



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

---

**DIRECTIVE NUMBER:** CPL 2-06-11C

**EFFECTIVE DATE:** October 1, 2011

---

**SUBJECT:** Local Emphasis Program (LEP) for Auto Body Shops

---

**REGIONAL IDENTIFIER:** Region VII

---

## ABSTRACT

**Purpose:** To continue the local emphasis program (LEP) to reduce workplace health and safety hazards associated with auto body shops.

**Scope:** This Notice applies to the St. Louis Area Office

**References:** OSHA Instructions: CPL 02-00-150, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051

**Action Offices:** St. Louis Area Office

**Originating Office:** Region VII (St. Louis Area Office)

**Contact:** Enforcement Programs (816) 283-8745

By and Under the Authority of:

Charles E. Adkins, CIH  
Regional Administrator

## TABLE OF CONTENTS

|                                       |            |
|---------------------------------------|------------|
| <u>Abstract</u> .....                 | Cover Page |
| <u>Table of Contents</u> .....        | 2          |
| I. <u>Purpose</u> .....               | 3          |
| II. <u>Scope</u> .....                | 3          |
| III. <u>Action</u> .....              | 3          |
| IV. <u>Expiration</u> .....           | 3          |
| V. <u>References</u> .....            | 3          |
| VI. <u>Definitions</u> .....          | 4          |
| VII. <u>Background</u> .....          | 4          |
| VIII. <u>Program Procedures</u> ..... | 5          |
| IX. <u>Recording in IMIS</u> .....    | 7          |
| X. <u>Evaluation</u> .....            | 8          |

- I. Purpose. This Notice continues the local emphasis program (LEP) to reduce workplace health and safety hazards associated with auto body shops through an education and enforcement program.
- II. Scope. This Notice applies to establishments that have a Standard Industrial Classification (SIC) code of 7532, *Top, Body and Upholstery Shops and Paint Shops*, for any operation performed at the establishment, and are located within the jurisdictional boundary of the St. Louis Area Office.
- III. Action. The Regional Administrator and St. Louis Area Director shall ensure that the procedures established in this instruction are adhered to in the scheduling of programmed inspections.
- IV. Expiration. This Notice will expire September 30, 2012.
- V. References.
  - A. OSHA Instruction CPL 2.148, Field Operations Manual (FOM), dated November 9, 2009.
  - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999
  - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
  - D. Tips to Remember: Occupational Asthma, American Academy of Allergy Asthma & Immunology, updated 2003.
  - E. CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.
  - F. Yale University's NIOSH Grant Study on Isocyanate Exposure Titled "Survey of Painters and Repairers of Auto bodies by Yale (SPRAY)".
  - G. California Department of Health Services, Fact Sheet on Isocyanates, October 1989.
  - H. OSHA Safety & Health Topic: Isocyanates.
  - I. NIOSH Safety & Health Topic: Isocyanates, (based on studies published from 1966 through October 2003).

VI. Definitions.

Asthma inducing agents: Substances or agents such as chemicals, pollen, dust or air pollutants which induce asthma in response to irritations, allergies or other stimuli. Asthma causes the spasm of air passages (bronchi and bronchioles), followed by the swelling of the air passages (bronchi and bronchioles), and thickening of lung secretions. This decreases or closes off air to the lungs.

Isocyanates: These are highly reactive low molecular weight compounds which have the N=C=O group attached to a radical, i.e. methyl isocyanate.

Airborne dusts: Sanding operations remove paint from surfaces and smooth body panels repaired with body filling compounds. Airborne dusts produced during these operations may contain hazardous substances such as lead and chromium from surface coatings and abrasives from sanding discs that are harmful to the lungs and nervous system of workers.

- VII. Background. The American Academy of Allergy Asthma and Immunology brochure titled "Tips to Remember: Occupational Asthma" (2003) reports that nearly 15 percent of asthma cases in the United States may have job-related factors. The brochure lists isocyanates as one of the top 18 common substances that cause occupational asthma. Isocyanates, a primary component of urethane paints, are used in many auto body establishments. Isocyanates are compounds containing the isocyanate group (-NCO) (OSHA Safety and Health Topics: Isocyanates). Isocyanates are powerful irritants to the mucous membranes of the eyes and gastrointestinal and respiratory tracts and are classified as potential human carcinogens. (NIOSH Safety and Health Topic: Isocyanates, based on studies published from 1966 through October 2003).

