



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-21-001

EFFECTIVE DATE: October 1, 2021

SUBJECT: Regional Emphasis Program – Top 50 Workplace - Health Hazard

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This instruction implements a Regional Emphasis Program for programmed health inspections in multiple manufacturing and service industries (multiple NAICS Codes) to address health hazards.

References: CPL 02-00-163, Field Operations Manual (FOM), April 14, 2020.
CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.

Cancellations: None

Expiration: This instruction expires September 30, 2026.

State Impact: None

Action Offices: All Region VII Area Offices

Originating Office: Office of Regional Administrator

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By and Under the Authority of

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Table of Contents

I.	Purpose.....	3
II.	Scope.....	3
III.	Expiration.....	3
IV.	Action.....	3
V.	References.....	3
VI.	Action Offices.....	3
VII.	Background.....	3
VIII.	Inspection Scheduling/Site Selection.....	4
IX.	Inspection Procedures.....	5
X.	CSHO Protection.....	6
XI.	OIS Coding.....	8
XII.	Outreach.....	8
XIII.	Program Evaluation.....	9
	APPENDIX A.....	11

I. Purpose.

This regional instruction implements a Regional Emphasis Program (REP) for programmed health inspections within industries where various general industry worksites exposed employees to hazardous substances as documented through previous inspection activity. Workers at other facilities within the same industries where exposure to hazardous substances was documented may be facing the same exposures, and current inspection targeting programs limit our ability to address these hazards in these establishments. In addition, long latency periods from exposure to hazardous contaminants to symptomology prevents a timely response.

Prior to this REP, Region VII did not have a method to target many of the substances included in OSHA's Z-Tables, Expanded Health Standards, and substances not covered by OSHA's Permissible Exposure Limits. This REP will assist in developing an inspection targeting system to identify those worksites with health hazards.

II. Scope. This instruction applies to all Region VII Offices.

III. Expiration. This instruction expires on September 30, 2026.

EXCEPTION: Any inspection begun prior to September 30, 2026, may continue until its conclusion.

IV. Action.

The Area Directors shall ensure that the procedure outlined in the instruction is followed during the effective period of this instruction. This instruction is not to conflict with inspection priorities as established in the Field Operations Manual (FOM).

When an inspection is not conducted because the employer has refused entry, the Compliance Safety and Health Officer (CSHO) shall document the reason for this refusal, Region VII Enforcement Programs (EP) shall be contacted immediately, and a warrant shall be sought in accordance with the current procedures for handling such refusals.

V. References.

- A. [CPL 02-00-163, Field Operations Manual \(FOM\), April 14, 2020.](#)
- B. [CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\), November 13, 2018.](#)
- C. [CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.](#)
- D. [CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.](#)

VI. Action Offices.

All Region VII Area Offices.

VII. Background.

This REP targets health hazards. Occupational diseases often manifest themselves after a delay from the time of exposure, especially for chronic conditions. Therefore, relying on injury and illness data is not adequate to identify and target these hazards. Instead, historical data (sorted by NAICS code) will be used to identify industries with a high number of health-related OSHA violations.

The table below details examples of potential health outcomes to a variety of chemicals employees may be exposed to in some of the targeted NAICS, with associated latency periods.

Chemical Exposure Potential Health Outcomes

Substance	Chronic Health Outcomes	Latency (Years)
Asbestos	Mesothelioma and lung cancer	15 – 50
Benzene	Anemia and leukemia	1 – 10
Beryllium	Berylliosis and lung cancer	15 – 25
Cadmium	Kidney dysfunction, lung, and prostate cancer	10
Ethylene Oxide	Miscarriages, sperm degeneration, leukemia, lymphoid or breast cancer	9 – 20
Formaldehyde	Nasopharyngeal and oropharyngeal cancer	2 – 15
Hexavalent Chromium	Lung cancer	20
Nickel	Lung and nasal cancers	13 – 24

* [Roadmap on Carcinogens](https://roadmaponcarcinogens.eu/) (<https://roadmaponcarcinogens.eu/>)

* [CDC](https://cdc.gov) (* <https://cdc.gov>)

* [EPA](https://epa.gov) (<https://epa.gov>)

This emphasis program supports the DOL objective, to secure safe and healthful working conditions for America’s workers, by implementing the OSHA Strategic Plan objective to target the most hazardous worksites for inspection. It does so by making efforts to prioritize its limited resources for inspections, compliance assistance and outreach efforts on specific industries that routinely experience injury, illness, or fatalities above the national average.

