



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-00 (LEP 017) **EFFECTIVE DATE:** August 02, 2010

SUBJECT: Local Emphasis Program for Grain Handling Facilities

REGIONAL IDENTIFIER: Region V

ABSTRACT

Purpose:

To establish a Local Emphasis Program (LEP) for the programmed inspections of grain handling facilities (NAICS 311111, 311211, 311221, 311230, 311812, 311822, 424510 and 493130) in accordance with the provisions of OSHA CPL 2.102A dated November 10, 1999.

References:

- A) OSHA 29 CFR 1910.272, Grain Handling Facilities Standard
- B) OSHA CPL 02-01-004, Inspection of Grain Handling Facilities
- C) OSHA CPL 02-00-025, Scheduling System for Programmed Inspections
- D) OSHA Instructions CPL 2-00-051J (or most current version),
- E) OSHA CPL 2-04-00-001, Procedures for Approval of Local Emphasis Programs (LEP's)
- F) OSHA CPL 02-00-148, Field Operations Manual (FOM)
- G) NIOSH Booklet "Safe Grain & Silage Handling"

Action Offices:

All Region V Area Offices

Originating Offices:

Illinois Area Offices – Region V

Contact:

U. S. Department of Labor – OSHA
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By and Under the Authority of
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- I. **Purpose:** The purpose of this Notice is to establish a Local Emphasis Program (LEP) for the programmed inspections of grain handling facilities (North American Industry Classification System (NAICS) 311111, 311211, 311221, 311230, 311812, 311822, 424510 and 493130) in accordance with the provisions of OSHA Instruction CPL 2-0.102A, Procedures for Approval of Local Emphasis Programs (LEPs).
- II. **Scope:** The Notice applies to grain handling facilities within the jurisdiction of all Region V Area OSHA Offices. Inspections will focus on the six major hazard areas of engulfment, falls, auger entanglement, struck by, combustible dust explosions and electrocution. Partial inspections shall be expanded if other serious hazards are observed.
- III. **Expiration:** This Notice expires on September 30, 2011.
- IV. **References:**
 - A. OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEPs)
 - B. OSHA Instruction CPL 02-00-148, November 9, 2009, Field Operations Manual (FOM)
 - C. OSHA Instruction CPL 02-00-111, November 27, 1995, Citation Policy for Paperwork and Written Program Requirement Violations
 - D. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations Under the Appropriations Act
 - E. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
 - F. OSHA Instruction TED 01-00-015, January 20, 1999, Occupational Safety and Health Administration Technical Manual
 - G. OSHA 29 CFR 1910.272, Grain Handling Facilities Standard
 - H. OSHA CPL 2-1.4C, Inspection of Grain Handling Facilities
 - I. NIOSH Booklet "Safe Grain & Silage Handling," October 1995

V. **Background:**

The hazards associated with grain handling facilities are well recognized. Employees are exposed to significant hazards such as falls, electrocution, engulfment, auger entanglement, struck by, and combustible dust explosions. A

search of the OSHA IMIS database from January 1, 2000 to October 1, 2009 shows that 89 fatalities had occurred nationwide in grain handling establishments. These fatalities included 40 grain engulfment, 32 falls and seven dust explosions. Also, there were 38 amputation injuries during this same time period. There have been 42 fatality inspections conducted from FY04-FY09 in Region V's jurisdictional area. The majority of fatalities and serious injuries were a result of exposure to grain engulfment, falls, struck-by, and machine entrapment.

A Local Emphasis Program is deemed appropriate for the following reasons:

1. Numerous serious hazards exist in facilities where grain is processed and transferred.
2. Inspections of grain handling facilities (NAICS 311111, 311211, 311221, 311230, 311812, 311822, 424510 and 493130) by the Illinois Area OSHA Offices between FY04 – FY09 have identified serious safety and health hazards.
3. The Region V Area OSHA Offices have a substantial number of grain handling facilities within their jurisdiction which have not been inspected in the last 10 years or never had an OSHA inspection.
4. There is a need to change the culture at non compliant grain handling facilities

VI. **Action:** The Region V Area OSHA Offices shall use the LEP described herein as the basis for scheduling inspections to reduce occupational exposure in grain handling facilities.