Occupational asthma has become the most prevalent work-related lung disease in developed countries. Isocyanates account for the highest number of reported cases of occupational asthma in the U.S. (Yale University's NIOSH Grant/Ongoing Study on Isocyanate Exposure). Exposures to isocyanates can also sensitize workers, making them subject to severe asthma attacks if they are exposed on more than one occasion (Reference-NIOSH Safety and Health Topic: Isocyanates, based on studies published from 1966 through October 2003). There is national, state, and local interest in the respiratory effects associated with spray finishing operations, in particular those using isocyanates. Yale University received a NIOSH grant to conduct research related to the physiology associated with occupational asthma.

In addition to the isocyanate-induced asthma, there is a cumulative absorption and dermal exposure that occurs during spray finishing operations. The cumulative absorption of both airborne and dermal exposures will ultimately increase the isocyanate sensitivity of the employee (Reference-CA Department of Health Services, Fact Sheet on Isocyanates, October, 1989). OSHA's Salt Lake City

Technical Center has developed a swipe test to quantify dermal exposure and has offered technical assistance to the St. Louis Area Office.

There are also airborne dusts produced during sanding operations that remove paint from surfaces and smooth body panels repaired with body filling compounds. These operations may contain hazardous substances such as lead and chromium from surface coatings and abrasives from sanding discs that are harmful to the lungs and nervous system of workers. Where engineering controls are not feasible to achieve full compliance, respiratory protection shall be used to keep the exposure of employees to air contaminants within OSHA's permissible exposure limits.

SIC code 7532, which consists of the top, body, upholstery repair and paint shop establishments, has demonstrated through statistical data a high incidence of workplace safety and health hazards. From 1990 through 2004, the St. Louis Area Office cited 43 employers having a SIC code of 7532, resulting in an average of 6.0 violations per inspection.

For FY 2003, the four most commonly cited standards in SIC code 7532 establishments throughout the United States included *Spray Finishing using Flammable and Combustible Materials (1910.107)*; *Respiratory Protection (1910.134)*; *Handling, Storage and use of Flammable and Combustible Liquids (1910.106)*; and *Hazard Communication (1910.1200)*. The inspection history for SIC code 7532 in the St. Louis Area Office is consistent with these trends.

From initiation in 2004 through FY 2009, 244 inspections have been conducted under this LEP resulting in an average of 2.3 violations per inspection. The percent of violations cited Serious was 64%. During this time period, 70% of the inspections which resulted in the issuance of a citation involved serious, willful, and/or repeat violations.

From October 1, 2009 to September 30, 2010, 32 inspections were attempted and 16 were conducted under this LEP, with 27 serious violations and 2.0 violations per inspection. During this time period, 87.5% of the non-incompliance inspections involved serious, willful, and/or repeat violations.

From October 1, 2010 to August 25, 2011, 17 inspections were conducted under this LEP with 32 violations. During this time period, 53% of the non-incompliance inspections involved serious, willful, and/or repeat violations.

Due to the LEP's continued success and the serious nature of hazards inherent in the operations performed in auto body shops, the St. Louis Area Office will continue this local emphasis program.

- VIII. Program Procedures. This LEP includes three major field activities: Outreach, Site Selection, and Inspection. The outreach and site selection phases have been completed. The inspection phase is still underway. The St. Louis Area Office is currently inspecting establishments in cycle 33 of this LEP. This Notice continues

the inspection process for the remaining cycles of this LEP until all cycles have been completed.

- A. Outreach. Prior to the initiation of inspection activity, the St. Louis Area Office mailed information to the targeted employers. The information included a letter explaining the purpose of the program and materials relevant to the industry. The information package was also made available upon request to employers, professional associations, and labor organizations. As an additional resource for achieving compliance, employers were encouraged to utilize the Missouri 7(c) (1) Consultation Program.
  
