



OSHA

REGIONAL NOTICE

Occupational Safety and Health Administration

U.S. DEPARTMENT OF LABOR

DIRECTIVE NUMBER: CPL 02-11-04A

EFFECTIVE DATE: October 1, 2011

SUBJECT: Local Emphasis Program (LEP) for Recycle and Scrap Material Hazards in General Industry Establishments (ARRA)

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues a Local Emphasis Program (LEP) to identify and reduce or eliminate workplace hazards associated with the assembly, breaking up, separating, sorting, processing, handling and wholesale distribution of recycled waste and scrap materials in General Industry establishments.

References: OSHA Instructions: CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999; OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995; OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM) April 22, 2011; OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Program Requirement Violations, November 27, 1995; and OSHA Instruction 11-03 (CPL02) Site-Specific Targeting 2011 (SST-11), September 9, 2011.

State Impact: None

Action Offices: Kansas City Area Office

Originating Office: Kansas City Regional Office

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Charles E. Adkins, CIH
Regional Administrator

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- I. Purpose. The purpose of this Notice is to continue a Local Emphasis Program (LEP) to identify and reduce or eliminate workplace hazards associated with the assembly, breaking up, separating, sorting, processing, and wholesale distribution of recycled waste and scrap materials in general industry establishments with NAICS codes of 423930 (Recyclable Material Merchant Wholesaler) and 562211 (Hazardous Waste Treatment and Disposal) and SIC codes of 5093 (Scrap and Waste Materials) and 4953 (Refuse Systems - hazardous waste treatment and disposal).
- II. Scope. This Notice applies to general industry establishments where scrap and waste materials are assembled, broken up, sorted, and distributed within the Kansas City Area Office's jurisdiction.
- III. Expiration. The Notice will expire on September 30, 2012.
- IV. References.
 - A. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998
 - 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, January 4, 1995
 - D. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011
 - E. OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Program Requirement Violations, November 27, 1995
 - F. OSHA Instruction 11-03 (CPL 02), Site-Specific Targeting 2011 (SST-11), September 9, 2011
 - G. Institute of Scrap Recycling Industries (ISRI), www.isri.org
- V. Background.

The recyclable material merchant wholesaler industry, a.k.a scrap recycling industry, has grown exponentially in the last decade, in part because of the concern for the environment. According to the Institute of Scrap Recycling Industries (ISRI), www.isri.org, metal scrap recycling is a large sub-industry of its own responsible for the processing of over 56 million tons of scrap iron and steel per year to include over ten million automobiles. The recycling industry encompasses not only the distribution and processing of automotive scrap and industrial scrap, but also includes other recyclable materials such as glass and plastic bottles, lawn chemicals, paper, textiles, computers and tires. This LEP covers those General Industry establishments with NAICS codes of 423930 (Recyclable Material Merchant Wholesaler) and 562211 (Hazardous Waste Treatment and Disposal) and SIC codes of 5093 (Scrap and Waste Materials) and 4953 (Refuse Systems - hazardous waste treatment and disposal).

The U.S. Department of Labor, Bureau of Labor Statistics has determined that the recyclable material merchant wholesaler industry had an incident rate for recordable cases involving days away from work, days of restricted work activity, or job transfer (DART) of 3.1 in calendar year 2007. The same DART rate for private industry as a whole was 2.1. The days away from work injury and illness rate (DAFWII) was 1.7 for NAICS 423930. The DAFWII rate for private industry overall was 1.2.

Recycling is a multi-step process, starting with collection and transport of raw scrap, pretreatment, melting, refining, forming, and finishing. The recycling processes fall into the following categories of activities: loading and unloading; breaking and separating; gas torch cutting; non-gas torch cutting and other cutting; baling, compacting, and shredding; melting or baking in furnaces and ovens; and, applying chemical processes to recycle metals.

These activities have the potential to create hazardous conditions for employees who may involve chemical exposure, unguarded machines, confined spaces, electrical hazards, lack of respiratory protection, powered industrial truck operations, caught in/struck by hazards, lacerations and amputations, fall hazards, and fire/explosion hazards. As a result, the Kansas City Area Office initiated a recycling LEP on November 8, 2010 (CPL 02-11-04).

