



Enforcing OSHA's Emphasis Programs

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OVERVIEW

This session will ensure participants are familiar with the national and local emphasis programs and the hazards OSHA inspectors have found in the past. The presenter will describe common pitfalls that lead to OSHA citations, and detail the steps each employer must take.

Types of Emphasis Programs

- National Emphasis Programs (NEPs)
- Local & Regional Emphasis Programs (LEPS)

National Emphasis Programs (NEPs)

- OSHA develops National Emphasis Programs to focus outreach efforts and inspections on specific hazards in a workplace.

National Emphasis Programs (NEPs)

- Combustible Dust
- Federal Agencies
- Flavoring Chemicals/Diacetyl
- Hazardous Machinery
- Hexavalent Chromium
- Lead
- Process Safety Management (PSM)
- Recordkeeping
- Shipbreaking
- Silica
- Trenching & Excavation

Local Emphasis Programs (LEPs)

- Special emphasis programs in which one or more Area Offices of a region participates.
- Usually based on knowledge of local industry hazards or local injury/illness experience.
- Developed and approved when one or more AO with a region targets inspections to a specific industry(ies), hazard(s), or other workplace characteristic(s).

Local Emphasis Programs (LEPs)

- Region V
 - Primary Metals Industries
 - Grain Handling Facilities
 - Fall Hazards In Construction
 - Powered Industrial Vehicles
 - ARRA for Road Construction
 - ARRA for Construction at Federal Facilities

NEP/LEP Inspections

- Cycles of randomly chosen sites based on SIC/NAICS codes or other criteria
- Complaints
 - If information concerns an establishment and alleged hazard covered by a local, regional, or national emphasis program an inspection is normally warranted.

Combustible Dust NEP

Fires and explosions fueled by combustible dusts have long been recognized as a major industrial hazard.

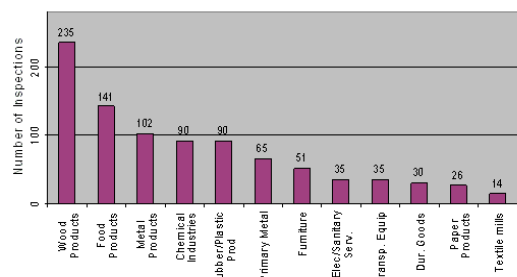
OSHA initiated its Combustible Dust NEP on October 18, 2007, to inspect facilities that generate or handle combustible dusts that pose a deflagration/explosion or other fire hazard.

Although OSHA, at present, does not have a specific standard on combustible dust hazards, there are several existing OSHA standards that apply to combustible dust handling facilities. The NEP focuses on these standards, as well as the General Duty Clause.

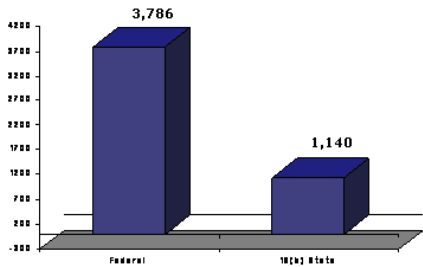
Combustible Dust

- Applies to 64 industries (SICs / NAICs), including wood products, food products, metal products, chemicals, pharmaceuticals, rubber and plastic products, paper products, and others
- Since the inception of the NEP, more than 1000 inspections have been conducted.
- The average number of violations per NEP inspection is 6.5 in Federal enforcement as compared to 3.1 for the other inspections. This means that OSHA is finding twice the number of violations at combustible dust handling facilities when compared to all other facilities in general.

Combustible Dust



Combustible Dust



Combustible Dust

- Under the NEP, the Hazard Communication standard is the standard most frequently cited with respect to combustible dust related hazards, followed by the housekeeping standard.
- OSHA's housekeeping standard at 29 C.F.R. 1910.22 not only applies to typical housekeeping hazards but also applies to dust accumulation hazards. In several instances, OSHA found combustible dust accumulations ankle deep and covering an entire room.