VIII. Inspection Scheduling/Site Selection.

- A. The National Office, Office of Statistical Analysis, (National Office OSA) maintains data covering three previous fiscal years of National/Federal OSHA health inspections and ranks industries based on the number of serious violations of health standards issued per inspection. The OSA takes the top 200 industries, identified by their NAICS code, and places them in order ranked from 1 to 200 to track the top 200 high health hazard industries.

Using the National list of 200 high health hazard industry NAICS, this program focuses on the top 50 industries (See Appendix A). The National Office –OSA will generate a randomized list of establishments within the top 50 NAICS on the list for inspection by each Region VII Area Offices.

- B. Cycles: The Area Director will use software developed for random selection [Establishment Targeting List-Generation System](#) to generate randomly selected cycle(s) of a reasonable cycle size, based on existing resources. Each Area Office will ensure that all selected sites in each cycle are inspected unless deletion criteria apply. Before a new cycle is initiated, all sites on the previous cycle need to be completed. If an establishment cannot be inspected in the current cycle, it may be carried over to the next cycle. Open cycles should be carried into the next fiscal year if the REP is renewed. An updated establishment list from the National Office shall be obtained at least every three years to ensure that the list is current.
- C. Deletions:
 - 1. The Area Director will review each cycle developed from the establishment list provided by OAS. All establishments inspected (health comprehensive) within the last 3 years will be deleted.
 - 2. Establishments for inspection may fall within the scope of the current Appropriations Act. If so, inspection activities must be completed in accordance with the most recent version of the directive CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.
- D. Unprogrammed Inspections: Unprogrammed inspections initiated at an establishment within the targeted NAICS codes of this instruction (Appendix A), and not receiving a comprehensive health inspection in the last three years, will be expanded to encompass this REP.

IX. Inspection Procedures.

- A. Scope of Inspection:
 - 1. Under this REP, all inspections will be comprehensive in scope. Please see comprehensive in scope as defined in the Field Operations Manual (FOM) in Chapter 3 at paragraph III A.: “Comprehensive - A substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, due to the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected.”
- Where establishments are found on more than one NEP and/or REP/LEP list (such as SST/SILICA /LEAD), the Area Office shall conduct one comprehensive health inspection to satisfy all the requirements of all of these programs. The OSHA Inspection Report shall then be coded for each inspection with all applicable codes.

Where an inspection of an establishment, within the targeted NAICS codes of this instruction, is initiated under an NEP/REP/LEP not including a health emphasis, the inspection will be upgraded to include this REP.

2. During the opening conference, the CSHO shall review the employer's exposure monitoring program and records in accordance with 1910.1020 and shall review the OSHA 300 injury and illness logs for any standard threshold hearing shifts, skin disorders, respiratory conditions, poisonings, and all other illnesses. The CSHO shall evaluate the employer's safety and health programs, including but not limited to ventilation, occupational noise exposure, nonionizing radiation, hazardous materials included in Subpart H, personal protective equipment, permit required confined spaces, medical services and first aid, toxic and hazardous substances as included in Subpart Z, and hazard communication.
3. The CSHO shall conduct a comprehensive walk around of the facility. During the walk around the CSHO shall observe the processes and must conduct screenings to identify opportunities for full shift sampling. If full shift sampling is required, sampling shall occur as soon as possible. Sampling shall be conducted in accordance with the applicable section of the OSHA Technical Manual TED 01-00-015. The casefile will contain all applicable documentation, screenings, and sampling results, and all screening must be entered into OIS. Sampling and screening assistance is available through the Salt Lake Technical Center IHC Duty Officer at 1-800-233-5001, 8am-4pm MST, Monday through Friday.

- B. **Evaluation Temporary Workers** In addition to the permanent employees found at the establishment, recent inspection reports and activity has identified the use of temporary workers in many of the targeted industries. Temporary workers are more vulnerable to workplace safety and health hazards, as they often lack adequate safety and health training, equipment, and explanation of their job tasks and duties. At the opening conference, compliance officers shall obtain the necessary information regarding the presence and/or use of temporary workers. If temporary workers are present or utilized at the establishment, the compliance officer shall obtain all the necessary documentation and information required to evaluate the safety and health program relating to temporary workers and determine compliance with OSHA regulations in providing a safe and healthful workplace for these workers. The compliance officer shall refer to the current National Office guidance found on the Temporary Worker Page to conduct these inspections.