Since that time, according to OSHA's Integrated Management Information System (IMIS), the Kansas City Area Office performed a total of 18 inspections, which included one fatality. The inspections resulted in 72 serious violations, with an average of 4.1 violations per inspection. Due to the nature of hazards inherent in recycling activities, investigation of the fatal accident, and the serious hazards identified through inspection activity, the Kansas City Area Office will continue this LEP.

VI. Action.

The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs, and the Kansas City Area Director shall ensure that the procedures outlined in this Notice are followed and adhered to in the scheduling of inspections under this LEP. OSHA compliance personnel shall ensure that the procedures contained in this Notice are followed when conducting inspections related to this LEP. The Region and the Area Office will ensure that resources are allocated for the implementation of this program.

The Regional Administrator, through the Assistant Regional Administrator for Compliance Assistance Programs, shall ensure that the State Consultation Program Manager is apprised of the content of this LEP.

VII. Procedures.

- A. Outreach. Prior to the initiation of this inspection activity, the Kansas City Area Office mailed information to the targeted employers within its jurisdiction. The information included a letter explaining the purpose of the program and also included materials relevant to the employer's particular industry, such as OSHA Pamphlet 3348-05 2008, Guidance for the Identification and Control of Safety and Health Hazards in Metal Scrap Recycling. The information package will be made available upon request to employers, professional associations, and labor organizations. As an additional resource for achieving compliance, employers will be encouraged to utilize the Missouri 21(d) Consultation Program.

B. Inspection Goals. The Kansas City Area Office shall conduct inspections under this program until September 30, 2012. Inspection cycles not completed by that date will result in a renewal of this LEP.

C. Site Selection.

1. The Area Office compiled an inspection list of establishments with NAICS codes of 423930 (Recyclable Material Merchant Wholesaler) and 562211 (Hazardous Waste Treatment and Disposal) and SIC codes of 5093 (Scrap and Waste Materials) and 4953 (Refuse Systems - hazardous waste treatment and disposal) using the most recently available Dun and Bradstreet establishment list to identify establishments to be inspected. This list was cross referenced with www.smartpages.com, a web-based version of the Yellow Pages, and www.google.com, a search engine. Key words such as, "collection facility for the treatment, storage and disposal (TSD) or Certified Resource Recovery (RCRA) facility", "recycle centers", "salvage yards", "junk yards" and/or "scrap yards" were used to develop a complete list of all known establishments within these SIC and NAICS groups.

2. The master establishment list was sorted by county and, secondly, by establishment within the counties. The Random Sample Function of Microsoft Access, a relational database program, was then used to develop inspection cycles from the master list. This function was and will continue to be used to select a random sample of a single county from the master list of counties. All establishment sites located in this county will constitute the first inspection cycle. Under this LEP renewal, the first cycle (Jackson County) will be completed before subsequent cycles are initiated.

3. Additions: If, during this LEP, the Compliance Safety and Health Officer (CSHO) becomes aware of a general industry establishment that covers those activities within NAICS codes of 423930 (Recyclable Material Merchant Wholesaler) and 562211 (Hazardous Waste Treatment and Disposal) and SIC codes of 5093 (Scrap and Waste Materials) and 4953 (Refuse Systems - hazardous waste treatment and disposal), the CSHO will inform the Area Office.

If that establishment is not on the current county inspection cycle, but is in the county covered by the current county inspection cycle, the establishment will be added and an inspection will be conducted.

If that establishment is not on the current county inspection cycle, and is not in the county covered by the current county inspection cycle, the establishment will be added to the appropriate county inspection cycle upon CSHO return to the office. If the county inspection cycle involved has already been completed, the establishment will not be added.

4. Deletions: Establishments that have received a comprehensive safety and health inspection with an opening conference date less than two (2) years from the start date of this LEP will be deleted from the inspection list. If a selected establishment had either a comprehensive safety or health inspection as identified above, an inspection will be conducted for the discipline not inspected.