- B. Site Selection. Inspections initiated under this LEP were selected from employers utilizing the SIC code of 7532 for any operation at their establishment who were within the jurisdictional boundary of the St. Louis Area Office. The St. Louis Area Office compiled and maintained a list of all auto body repair facilities in the St. Louis Area Office jurisdiction who had a SIC code of 7532 for any operation performed at the establishment. To establish a master inspection list, the St. Louis Area Office used the following references, but was not limited to, IMIS (Integrated Management Information System) lists, the 2003 Missouri Manufacturers' Business Directory, and the Phone Directory Yellow Pages. Establishments were listed alphabetically on this list.
  1. Deletions. The St. Louis Area Office deleted facilities that appeared on the list which obviously did not have hazards associated with the automotive repair shop industry such as retail auto parts stores, which may use SIC code 7532, and/or those establishments which were known to be out of business. In all cases, the basis for the deletion was documented.
  2. Additions. If, after the master inspection list was completed, an establishment becomes known, that establishment shall be added to the bottom of the list.

NOTE: Establishments employing ten or fewer employees are being potentially targeted by this LEP, since many auto body shops in the St. Louis Area Office jurisdiction employ ten or fewer employees. In addition, this LEP is not in conflict with the restrictions under the current congressional Appropriations Act riders as described in CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, January 3, 2011 (Information Date: May 28, 1998).

3. Inspection Cycles. The Random Sample Function of the statistical software program, "SPSS 8.0 for Windows," or the most current version available, by SPSS, Inc. of Chicago, IL, was used to develop inspection cycles. This function was used to select a random

sample of twenty (20) sites from the master inspection list, which became the first inspection cycle. Subsequent cycles have been and will continue to be developed in the same manner until all establishments have been inspected. Companies that had a comprehensive safety and health inspection within the past 24 months were removed from the list prior to making the selections for the given year.

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. Carry-overs will be allowed, as provided in OSHA Instruction CPL 02-00-025, paragraph B.1.b.(1)(e).

4. Unprogrammed Activities. Reports of imminent danger, fatalities, catastrophes, referrals, and formal complaints in the establishments covered by this LEP will continue to receive inspections scheduled in accordance with OSHA policies as found in the FOM. The scope of inspections initiated as a result of a referral, complaint, accident, fatality, or a catastrophe may be expanded to include a comprehensive inspection of the facility if the establishment is on the current inspection cycle.
5. Inspection Scope. The inspections conducted under this LEP will be considered HEALTH inspections and comprehensive in scope as defined in the FOM. Inspections will be conducted in accordance with the Enforcement Exemptions and Limitations under the Appropriations Act (May 28, 1998).

IX. Recording in IMIS. Current instructions for completing forms OSHA-1, OSHA-7, OSHA-36 and OSHA-90 shall be applied when recording inspections conducted under the LEP.

- A. The OSHA-1 form for any programmed inspection covered under this LEP shall be marked "PLANNED" (Item 24h) and "LEP" (Item 25c.). Record "AUTOREP" in the space in (Item 25c).
- B. The OSHA-1 form for any unprogrammed inspection shall be marked as "UNPROGRAMMED". In addition, it shall be marked "LEP" (Item 25c) and record "AUTOREP" in the space (Item 25c).
- C. Whenever an OSHA-7 is completed by the area office and the applicable complaint alleges safety and health hazards, complete the OSHA-7 in the usual manner, but include the code for auto body shops in "OPTIONAL INFORMATION" (Item No. 46). The following code should be used:

TYPE = N                      ID = 20                      VALUE = PAINT

- D. Whenever an OSHA-36 is completed by the area office and the inspecting CSHO is able to identify, at the site of the fatality or catastrophe, the existence of safety and health hazards associated within auto body shops, complete the OSHA-36 in the usual manner, but include the code for auto body shops in "OPTIONAL INFORMATION" (Item No. 35). The following code should be used:

TYPE = N            ID = 20            VALUE = PAINT

- E. Complete the OSHA-90 in the usual manner and enter the code for auto body shops in "OPTIONAL INFORMATION" (Item No. 26), when an OSHA-90 is completed by the area office and the applicable referral case has an auto body shop as one of the subjects of the file. The following code should be used:

TYPE=N            ID = 20            VALUE=PAINT

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

\_\_\_\_\_  
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  
Labor Liaison  
Supervisory Investigator  
Field Review Program Coordinator