Combustible Dust

- In the absence of an OSHA standard, OSHA can cite Section 5(a)(1) of the OSH Act, the General Duty Clause, for serious hazards, such as fire and explosion hazards for which there are feasible means of abatement.
- OSHA has referenced NFPA standards 654, 484, 61, and 664 as potential means of abating combustible dust hazards in citations issued under the NEP. OSHA also referenced NFPA 499 in recommending safe practices for electrical equipment used in Class II locations, and NFPA 68 and 69 for explosion prevention and protection techniques.

Combustible Dust

The following summarizes some General Duty Clause citations issued by OSHA under the Combustible Dust NEP:

- Dust collectors were located inside buildings without proper explosion protection systems, such as explosion venting or explosion suppression systems.
- The rooms with excessive dust accumulations were not equipped with explosion relief venting distributed over the exterior walls and roofs of the buildings.
- The ductwork for the dust collection system did not maintain a velocity of at least 4500 ft/min to ensure transport of both coarse and fine particles and to ensure re-entrainment.
- Flexible hoses used for transferring reground plastics were not conductive, bonded or grounded to minimize generation and accumulation of static electricity. A nonconductive PVC piping was used as ductwork. Ductwork from the dust collection system to other areas of the plant was not constructed of metal.
- Equipment such as grinders, shakers, mixers and ductwork were not maintained to minimize escape of dust into the surrounding work area. Employer did not prevent the escape of dust from the packaging equipment, creating a dust cloud in the work area.
- Compressed air was periodically used to clean up the combustible dust accumulation in the presence of ignition sources.

Amputations NEP

What's its purpose?

The intent of the NEP is to target workplaces with machinery and equipment that cause (or are capable of causing) amputations and workplaces where amputations have occurred, in order to reduce amputation injuries while maximizing the Agency's scarce inspection resources

It may be combined with other existing initiatives, such as Local Emphasis Programs which identify targets on a different basis

Amputations NEP

- Establishments with ten or fewer employees are not to be inspected as part of this NEP but are to be included in the outreach effort.
- Will consider and evaluate employee exposures during any of the following: Regular operation of the machine; Setup/threading/preparation for regular operation of the machine; Clearing jams or upset conditions; Making running adjustments while the machine is operating

Amputations NEP

- Selected Standard Industrial Classification Codes includes, but not limited to:

2011 Meat Packing Plants
2013 Sausages and Other Prepared Meat Products
2015 Poultry Slaughtering and Processing
2022 Natural, Processed, and Imitation Cheese
2051 Bread and Other Bakery Products, Except Cookies and Crackers
2099 Food Preparations, NEC
2299 Textile Goods, NEC
2411 Logging
2421 Sawmills and Planing Mills, General

Amputations NEP

- Machinery and equipment are covered by standards such as, but not limited to, 1910.147, 1910.212, 1910.213, 1910.217, and 1910.219
- Local evidence of amputations will be based on IMIS accident data and, if available, workers' compensation data, OSHA 300 data, NIOSH data, and other reliable sources of information (e.g., reports of amputations from hospital admissions, Emergency Medical Services, fire department, and police reports)

Hexavalent Chromium NEP

To identify and reduce or eliminate the health hazards associated with occupational exposure to hexavalent chromium and other toxic substances often found in conjunction with hexavalent chromium.

In 2006, OSHA issued updated health standards regulating exposures to hexavalent chromium compounds

Hexavalent Chromium

- Inspections
 - Inspection Scheduling
 - Complaint/Referrals
 - Deletions/Deferrals
- Includes the following industries
 - Electroplating, Plating, Polishing, Anodizing and Coloring Industry
 - Gray and Ductile Iron Foundries
 - Metal Fabrication Shops
 - Scrap Metal Industry

Lead NEP

- To reduce occupational exposures to lead.
- All inspections, regardless of the industry, where the compliance officer determines that there is potential employee exposure to lead are to be counted under this NEP as a Strategic Plan inspection.
- OSHA will direct resources towards inspections of industries in which lead exposures occur.