D. Scheduling

1. Establishments within a cycle may be inspected in any order that makes efficient use of resources, however, all establishments within a cycle must be inspected prior to initiating a new cycle. Carryovers will be allowed, as provided in OSHA Instruction CPL 02-00-025, paragraph B.1.b.(1)(e).
2. Unprogrammed events such as fatalities, catastrophes, complaints, follow-up inspections, and referrals shall be scheduled for inspection in accordance with procedures outlined in the FOM.

E. Inspection Scope.

1. Programmed inspections under this LEP will be comprehensive safety and health in nature and conducted in accordance with the FOM.
2. Inspections conducted under this LEP will address all aspects of any potential scrap recycle related work exposures, such as confined space, fire/explosion hazards, fall hazards, hazardous chemicals, etc., and include a review of all related written safety and health programs i.e., recordkeeping, air and noise monitoring, respirator fit testing, medical evaluations, and hazard communication. The CSHO will address all other hazards or violations that are observed during the inspection or are documented in the OSHA 300 Logs.
3. If the employer refuses to permit entry to a CSHO, a warrant will be pursued in accordance with the FOM.
4. During the opening conference, if it is determined that a visit is in progress with the Missouri Consultation Service (the OSHA consultation service in Missouri), the CSHO will notify the Area Office and discontinue the inspection at that time. Note: A “consultation visit in progress” covers the time from the beginning of the opening conference to the end of the correction due dates, including extensions. Upon completion of an employer requested full service safety and health consultation, the enforcement visit will resume and a comprehensive safety and health inspection will be conducted.
5. If the establishment is no longer in business, an OSHA-1 Form will be completed with block 35, *Scope of Inspection* marked as “No Inspection”. In addition, block 43, *Reason No Inspection* shall be marked appropriately.

- F. Data Collection. The Area Office will collect data from OSHA 300 Logs for the prior three years from all those employers inspected under this program who are required to maintain them. The data, which will include the totals from all the columns of the 300 Log and the total man-hours worked for these years, will be used to assist in the evaluation of this program.

VIII. IMIS Coding.

- A. During this LEP, the OSHA-1 Forms shall be coded as follows:

1. For all inspections resulting from programmed activity, the OSHA -1, block 24, *Inspection Type* shall be marked as "Programmed Planned". In addition, block 25c, *Local Emphasis Program*, shall be marked as "RECYCLE". Block 25d, *National Emphasis Program*, shall be marked "AMPUTATE", "CHROME6", "LEAD", or "SILICA", if appropriate, and block 25f, *Strategic Plan Activity*, shall be marked appropriately.

2. Inspections that are conducted as a CSHO referral and inspected during the current inspection cycle will be coded as "RECYCLE" in block 25c and Programmed Related in block 24. Block 25d, *National Emphasis Program*, shall be marked "AMPUTATE", "CHROME6", "LEAD", or "SILICA", if appropriate, and block 25f, *Strategic Plan Activity*, shall be marked appropriately.

3. Inspections that are conducted as a result of a complaint, referral, or fatality/catastrophe will be marked "RECYCLE" in block 25c and appropriate unprogrammed activity in block 24. Block 25d, *National Emphasis Program*, shall be marked "AMPUTATE", "CHROME6", "LEAD", or "SILICA", if appropriate, and block 25f, *Strategic Plan Activity*, shall be marked appropriately.

B. OSHA-55, Intervention Activity Reports, shall be initiated as necessary.

1. OSHA-55 Forms generated as a result of technical assistance provided to employers, organized labor, professional associations, or other interested parties during this program shall be marked in block 3b of the form as "RECYCLE Outreach".

2. Any other technical assistance provided to employers during this program shall be marked in block 3b of the OSHA-55 as "RECYCLE Outreach".

IX. Evaluation. No later than October 15, 2012, the Kansas City Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

Charles E. Adkins, CIH
Regional Administrator

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)

(Date)

Distribution:

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