



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-09-2407

SUBJECT: Regional Emphasis Program for Hotels, Casinos or Casino Hotels

REGION: IX

SIGNATURE DATE: October 1, 2023

EFFECTIVE DATE: October 1, 2023

ABSTRACT

- Purpose:** This renews a Regional Emphasis Program (REP) for programmed inspections of hotels, casinos and/or casino hotels in Federal jurisdiction. This instruction covers all establishments which are under Federal OSHA's jurisdiction in Region IX.
- References:** See Paragraph III.
- Cancellation:** This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-011, dated October 1, 2018.
- Significant Changes:** None.
- Action Offices:** All Region IX Regional and Area Offices
- Originating Office:** Region IX Enforcement Programs
- Contact:** Paul Leary, Assistant Regional Administrator
Enforcement Programs

By and Under the Authority of:

James D. Wulff
Regional Administrator

Executive Summary

Hotels, Casinos, and Casino Hotels are comprised of establishments that provide lodging and/or gambling amusement. These worksites are found on Native American lands, in National Parks and Forests, on Military Bases, and in the Pacific Territories. These 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 and laundry services.

Nationally, BLS data shows that in 2019, injury and illness rates for hotels, casinos, and casino hotels, were above the national averages for injuries or illnesses resulting in Days Away from Work, Restricted Work Activity, or Job Transfer for every 100 full-time workers (known as the DART rate) and for the total case rate (TCR).

NAICS Code	TCR	DART
All Private Industry	2.8	1.5
Hotels	4.5	2.6
Casino	2.8	1.7
Casino Hotels	3.8	2.3

The purpose and intent of this instruction 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 hotels, casinos, and casino hotels are to be scheduled using this instruction.

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I. Purpose:

This instruction renews a Regional Emphasis Program (REP) for inspections of hotels, casinos and casino hotels within areas of federal jurisdiction in Region IX. The intent of this instruction is to reduce employee exposure to hazardous conditions, and to prevent injuries and illnesses and fatalities in this industry which has high BLS rates.

II. Scope:

This instruction applies to all areas of federal enforcement in Region IX.

III. References:

- A. OSHA Instruction CPL 02-00-164, April 14, 2020, Field Operations Manual.
- B. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually).
- D. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, effective November 13, 2018.
- E. Memorandum dated December 3, 2014 on Procedures for Local and Regional Emphasis Programs.
- F. Memorandum dated November 12, 2014, on Establishment-Targeting Lists for Emphasis Programs.

IV. Cancellation:

This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-011, dated October 1, 2018.

V. Expiration:

This REP will expire no later than five years from the date of implementation, unless renewed.

VI. Background:

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

For purposes of this REP, hotels, casinos, and casino hotels are employers engaged in offering hotel accommodations and/or table wagering games along with other gambling, such as slot machines and sport betting. These establishments often provide food and beverage services, golfing and other recreational activities.

VII. Procedures:

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

A. Establishment List

The hotel and casino inspection program implemented by the AOs will focus on hotels, casinos, or casino hotels and shall be limited to the following NAICS codes:

1. NAICS 713210 – Casinos
2. NAICS 721120 – Casino Hotels
3. NAICS 721110 – Hotels without Casinos

Each Area Office will develop a list of hotels, casinos, and casino hotels in the AO's jurisdiction, based on information sources such as prior inspection history, business directories, internet searches, industry advertisements and local knowledge.

Sites will be selected and scheduled using the procedures in Appendix A.

B. Inspection Procedures

1. Programmed inspections initiated under this REP 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, or
 - b. The employer has been approved for exemption from inspection through participation in the Voluntary Protection Program.
3. 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.

C. Focus of Inspections

1. Although programmed inspections may be comprehensive, primary inspection efforts should be placed on significant hazards that are likely to cause death or serious injury. Typically, this will include the hazards present in the following areas:
 - a. sheet metal shops
 - b. carpenter shops
 - c. vehicle maintenance shops
 - d. electrical shops
 - e. water treatment plants
 - f. power generation plants
 - g. landscaping operations
 - h. housekeeping and laundry services
2. Minimal time will be spent on in-compliance inspections.