Lead NEP

- Employee exposure to airborne lead will be sampled, whenever possible, during both the initial and follow-up inspection.
- Medical surveillance records will be reviewed, whenever available, by CSHOs during NEP lead inspections.
- Lists based on list of SIC codes for industries where employees exhibit high blood lead levels

Lead NEP

- All inspections under this NEP must address all aspects of any potential lead work or exposure and include a review of all related written documentation (i.e., record-keeping, monitoring, compliance program, medical, respirator fit testing and procedures, hazard communication, and training materials)

Process Safety Management NEP

- National Emphasis Program (NEP) to reduce or eliminate the workplace hazards associated with the catastrophic release of highly hazardous chemicals at petroleum refineries.

Covered facilities included are petroleum refineries (refineries) included in Standard Industrial Classification (SIC) 2911 [North American Industrial Classification System (NAICS) 324110]

Contains policies and procedures to verify employers' compliance with OSHA's Process Safety Management (PSM) of Highly Hazardous Chemicals standard, 29 CFR 1910.119.

OSHA is initiating this NEP to address catastrophic releases of highly hazardous chemicals (HHC) at refineries. The large number of fatal or catastrophic incidents in the petroleum refining industry indicates the need for a national emphasis program.

Process Safety Management

- Since the PSM standard was promulgated by OSHA in 1992, no other industry sector has had as many fatal or catastrophic incidents related to the release of HHC as the petroleum refining industry.
- According to OSHA's IMIS database, since May 1992, 36 fatality/catastrophe (FAT/CAT) incidents related to HHC releases in the refining industry have occurred. These incidents included 52 employee deaths and 250 employee injuries, 98 of these injuries required hospitalization.
- The number of refinery FAT/CAT incidents surpasses the combined total of the next three highest industries over the same period (SIC 2899 Chemical Manufacturing, Not Elsewhere Classified (NEC) - 12 FAT/CATs; SIC 2869 Industrial Organic Chemical Manufacturing, NEC - 12 FAT/CATs; and SIC 2892 Explosive Manufacturing - 11 FAT/CATs).

Process Safety Management

- Recent FAT/CAT incidents involving HHC releases at refineries include:
 - the massive explosion and fire at the BP America Refinery in Texas City, TX on March 23, 2005 which killed 15 employees and injured another 170;
 - On January 19, 2005, another refinery incident killed one employee and caused multiple injuries to other employees at the Kern Oil Refinery in Bakersfield, California when a pump casing was overpressurized and catastrophically ruptured which resulted in the release and ignition of hot oil that immediately exploded;
 - On April 8, 2004, six employees were injured, with 4 of these employees being hospitalized with serious burn injuries when gasoline components were released and ignited at the Giant Industries Cinza Refinery near Gallup, New Mexico, where a shut-off valve was apparently left open during a maintenance procedure which resulted in the release of flammable liquids and vapors which caused subsequent explosions.

Process Safety Management

- This NEP places emphasis on implementation over documentation. CSHOs are directed to focus on the implementation of the various PSM elements and ensure that employers do what they have committed to do in their PSM documentation.

Process Safety Management

- The NEP employs a two step NEP Inspection Process, which includes the following steps:
 - **Step 1 (Static List Based Evaluation):** CSHOs will conduct a PSM compliance review based on a static list of inspection priority items (IPI) in the PSM-covered process that was chosen as the Selected Unit(s) to be evaluated. An appendix contains a series of questions related to various aspects of process safety at refineries, such as equipment, engineering and administrative controls, safe work practices and RAGAGEP in covered process. The answers to these questions will be the basis for determining whether the employer is in compliance with various PSM requirements. This static list will not change during the course of the NEP.
 - **Step 2 (Dynamic List Based Evaluation):** Similar to the Static List, CSHOs will conduct a PSM compliance review based on a list of IPI in the PSM-covered process that was chosen as the Selected Unit(s). However, in this case the list will be dynamic. For inspection integrity purposes, OSHA will change the Dynamic List, which CSHOs will use during inspections, on a periodic basis (e.g., every 2 to 4 weeks). Changing the Dynamic list along with not publicly disclosing the Dynamic IPI Lists will help ensure the integrity of the inspection process.