X. CSHO Protection.

- A. Inspections under this REP are to be conducted by CSHOs who have received training on the REP. CSHOs shall attempt to document the presence of potential hazards prior to initiating the walk around portion of the inspection and shall make appropriate personal protective equipment (PPE) selections, relying on information

obtained during the opening conference, from previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring surveys.

- B. The Area Director will ensure that the CSHO has the necessary PPE to conduct the inspection, including but not limited to hard hats, safety glasses, hearing protection, safety boots, and respiratory protection. The CSHO will not place themselves in potentially hazardous situations, such as entry into permit required confined spaces or activities that would require the performance of hazardous energy control. In such cases, necessary information should be sought in another manner, such as private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, etc. Supervisors shall ensure CSHOs comply with all related requirements developed as part of the ADM 04-00-003, OSHA Safety and Health Management System.
- C. Where applicable, the CSHO shall follow policies outlined in Chapter 27 of the OSHA Technical Manual, Exposure Monitoring, and will conduct self-sampling when they are potentially exposed to hazardous chemicals. A list of hazardous chemicals is included in Appendix A to Chapter 27.

XI. OIS Coding.

Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report as found in the OIS manual shall be applied when recording inspections conducted under this REP, as follows:

- A. The OSHA Inspection Report for any programmed inspections covered under this Regional Emphasis Program for Top 50 Workplace - Health Hazard shall be marked "Program Planned" in the Initiating Type field and insert "T50WHH" in the Regional Emphasis Program field.
- B. REP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this REP inspection under this initiative, the OSHA Inspection Report must be marked with the appropriate unprogrammed activity in the Initiating Type field. In addition, the value "T50WHH" shall be recorded in Regional Emphasis Program field of the OSHA Inspection form and the Unprogrammed Activity form.
- C. REP Combined with other Emphasis Program Inspections. For all programmed inspections such as other NEPs/REP/LEPs conducted in conjunction with an REP inspection under this initiative, the OSHA Inspection Report must be marked as "Program Planned" in the OSHA Inspection form. In addition, the value "T50WHH" shall be recorded the Regional Emphasis Program field along with all NEP and REP OIS codes applicable to the inspection.

XII. Outreach.

Prior to the initiation of the enforcement of this REP, each covered Area Office will implement outreach programs that support the efforts of the Agency in meeting the goals of the REP. These outreach efforts should take place at least three months before the

initiation of inspections and continually thereafter. Such programs may include:

- A. Targeted presentations, speeches, meetings, and/or training sessions with employers/stakeholders.
- B. Letters/mailings to employers, professional associations, local safety councils, apprenticeship programs, local hospitals, and occupational health clinics.
- C. News releases through local newspapers, safety councils, and/or industrial hygiene organizations.
- D. Use of current Social Media methods such as twitter and e-mail contacts.
- E. OSHA Area Offices may leverage existing Partnerships and Alliances with groups representing employers and workers in the affected industries to share successes and technical information concerning effective means of controlling and reducing worker exposures to noise and other hazards.
- F. Encourage small businesses to contact OSHA's On-Site Consultation Program. OSHA's On-Site Consultation Service offers free and confidential advice to small and medium businesses in all States across the country, with priority given to high-hazard worksites.
- G. OSHA's compliance assistance resources for this include, but are not limited to:
 - Noise and Hearing Conservation eTool and Safety and Health Topics Page
 - Respiratory Protection eTool
 - Eye and Face Protection eTool
 - Hazard Exposure and Risk Assessment eMatrix

XIII. Program Evaluation.

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. The RA will ensure that each Region VII area office participating in the REP will prepare and submit to EP a program report. The program report is to be conducted at the midpoint and completion of each REP. At the RA's discretion, additional reports may be required, based on the length, complexity, and coverage of the program. The midpoint assessment will take place no later than the end of the fiscal year following the calendar midpoint between the program effective and expiration dates (e.g., 2 ½ years into a 5-year program). The midpoint assessment will allow for revisions to the REP where necessary, along with an assessment of whether continuation of the REP is appropriate.
 - 1. The program report will, at a minimum, address whether the REP advances OSHA's goals and initiatives. The program report will address, as appropriate, both quantitative and qualitative measures.