VIII. Program Evaluation:

- A. At the midpoint of the effective period of this REP (two and a half years from the implementation date) and at the end of the effective period, evaluation reports will be completed that shall include the following elements:
 - 1. The goal of the program.
 - 2. A determination of how effective the program was in meeting its goal.
 - 3. Data and information to support the conclusions stated in the goal, including enforcement statistics, as required in CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs.
 - 4. Statement of whether the program should be continued, accompanied by a brief rationale.
 - 5. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program could be approved.
 - 6. Any other comments or recommendations, including findings which might have an impact on how OSHA or the industry does business.
- B. This evaluation shall be submitted to the Regional Administrator for review, at which time a decision will be made to continue, amend, renew or discontinue the REP.

IX. Coding:

- A. All inspections scheduled under this REP shall be marked with the primary emphasis code **CASINO9**.
- B. Unprogrammed inspections or inspections covered under other scheduling systems which also cover the industries targeted by this REP shall have **CASINO9** entered as a non-primary emphasis code.
- C. Any other applicable REP or NEP code may be entered as a non-primary emphasis code.

- D. All other coding should be in accordance with relevant instructions and directives.

X. Outreach:

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the REP when conducting outreach sessions and meetings. Hazards, work practices, and machinery associated with this industry and covered by this REP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this REP will be provided to interested parties upon request.

APPENDIX A: Procedures for Scheduling Inspections

1. The Area Office will maintain a master list of sites eligible for inspection under this REP. The master list, all additions and deletions, the randomized list, and scheduling cycles created for this REP, shall be filed electronically on the regional shared drive or the regional Sharepoint site and retained for three years. Area Offices will coordinate with EP to ensure all documentation is filed at least annually.
 - a. Additions may be made to the master list based on local knowledge or other factors, including OSHA inspection history. This should include annual OIS searches for establishments which have been inspected for unprogrammed activity but were not previously on the REP list. These sites should be added to the master list for the following year.
 - b. Establishments shall be deleted from the master list if, during the course of an inspection, it is determined that the site no longer falls within the parameters of the REP.
 - c. All additions and deletions must be documented.
2. At the beginning of each fiscal year (or on the REP's effective date), the Area Office shall create a randomly numbered list of all sites on the master list. Sites shall be randomly ordered using the RANDBETWEEN function in Excel or an equivalent randomization tool. AOs may also send their master list to EP for randomization. All steps in the randomization process should be documented and this documentation should be maintained and filed with the master list, cycles, reasons for deferrals, and any other related information.
3. If all sites on the master list are to be inspected during the fiscal year, the sites may be inspected in any order. If an Area Office is not able to complete all inspections on the master list within a fiscal year, the Area Office will complete the list as soon as possible in the first quarter of the next fiscal year, and shall develop and follow scheduling cycles for the remainder of that year and in subsequent years.
4. The Area Office will create scheduling cycles by selecting a number of establishments from the randomized master list. All scheduling cycles shall be filed electronically on the regional shared drive.
 - a. Establishments selected in a cycle can be inspected in any order, but all establishments in a cycle must be completed before another cycle is created. Area Offices should take into account programming goals and available resources when setting the size of a cycle.

- b. New cycles will be selected as required by the Area Office, upon completion of the previous cycle, but at least once per fiscal year. An uncompleted cycle may be carried over into the next fiscal year, but the Area Office should take this into account and adjust the number selected for subsequent cycles accordingly.
- c. Selected establishments may be deferred to the next cycle if the site has been subject to a comprehensive programmed inspection (under this or any REP) within the previous 12 months, or if the process to be inspected is not active. All deferrals must be documented. Additional criteria for deferral include:
 - i. Necessary equipment or personnel with necessary experience are not available to perform the inspection.
 - ii. The establishment is the last remaining establishment in a cycle, the inspection would require travel in excess of 50 miles, and it cannot be combined with other inspection activity.
 - iii. The establishment was cited as the result of a previous comprehensive inspection, and the final abatement date has not yet passed.
 - iv. The establishment has contested a previous citation and it is still pending before the Review Commission.

Approval for deferrals based on reasons other than those listed must be discussed with and approved by the ARA for EP.