Process Safety Management

- As contractor safety is critical to the integrity of PSM-covered processes, all contractors (including subcontractors) working on or adjacent to the Selected Unit(s) will be inspected.
- There are also provisions in the NEP for OSHA compliance personnel to enforce applicable OSHA standards if hazardous conditions or violations of OSHA standards are discovered during the NEP inspection that are not specifically addressed in this Instruction.

Recordkeeping NEP

- GAO study on accuracy of employer injury and illness records.
- Low-rate establishments operating in high-rate industries.
- Chosen through previously submitted OSHA Data Initiative (ODI) information.
- Based on industries having the highest DART rates.

Recordkeeping NEP

- Office of Statistical Analysis (OSA) provides each office with list of establishments.
- Deletion criteria for public sector, partnerships, VPP or SHARP, and office-only establishments.
- Medical access orders, records review, interviews and limited walkaround.

Silica NEP

- To identify and reduce or eliminate the health hazards associated with occupational exposure to crystalline silica
- Addresses targeting of worksites with elevated exposure to crystalline silica, as well as silica-related inspection procedures and compliance assistance

Silica NEP

- Inspections should be targeted to work sites that likely create high silica exposures. In each Region, at least 2 percent of inspections every year must be silica-related inspections.
- Additionally, the silica-related inspections should be conducted at a range of facilities reasonably representing the distribution of general industry and construction work sites in that region.

Silica NEP

- The rationale for selecting each industry shall be documented, and may include information such as, but not limited to:
 - History of overexposures, based on previous local inspection history within a RO or AO's jurisdiction of industries listed in Appendix B.
 - Limited or no local inspection history of an industry listed in Appendix B.
 - The AO or RO may establish knowledge of a pattern of silicosis or overexposures to silica by reviewing objective illness or exposure data from any and all sources including, state workers' compensation records or public health data from sources such as the National Institute for Occupational Safety and Health (NIOSH).
 - Industries that are not included in Appendix B, but are known by the AO or RO, based on local knowledge (i.e. a documented history of referrals from local agencies or healthcare providers, or previous inspection histories, etc.), to have demonstrated a pattern of silica overexposures or cases of silicosis

Silica NEP

- Inspections include the following
 - Exposure monitoring
 - Engineering and work practice controls
 - Respiratory protection
 - Hazard Communication
 - Housekeeping
 - Medical and exposure records
 - Abrasive blasting

Trenching NEP

- Inspections
 - Regardless of whether or not a violation is observed, whenever a CSHO sights or receives any other notice of a trenching or excavation operation (including nonformal complaints, other government agency referrals, and reports from members of the public) unless it is apparent that the trench or excavation is less than 5 feet in depth or is in compliance with all OSHA standards governing such operations

Trenching NEP

- Reports of imminent danger, fatality/catastrophe reports, formal complaints, safety and health agency referrals and media reports shall be scheduled as unprogrammed inspections
- Nonformal complaints and other referrals involving trenching or excavation operations shall be scheduled as unprogrammed inspections under the NEP

Trenching NEP

- The scope of inspections conducted under this NEP shall normally be limited to the trenching or excavation operation
 - If expanded the FOM must be followed
- When an inspection is not conducted because consent has not been obtained, a warrant normally shall be sought in accordance with the current procedure for handling such cases. A warrant may not be necessary, however, if the violations are in plain view

Primary Metals LEP

- To reduce exposures to both health and safety related hazards in the Primary Metals Industry (PMI) in Region V.
- PMI are establishments with fall under NAICS code 331
- PMI in the top 5 manufacturing industries for fatalities over the past decade.

