



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-11-06A

EFFECTIVE DATE: October 1, 2011

SUBJECT: Workers Compensation Local Emphasis Program (LEP)

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues policies and procedures for implementing a Local Emphasis Program (LEP) for the purpose of reducing injuries and illnesses related to workplace exposures in private industry within the state of Nebraska. The LEP establishes policies, parameters and procedures for initiating enforcement activity (including inspections) based on data received from the Nebraska Workers' Compensation Court.

References: OSHA Instructions: 02-00-150, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 03-00-003, CPL 03-00-007, CPL 02-02-076, CPL 02-00-144 and OSHA Regional Notice CPL 02-11-01A.

State Impact: None

Expiration: September 30, 2012

Action Offices: Omaha Area Office - Region VII

Originating Office: Kansas City Regional Office

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Charles E. Adkins, CIH
Regional Administrator

Table of Contents

I.	Purpose	3
II.	Scope	3
III.	References.....	3
IV.	Action.....	4
V.	Expiration.....	4
VI.	Background.....	4
VII.	Procedures	4
VIII.	Recording in IMIS.....	7
IX.	Evaluation.....	7

- I. Purpose. This Notice continues policies and procedures for implementing a Local Emphasis Program (LEP) for the purpose of reducing injuries and illnesses related to workplace exposures in private industry within the state of Nebraska. The LEP establishes policies, parameters and procedures for initiating enforcement activity (including inspections) based on data received from the Nebraska Workers' Compensation Court.
- II. Scope. This Notice applies to general industry and construction industry establishments within the jurisdictional boundaries of the Omaha Area Office. This LEP establishes OSHA's procedure of safety and/or health inspections and other enforcement activity for establishments where specified injuries or health exposures have been reported to the Nebraska Workers' Compensation Court pursuant to the provisions contained in the Field Operations Manual (FOM).
- III. References.
 - A. OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Program (LEPs) and Experimental Programs.
 - B. OSHA Instruction 02-00-150, April 22, 2011, Field Operations Manual (FOM)
 - C. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections.
 - D. OSHA Instruction CPL 02-00-051, May 28, 1998, Exemptions and Limitations under the Current Appropriations Act.
 - E. OSHA Instruction CPL 03-00-003, October 27, 2006, National Emphasis Program on Amputations.
 - F. OSHA Instruction CPL 03-00-007, January 24, 2008, National Emphasis Program – Crystalline Silica.
 - G. OSHA Instruction CPL 02-02-076, February 23, 2010, National Emphasis Program - Hexavalent Chromium.
 - H. OSHA Instruction CPL 02-00-144, April 11, 2007, Ergonomic Hazard Alert Letter Follow-up Policy.
 - I. OSHA Regional Notice CPL 02-11-01A, Region-wide Local Emphasis Program – Workplaces with Noise and Respiratory Hazards, October 1, 2011.

IV. Action. The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs, and the Omaha Area Director shall ensure that the procedures outlined in this Notice are followed and adhered to in the scheduling and implementation of enforcement activity (including inspections) based on data received from the Nebraska Workers' Compensation Court.

V. Expiration. This LEP will expire September 30, 2012.

VI. Background.

Under 29 CFR 1904.39, employers are required to report fatalities and multiple hospitalization incidents to OSHA and they sometimes fail to do so. Aside from amputations occurring as a result of employee use of a mechanical power press [29 CFR 1910.217(g)], employers are not required to report any other severe occupational injury or exposure related illness to OSHA. Many National Emphasis Programs (NEP) and Local Emphasis Programs (LEP) recognize the hazards to which workers are exposed and the need for enforcement actions by OSHA, e.g. National Emphasis Program on Amputations (CPL 03-00-003), National Emphasis Program – Crystalline Silica (CPL 03-00-007), National Emphasis Program - Hexavalent Chromium CPL 02-02-076, and Region VII Local Emphasis Program (LEP) on Workplaces with Noise and Respiratory Hazards. OSHA access to data to identify establishments where workers are suffering severe occupational injuries or exposure-related illnesses has been spotty at best. Therefore, OSHA may not be able to fully focus enforcement activity at some locations where employees have experienced injuries and illnesses.

Federal OSHA in Nebraska has regularly maintained a cooperative relationship with the Nebraska State Department of Labor. Recently, the Omaha Area Office has begun to cultivate a similar relationship with the Nebraska Workers' Compensation Court. The Court has offered to provide OSHA with their weekly summary of reported injuries and illnesses. Using this data, OSHA may be able to focus additional enforcement activity at some locations where employees have experienced injuries and illnesses.

VII. Procedures. The following procedures have been utilized to notify affected employers about the program and to implement enforcement activity.

A. Outreach. For approximately three months after the first effective date of this program, the Area Director allowed a brief description of this program to be incorporated in any official speech given by any Area Office staff. This was the primary outreach for this program. While the Omaha Area Office continues to use an electronic distribution (e-mail) network which allows for periodic and up-to-the-

minute dissemination of safety and health information, a brief description of this program will continue to be incorporated in any such distribution.