VII. **Program Procedures:** Inspections conducted under the program shall be scheduled and conducted pursuant to the following criteria.

- A. Each Area OSHA Office covered by this LEP will compile a primary list of employers in the following NAICS Codes: 311812, 424510 and 493130 within their geographic jurisdiction. Each Area OSHA Office covered by this LEP will compile a secondary list of employers in the following NAICS Codes: 311111, 311211, 311221, 311230, and 311822 within their geographic jurisdiction.

Establishment sources may include:

- 1) The Dun & Bradstreet employer list;
- 2) Illinois, Wisconsin, and Ohio Department of Agriculture's Licensing Database;
- 3) Commercial directories;
- 4) Telephone listings;
- 5) Local knowledge of establishments; and
- 6) OSHA's IMIS system.

- B. The establishment will be assigned a random number from the random number table provided in OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections or some other form of randomization will be used to randomize the inspection list.
- C. Establishments with fewer than 10 employees **Are Not** to be included.
- D. Cycles will be compiled from the primary list. A cycle size of no more than 10 establishments will be used. Once a cycle is begun, it must be finished. Within a cycle, the establishment may be scheduled and inspected in any order that makes efficient use of available resources. All establishments in a cycle must have inspections assigned before any establishments in a new cycle may be inspected. Carry-overs will be allowed, as provided in OSHA Instruction CPL 02-00-025, paragraph B.1.b (1) (e). Cycles from the secondary list can be compiled once all establishments on the primary list have been inspected.
- E. Each Area Office will be responsible for making appropriate deletions to the inspection list, such as establishments that are no longer in business, in accordance with CPL 02-00-025 or establishments that have received a comprehensive safety and health inspection within three years of the effective date of this LEP.

VIII. **Inspection Procedures:**

- A. Inspections under this LEP will focus on the six major safety hazards at grain handling facilities: falls, electrocution, engulfment, auger entanglement, struck by and combustible dust explosions.
- B. Establishments targeted under the Grain Handling LEP are Safety Programmed Inspections.
- C. All inspections under this LEP must address all aspects of any potential grain handling work and include a review of all related written documentation (i.e., lock-out/tag-out program, fork lift operation, grain entry program and procedures, housekeeping programs, fall protection program, personnel protective equipment, confined space entry, machine guarding, and safety related work practices).
- D. The Compliance Officer (CSHO) shall establish that a grain handling operation is present in the facility. If a grain handling operation is active, the CSHO will conduct the inspection in accordance with the FOM.
- E. The CSHO may discover that outside contractors are also performing work activities at the grain handling facilities. There may be instances where the Compliance Officer would incorporate the outside contractor into the scope of the inspection in accordance with the FOM.

- F. If the CSHO, upon arrival at the site, discovers that the scheduled establishment is not engaged in grain handling operations (through limited employee interviews and walk around), the inspection will be terminated immediately and the OSHA-1 will be completed indicating "No inspection," in accordance with Section IX, Recording and Tracking, below. If the CSHO determines that the facility engages in grain handling operations but have not made any grain entries in the last 12 months, a records review will be conducted and the OSHA-1 will be completed indicating "Records Only."
- G. Establishments which have changed name, ownership, or management shall be evaluated. If the process is comparable and the establishment has a NAICS of 311111, 311211, 311221, 311230, 311812, 311822, 424510 and 493130, then the CSHO shall proceed with the inspection.

H. CSHO Protection

1. Prior to conducting the inspection the Area Director shall ensure that the CSHO has the necessary safety and health expertise to evaluate potential grain hazards the CSHO may be exposed to during the inspection.
2. The Area Director will also ensure the CSHOs have the necessary PPE to conduct the inspection: hard hat, safety glasses, hearing protection, safety boots, and respiratory protection.
3. Under rare circumstances, the CSHO may need to perform lock-out-tag out, evaluate a confined space or utilize personal fall protection during the walk around portion of the inspection. The CSHO must first contact the Area Office for permission, prior to performing any of these tasks.
4. The CSHO should conduct self sampling when they are potentially exposed to toxic chemicals or excessive noise. Toxic chemicals encountered during a grain evaluation could include, but are not limited to: particulates not otherwise classified (PNOC), ammonia, herbicides, and pesticides.
5. When evaluating combustible dust hazards, the CSHO may encounter combustible dust atmospheres. The CSHO shall ensure that he/she does not enter any area with an atmosphere reading that is 10% of the Lower Explosive Limit. When entering any Class II Hazardous Locations, the CSHO shall ensure that he/she does not use a camera. The CSHO shall also ensure that any equipment used is intrinsically safe and non-spark producing.

