OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR — Occupational Safety and Health Administration

DIRECTIVE NUMBER: 15-10 (CPL 04)	**EFFECTIVE DATE:** December 31, 2015
SUBJECT: Local Emphasis Program for Casinos and/or Casino Hotels at Native American Reservations or American Trust Lands	
REGIONAL IDENTIFIER: Region 10	

ABSTRACT

Purpose: This Notice transmits the policies and procedures to be followed when conducting programmed inspections on Native American reservations or American trust lands that have casinos and/or casino hotels.

Scope: This Notice applies to all inspections of casinos and/or casino hotels on Native American reservations or American trust lands in Oregon and Washington.

References: OSHA Instruction CPL 02-00-025, *Scheduling System for Programmed Inspections*, dated January 4, 1995.

OSHA Instruction CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs*, dated November 10, 1999.

OSHA Instruction CPL 02-00-159, *Field Operations Manual, dated* October 1, 2015.

OSHA Memorandum for Regional Administrators, Subject: "*Establishment-Targeting Lists for Emphasis Programs,"* dated November 13, 2014.

OSHA Memorandum for Regional Administrators, Subject: "*Procedures for Local and Regional Emphasis Programs,"* dated December 3, 2014.

Cancellations:	OSHA Regional Notice 14-12 (CPL 04), dated December 23, 2014.
Expiration Date:	This Notice will expire December 31, 2016, but may be renewed.
State Plan Impact:	None.
Significant Changes:	None.
Action Offices:	Portland and Bellevue Area Offices and the Office of Federal and State Operations.
Originating Office:	Office of Federal and State Operations
Contact:	Rosemarie A. Olney Assistant Regional Administrator Office of Federal and State Operations

By and Under the Authority of:

GALEN BLANTON
Acting Regional Administrator

EXECUTIVE SUMMARY

The purpose and intent of this Notice is to provide an inspection scheduling system to cover high-hazard activities within the context of current law and OSHA policy. Safety and health programmed inspections of casinos and casino hotels on Native American reservations and trust lands are to be scheduled using this Notice in Oregon and Washington.

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I. **Purpose**. This Notice establishes a Local Emphasis Program (LEP) for inspections of Native American reservations and trust lands that have casinos and/or casino hotels in Oregon and Washington.

II. **Scope**. This Notice applies to the Portland and Bellevue Area Offices.

III. **Action Offices**.

A. Responsible Office. Office of Federal and State Operations.

B. Action Office. Portland and Bellevue Area Offices.

IV. **State Plan Impact**. None.

V. **References**.

A. OSHA Instruction CPL 02-00-025, *Scheduling System for Programmed Inspections*, dated January 4, 1995.

B. OSHA Instruction CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs*, dated November 10, 1999.

C. OSHA Instruction 02-00-159, *Field Operations Manual (FOM)*, dated October 1, 2015.

D. OSHA Memorandum for Regional Administrators, Subject: "*Establishment Targeting Lists for Emphasis Programs"*, dated November 13, 2014.

E. OSHA Memorandum for Regional Administrators, Subject: "*Procedures for Local and Regional Emphasis Programs"*, dated December 3, 2014.

VI. **Definitions**.

Casinos and/or Casino Hotels – For purposes of this LEP, casinos and casino hotels are employers engaged in operating gambling facilities that offer table wagering games along with other gambling, such as slot machines and sport betting. These establishments often provide hotel accommodations, food and beverage services, golfing and other recreational activities.

VII. **Background.**

This LEP supports the DOL 2014-2018 Strategic Plan, Strategic Objective 2.1, to secure safe and health workplaces, particularly in high-risk industries.

Washington and Oregon states report incidence rates for the "Accommodation" industry (NAICS code 721). These work sites include relatively hazardous activities such as sheet metal shops, carpenter shops, vehicle maintenance shops, electrical shops, water treatment plants, power generation plants, landscaping operations, and housekeeping. There are also health hazards related to musculoskeletal injuries and bloodborne pathogen exposures. Most of these activities involve exposures to hazards that are among OSHA's strategic emphasis areas, such as amputations, electrical, powered industrial trucks, and noise.

The following table compares the incident rates to the Federal rates for the Accommodation industry.

Year	OR TRC	OR DART	WA TRC	WA DART	FEDERAL TRC	FEDERAL DART
2014	5.8	3.1	6.2	3.2	4.9	2.6

Both Oregon and Washington are reporting 2014 TRC rates and DART rates higher than the Federal TRC rate and DART rate for this industry.

VIII. Policy.

It is OSHA policy that programmed inspections be conducted primarily in high-hazard sectors of employment. For purposes of scheduling programmed inspections, casinos and casino hotels in Oregon and Washington are considered a high-hazard industry.