Primary Metals LEP

- Compile and maintain a list of PMI establishments
- Inspected regardless of size including 10 employees and under.
- Deletion/Deferral criteria including partnerships, VPP or SHARP, consultation

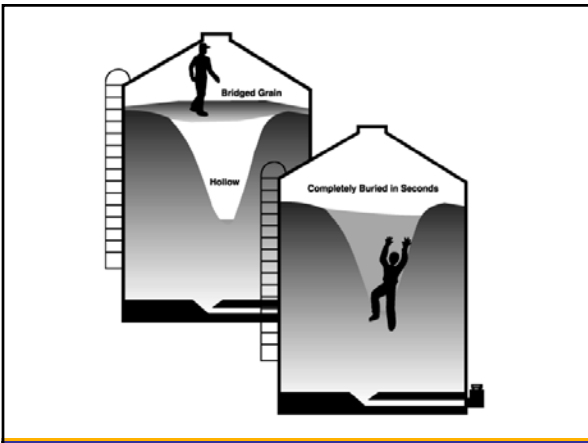
Primary Metals LEP

Inspections must address at a minimum:

- Material handling Review Programs
- LOTO Fall Hazards
- Machine guarding Noise
- Ergo Air contaminants
- Operations involving furnaces, ovens, etc
- Pouring molding smelting and rolling

Grain Handling LEP

- For programmed inspections of grain handling facilities (by NAICS)
- Covers all of Region V
- Inspections focus on 6 major hazard areas
 - Engulfment
 - Falls
 - Auger Entanglement
 - Struck-by
 - Combustible Dust Explosions
 - Electrocution



Grain Handling LEP

- From 1/1/00 – 10/1/09 there were 89 fatalities nationwide
 - 40 grain engulfments
 - 32 falls
 - 7 dust explosions
- 38 amputations during same time period
- 42 fatality inspections for FY04-FY09 in Region V

Grain Handling LEP

- Lists based on NAICS – sites randomly chosen
- Includes establishments with fewer than 10 employees IAQ w/ Appropriations Act
- Facilities must have at least a grain silo, grain bin or grain elevator on site.
- Any outside contractors included per the FOM.

Fall Hazards LEP

- The targeting and selection program is intended to be used on any construction site where fall hazards have been alleged and/or identified to initiate safety inspections.
- inspections conducted under this LEP would be initiated by several means: Compliance Officer's observations, non-formal complaints, and referrals from other outside sources.

Fall Hazards LEP

- All work sites where fall hazards are observed by Compliance Officers (CSHOs) will be selected for inspection under this LEP.
- Activities which constitute potential falls and no protective systems are in use may include steel erection, masonry construction, roofing, open-sided floors and wall openings, bridge repairs, signs, water towers, communication towers, sites where suspension scaffolds are in use and other activities where employees are working from elevations without fall protection

PIV LEP

- Any referral or complaint classified by OSHA as “serious” which alleges a hazard or a condition that may be a violation of the powered industrial truck standard or a potentially fatal “struck/caught/fall hazard” associated with the operation of a powered industrial vehicle (e.g., struck by falling load, struck against, caught between, caught in, or fall hazard) in general industry or construction will be activated for inspection

PIV LEP

- Vehicles covered include but are not limited to:

High Lift trucks	Counter-balanced trucks
Cantilevered trucks	Rider trucks
Forklift trucks	High platform trucks
Low lift trucks	Lofi lift platform trucks
Motorized hand trucks	Pallet trucks
Narrow aisle trucks	Straddle trucks
Reach rider trucks	Single side loader trucks
High lift order picker rider trucks	Motorized hand/rider trucks
Rough terrain trucks	Skid steer loaders

PIV LEP

The reason for local emphasis on PIVs is the need to reduce the number of fatalities caused by PIVs.

In the Federal jurisdiction of Region V, PIVs have been the source of 52 occupational fatalities in the 2005 through the 2008 fiscal years.

PIV LEP

- Inspection will address all complaint items, all aspects of the PIV standard, powered industrial vehicles and associated hazards, collection of OSHA 300 data, an evaluation of the employer’s safety and health program and an evaluation of the employer’s lockout/tagout program