Types of measures that may be considered include:

- a) The number of employees and/or establishments impacted by outreach activities.
 - b) The total number of health hazards abated. *
 - c) The total number of overexposures to health hazards identified.
 - d) The total number of personal air monitoring samples conducted.
 - 1) Total full shift samples.
 - 2) Total Short Term Exposure Limit samples.
 - 3) Total area samples.
 - e) The total number of wipe samples taken.
 - f) The total number of screenings taken.
 - 1) Total noise screening.
 - 2) Total air screening.
 - g) The total number of personal noise samples conducted.
 - h) The number of workers removed from health hazards.
 - i) The total number of inspections that included CSHO self-sampling.
 - j) Reductions or sudden increase in the number of complaints or severe injury reports within affected industries, compared to FY 2021.
 - k) Reductions in the number of complaints or severe injury reports alleging health hazards within affected industries, compared to FY 2021.
 - l) Any indices that relate directly to measures included in the DOL Strategic Plan, the OSHA Operating Plan, and/or additional goals of the REP.
 - m) The total number of personal samplings for each Hazardous Substance addressed in 1910.1000-1910.1029.
 - n) The total number of employees found overexposed each Hazardous Substance addressed in 1910.1000-1910.1029.
2. While the focus of this REP is the identification and elimination of health hazards, during the inspection and/or sampling CSHOs may observe safety hazards. CSHOs will either address these hazards or make a Safety referral as appropriate. The program evaluation will include:
- a) The total number of safety hazards abated.
 - b) The number of workers removed from safety hazards

* Health Hazard - The OSHA Information System, Operational Plan Performance Metrics - Hazards and Fatalities report defines in Appendix A the standards used for tracking illness reductions as: 1910.94, 97, 120, 132, 134, 138, 1000-1018, 1025-1450. Additional standards classified as health violations but are not included in Appendix A are 1910.95 and 1910.151. A complete list of

all standards OIS classified as related to illness and therefore health violations are found in Appendix A.

APPENDIX A
FY 2021 Top 50 High Hazard Health Industries

NAICS	NAICS Description	Rank
531110	Lessors of Residential Buildings and Dwellings	1
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing	2
811490	Other Personal and Household Goods Repair and Maintenance	3
327212	Other Pressed and Blown Glass and Glassware Manufacturing	4
713990	All Other Amusement and Recreation Industries	5
713930	Marinas	6
337212	Custom Architectural Woodwork and Millwork Manufacturing	7
337215	Showcase, Partition, Shelving, and Locker Manufacturing	8
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	9
325510	Paint and Coating Manufacturing	10
333922	Conveyor and Conveying Equipment Manufacturing	11
332313	Plate Work Manufacturing	12
337110	Wood Kitchen Cabinet and Countertop Manufacturing	13
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	14
327991	Cut Stone and Stone Product Manufacturing	15
332911	Industrial Valve Manufacturing	16
811121	Automotive Body, Paint, and Interior Repair and Maintenance	17
337127	Institutional Furniture Manufacturing	18
621210	Offices of Dentists	19
442110	Furniture Stores	20
332311	Prefabricated Metal Building and Component Manufacturing	21
339910	Jewelry and Silverware Manufacturing	22
451110	Sporting Goods Stores	23
339950	Sign Manufacturing	24
811198	All Other Automotive Repair and Maintenance	25
332323	Ornamental and Architectural Metal Work Manufacturing	26
332992	Small Arms Ammunition Manufacturing	27
333999	All Other Miscellaneous General Purpose Machinery Manufacturing	28
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	29
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	30
111419	Other Food Crops Grown Under Cover	31
332420	Metal Tank (Heavy Gauge) Manufacturing	32

NAICS	NAICS Description	Rank
325411	Medicinal and Botanical Manufacturing	33
333111	Farm Machinery and Equipment Manufacturing	34
332618	Other Fabricated Wire Product Manufacturing	35
321992	Prefabricated Wood Building Manufacturing	36
238390		
336214	Travel Trailer and Camper Manufacturing	37
812210	Funeral Homes and Funeral Services	38
812113	Nail Salons	39
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring	40
336212	Truck Trailer Manufacturing	41
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	42
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	43
332439	Other Metal Container Manufacturing	44
811192	Car Washes	45
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing	46
333517	Machine Tool Manufacturing	47
323113	Commercial Screen Printing	48
335912	Primary Battery Manufacturing	49
423830	Industrial Machinery and Equipment Merchant Wholesalers	50