IX. Program Procedures.

The following procedures shall be followed when scheduling and inspecting work sites under this program.

A. Outreach Program – This LEP has been in place for several years and outreach is a continual effort through programs such as meetings with local industry and tribal organizations. The Area Offices will continue to provide updated information to employers on topics such as the OSHA standards that apply to hotel and casino operations, how to implement a safety and health program, and details about the LEP.

B. Establishment List. The casino inspection program implemented by the Portland and Bellevue Area Offices will focus on casinos or casino hotels shall be limited to the following NAICS codes:

1. NAICS – 713210 – Casinos.
2. NAICS – 72112 – Casino Hotels.

Each area office has developed a list of establishments of casinos and casino hotels, based on information sources such as prior inspection history, business directories, industry advertisements and local knowledge. These lists are included as Appendices A and B.

C. Site Selection. Inspection sites will be randomly selected from the compiled establishment list, using a random number table and the procedure described in OSHA Instruction CPL 02-00-025, Appendix C. This process uses administratively neutral criteria to identify and select establishments for programmed inspections. Within a cycle, establishments may be scheduled and inspected in any order that makes efficient use of available resources. Sites that have scheduled or are in the process of a consultation or compliance assistance visit will not be scheduled for inspection until the consultation or compliance assistance process is complete. Exceptions to this deferral must be approved by the Area Director.

D. Inspection Procedures.

1. Programmed inspections initiated under this LEP shall be conducted in accordance with the FOM.

2. Each employer on the targeted list shall be scheduled for a programmed inspection during the cycle except where the Area Office documents that:

   a. A substantially complete inspection of the employer has been conducted within the previous 12 months.

   b. The employer has been approved for exemption from inspection through participation in the Voluntary Protection Program.

   c. In Washington State only, the CSHO shall ascertain whether the casino and/or casino hotel is a tribally-operated establishment. Non-tribal operated or non-tribal member operated casinos and/or casino hotels on reservations or on trust lands are subject to state jurisdiction.

3. Casino and casino hotel operations at each targeted site may be inspected no more than once during the inspection cycle, except for unprogrammed activity such as complaints, accidents, follow-ups, or if the employer has operations in more than one location on the target list.

X. Program Evaluation.

A. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.

B. The Area Director will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.

C. The Office of Federal and State Operations (FSO) shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.

XI. OIS Coding.

Inspections, unprogrammed activities and compliance assistance activities conducted of employers under this program, both programmed and unprogrammed, shall be coded on the appropriate form with the LEP designation CASINO.

APPENDIX A

Portland Area Office – Casino Inspection and Location List

1. Seven Feathers Hotel and Casino Resort – Canyonville
2. Wildhorse Resort and Casino – Pendleton
3. Chinook Winds Casino Resort – Lincoln City
4. Kah-Nee-Ta High Desert Resort and Casino – Kah-Nee-Ta
5. The Mill Casino Hotel – North Bend
6. Spirit Mountain Casino – Grand Ronde
7. Kla-Mo-Ya Casino – Chiloquin
8. Old Camp Casino – Burns
9. Three Rivers Casino – Florence

APPENDIX B

Bellevue Area Office – Casino Inspection and Location List

1. Yakama Nation Legends Casino – Toppenish
2. Lucky Eagle Casino – Rochester
3. Coulee Dam Casino – Rochester
4. Mill Bay Casino – Manson
5. 7 Cedars Casino – Sequim
6. Northern Quest Casino – Airway Heights
7. Silver Reef Casino – Ferndale
8. Muckleshoot Indian Casino – Auburn
9. Red Wind Casino – Olympia
10. Nooksack River Casino – Deming
11. The Point Casino – Kingston
12. Emerald Queen Hotel & Casino – Fife
13. Shoalwater Bay Casino – Tokeland
14. Casino Snoquahmie – Carnation
15. Chewelah Casino – Chewelah
16. Lil' Chiefs Casino – Wellpinit
17. Two Rivers Casino & Resort – Davenport
18. Little Creek Casino Resort – Shelton
19. Angel of Winds Casino – Arlington
20. Clearwater Casino – Suquamish
21. Northern Lights Casino – Anacortes
22. Tulalip Casino – Tulalip
23. Emerald Queen Casino – Tacoma
24. Double Eagle Casino – Chewelah
25. Spokane Indian Bingo & Casino – Wellpinit
26. Spokane Indian Bingo/Casino – Fruitland
27. Okanogan Casino – E. Okanogan
28. Skagit Valley Casino – Bow
29. Quillayute Casino – Quillayute
30. Quinault – Ocean Shores