- B. Targeting/Selection. The Area Office will review the weekly summary of reported injuries and illnesses provided by the Nebraska Workers' Compensation Court. Inspections conducted under this program shall be scheduled and conducted pursuant to the following criteria.
1. **Amputation:** Any establishment which has reported an amputation to the Nebraska Workers' Compensation Court will be scheduled for inspection, unless the establishment does not fall under OSHA jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.
 2. **Electric Shock:** Any establishment which has reported an injury due to an electrical shock to the Nebraska Workers' Compensation Court will be scheduled for inspection, unless the establishment does not fall under OSHA jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.
 3. **Chemical Exposure:** Any establishment which has reported an illness due to chemical exposure to the Nebraska Workers' Compensation Court will be scheduled for inspection if the exposure has occurred within the last six months and relates to a chemical for which an OSHA standard and/or directive applies. If the establishment does not fall under OSHA jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.
 4. **Noise Exposure:** If an establishment has reported more than one recordable hearing loss or standard threshold shift to the Nebraska Workers' Compensation Court within a one month period, further information will be gathered to determine if it meets the criteria for an inspection. The Area Office will attempt to identify the total number of employees at the site based on Dun & Bradstreet information or similar reliable sources, such as yellowpages.com, the Nebraska Secretary of State website, and OSHA's Integrated Management Information System (IMIS). The Area Office will then calculate a rate by dividing the number of reported hearing losses or standard threshold shifts by the total number of employees at the site. If the rate is greater than

or equal to 0.1 or if employment data is not available to calculate the rate, the establishment will be scheduled for inspection. If the establishment does not fall under OSHA jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.

5. **Upper Extremity Repetitive Motion Disorder (UED):** If an establishment has reported more than one recordable UED to the Nebraska Workers' Compensation Court within a one month period, it will be evaluated to determine if a hazard alert letter should be issued. The Area Office will attempt to identify the total number of employees at the site based on Dun & Bradstreet information or similar reliable sources, such as yellowpages.com, the Nebraska Secretary of State website, and OSHA's Integrated Management Information System (IMIS). The Area Office will then calculate a rate by dividing the number of reported UEDs by the total number of employees at the site. If the rate is greater than or equal to 0.1 or if employment data is not available to calculate the rate, the Area Director will develop an ergonomic hazard alert letter and will send the letter to the establishment. Follow-up activity related to this letter will comply with Ergonomic Hazard Alert Letter Follow-up Policy (CPL 02-00-144) and the Field Operations Manual (Instruction 02-00-148). If the establishment does not fall under OSHA jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.

6. **Lower Back Disorder (LBD):** If an establishment has reported more than one recordable LBD to the Nebraska Workers' Compensation Court within a one month period, it will be evaluated to determine if a hazard alert letter should be issued. The Area Office will attempt to identify the total number of employees at the site based on Dun & Bradstreet information or similar reliable sources, such as yellowpages.com, the Nebraska Secretary of State website, and OSHA's Integrated Management Information System (IMIS). The Area Office will then calculate a rate by dividing the number of reported LBDs by the total number of employees at the site. If the rate is greater than or equal to 0.1 or if employment data is not available to calculate the rate, the Area Director will develop an ergonomic hazard alert letter and will send the letter to the establishment. Follow-up activity related to this letter will comply with Ergonomic Hazard Alert Letter Follow-up Policy (CPL 02-00-144) and the Field Operations Manual (Instruction 02-00-148). If the establishment does not fall under OSHA

jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.

7. **Heat or Cold Stress:** Any establishment which has reported a temperature-related injury or illness due to severe environmental temperature exposure to the Nebraska Workers' Compensation Court will be evaluated. The Area Director will develop a heat or cold stress hazard alert letter and will send the letter to the establishment. The letter will require a response similar to an "Inquiry" as defined in Chapter 9 (Sec I.A) of the Field Operations Manual (Instruction 02-00-148). Follow-up activity related to this letter will comply with Chapter 9 (Sec I.I) of the Field Operations Manual (Instruction 02-00-148). If the establishment does not fall under OSHA jurisdiction or the hazard has been addressed by an OSHA inspection that occurred after the reported injury or illness.

C. Inspection Procedures.

1. Inspections initiated under this program will be classified as programmed activity. Inspections will be conducted in accordance with CPL 02-00-051, Enforcement Exemption and Limitations under the Appropriation Act, and shall be conducted in accordance with provisions of the Field Operations Manual - FOM (Instruction 02-00-148).
2. All inspections will comply with appropriate hazard specific directives, e.g. CPL 03-00-003, CPL 03-00-007, and CPL 02-02-076.
3. When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with procedures in the FOM.

VIII. Recording in IMIS.

- A. Inspections that are conducted as a result of this LEP will be coded as "WORKCOMP" in block 25c and as Programmed Planned in block 24.
- B. Where "program related" inspections are conducted, they will be so indicated on the OSHA 1.

- IX. Evaluation. The Omaha Area Office shall collect data relevant to the effectiveness of this program and submit it to the Regional Office at the end of each fiscal year (no later than November 15). At a minimum the evaluation should respond to the requirements of OSHA Instruction CPL

04-00-001, Procedure for Approval of Local Emphasis Programs and
Experimental Programs, Paragraph G.4. Evaluations.

Charles E. Adkins, CIH
Regional Administrator, Region VII

Date

Office of the Solicitor Concurrence
U.S Department of Labor
Office of the Solicitor, Region VII

Date

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