated in the same manner using cycles of five establishments each.
- B. Each establishment scheduled for inspection from the health list, as well as any unprogrammed health inspection or investigation such as a complaint, referral, or fatality in an establishment with a SIC code in Appendix X, shall receive a comprehensive health inspection as defined by the FOM (Chapter 3).
- C. For any unprogrammed safety inspection or investigation such as a complaint, referral, or fatality in an establishment with a SIC code in Appendix A, the OSHA Compliance Officer shall include sound level meter screenings. If sound levels exceed OSHA permissible limits, a health referral will be made. The Compliance Officer shall also assess respirator use and respirator programs for compliance with the respirator standard and propose citation(s) or make a health referral if necessary.

X. Recording in IMIS.

A. Current instructions, as found in the IMIS Manual, for completing the appropriate inspection classification boxes (Items 24 and 25) on the OSHA-1, shall be applied when recording inspections conducted under the LEP as follows:

1. The OSHA-1 for a programmed inspection conducted under this local emphasis program shall be marked "Planned" (Item 24) and "Local Emphasis Program" (Item 25c). Record "RESPNOISE" in space 25c.
2. When it is discovered upon arrival at a worksite scheduled for an LEP inspection that the establishment should have been deleted from the list (e.g., establishment is out of business, etc.), the OSHA-1 shall be coded "No Inspection" in Item 35d and the appropriate block shall be marked in Item 43. The OSHA-1 shall nonetheless be coded as described in A.1. above.
3. The OSHA-1 for any unprogrammed inspections related to complaints or referrals requiring inspection, imminent danger, and fatality catastrophe investigations will be coded as normally required under the FOM. In addition the designation "RESPNOISE" will be recorded in the LEP space.

XI. Evaluation. No later than November 15, 2012, the ARA/EP will prepare a formal written evaluation of this Region-wide LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

Charles E. Adkins, CIH
Regional Administrator, Region VII

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)

(Date)

Distribution:

Regional Solicitor
Directorate of Enforcement Programs
Regional Administrator
Deputy Regional Administrator
Assistant Regional Administrators
Area Directors
Supervisory Investigator
Field Review Program Coordinator

Appendix A-Health List Common to Both 1910.95 & 1910.134

| Industry Classification |
|---|
| 3440/Fabricated Structural Metal Products |
| 3280/Cut Stone And Stone Products |
| 3490/Miscellaneous Fabricated Metal Products |
| 3470/Coating, Engraving, And Allied Services |
| 3270/Concrete, Gypsum, And Plaster Products |
| 2430/Millwork, Veneer, Plywood, And Structural Wood |
| 3710/Motor Vehicles And Motor Vehicle Equipment |
| 3360/Nonferrous Foundries (castings) |
| 3320/Iron And Steel Foundries |