I. Relationship to Other Programs

J.

1. **Unprogrammed Inspections:** Unprogrammed inspections will be conducted according to the FOM (CPL 2-00-0148) or other guidance documents. If there is an occasion for an unprogrammed inspection with respect to an establishment that is also to receive a programmed inspection under this Grain Handling Facility LEP, the two inspections may be conducted concurrently.

2. **Special Emphasis Programs:** Some establishments may be selected for inspection under the Combustible Dust- National Emphasis Program (NEP) and also under one or more other initiatives, NEP or LEP. These inspections may run concurrently with the Grain Handling LEP. All applicable IMIS codes should be entered.

IX. Recording and Tracking: The OSHA -1 for all Grain Handling LEP inspections will be coded as follows:

A. OSHA 1 Coding:

1. Block 24 will be marked as "H" – Program Planned
2. Block 25 (c) will be marked as "Grain."
3. If there is no grain handling operation on site, the OSHA-1 shall be coded as "No Inspection" in item 35D.
4. If there have not been any grain entries in the past 12 months, the OSHA-1 shall be coded as "Records Only" in item 35D.
5. Item 42 – Optional Information shall be marked "N-20-No Grain Handling."

X. **Program Evaluation:**

A. Follow-up inspections will be conducted for all cases which fall under the criteria outlined in the Region V Follow-Up Procedures Memorandum. During the follow-up visit, the CSHO shall verify the employer's abatement documentation/verification by carefully evaluating any and all written programs developed, training on abated items, and equipment purchased to comply with the hazards identified during the initial inspection. Procedures for follow-up inspections will be in accordance with the Field Operations Manual (FOM) 02-00-148.

B. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all other violations of the OSHA regulations. The abatement information must be included in the case file in a timely manner. Whenever possible, case files are to be closed in the fiscal year in which the inspection was conducted to allow the data to be applied to the Agency's Strategic Goal accomplishments. In cases where implementation of engineering controls

extends beyond the fiscal year in which the intervention was conducted, the case files will be closed as soon as possible.

C. The North Aurora Area Office will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL CPL 04-00-001. It will be evaluated annually for the previous fiscal year. The evaluation will include a recommendation for the continuance or elimination of this program. In addition, the evaluation will include all of the following evaluation factors based on data supplied by the Region V Area Office to the North Aurora Area Office at the end of the fiscal year:

1. The number of sites inspected
2. The number of employees covered by the inspections
3. The number of serious, repeat and willful violations cited
4. The number of violations relating to employee exposures to grain handling hazards
5. The number of employers who have implemented grain entry programs in accordance with 29 CFR 1910.272
6. The number of violations related to training for bin entry
7. The number of violations related to lock-out/tag-out
8. The average number of violations per inspection
9. The number of inspections without violations

XI. **Outreach Activities.** The LEP and the hazards associated with grain handling operations will be discussed during all outreach activities including, but not limited to, OSHA speeches, training sessions and Area Office newsletters.

Note: The Director of the On-Site Safety and Health Consultation Programs for each State will be notified of the FY10 and FY11 Region V Grain Handling LEP.

Note: The Illinois Grain and Feed Association will be notified by the Peoria Area Office of the FY10 and FY11 Region V Grain Handling LEP.

Note: The Wisconsin Agri-Service Association will be notified by the Appleton Area Office of the FY10 and FY11 Region V Grain Handling LEP.

Note: The Ohio AgriBusiness Association will be notified by the Columbus Area Office of the FY10 and FY11 Region V Grain Handling LEP.