



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 20-07 (04-05) | **EFFECTIVE DATE:** October 1, 2019

SUBJECT: Local Emphasis Program for Scrap and Recycling Industries

REGIONAL IDENTIFIER: Region VIII

ABSTRACT

- Purpose:** The purpose of this Instruction is to renew a Local Emphasis Program (LEP) to reduce the incidence of serious health and physical injury or death from hazards associated with assembly, breaking up, separating, sorting, processing, handling and wholesale distribution of scrap and recyclable materials in General Industry establishments.
- Scope:** This Instruction applies to the establishments within the Englewood Area Office jurisdiction in the general industry NAICS codes listed in this directive.
- Reference:** OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Program (LEPs), November 13, 2018.
- Cancellation:** This Instruction cancels Regional Notice 19-07, CPL 04-05, October 1, 2018, Local Emphasis Program for Scrap and Recycling Industries.
- State Impact:** None
- Action Offices:** Englewood Area Office
- Originating Office:** Englewood Area Office
- Contact:** Assistant Regional Administrator for Federal-State Operations
Cesar Chavez Memorial Building
1244 Speer Blvd, Suite 551
Denver, CO 80204
(720) 264-6559

By and Under the Authority of:

Rita Lucero
Acting Regional Administrator, VIII

Executive Summary

Workers employed in the scrap and recycling industry face many hazards that can lead to serious injury, illness, and death, including fires and explosions, falls, exposure to harmful substances, and caught-in and struck-by hazards from a variety of machinery.

The intent of this renewed Local Emphasis Program is to encourage employers to take steps to address hazards, ensure facilities are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

The Area Office proposes to accomplish this through outreach and enforcement activities. Outreach activities have included letters to employers, and will continue to include training sessions and speeches with stakeholders, as well as electronic information sharing activities through newsletter publications. Enforcement activities will include, but not be limited to, the inspection and review of production operations, working conditions, records, and all applicable safety and health programs; and will include corrections of workplace hazards at all applicable inspection sites.

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- I. **Purpose:** This Instruction renews policies and procedures for implementing a Local Emphasis Program (LEP) for conducting programmed inspections of Scrap and Recycling Industries. The employers to be targeted are in the scrap and recycling industries and are classified within the NAICS code listed below.

The goal of this LEP is to identify and reduce or eliminate the workplace incidence of health and physical hazards associated with scrap processing which are causing or likely to cause serious health or physical injury or death.

- II. **Scope:** This Instruction applies to Scrap and Recycling establishments operating within the Englewood Area Office’s jurisdiction of Region VIII under the following NAICS codes:

NAICS	Description
423140	Motor Vehicle Parts (Used) Merchant Wholesalers This industry comprises establishments primarily engaged in the merchant wholesale distribution of used motor vehicle parts (except used tires and tubes) and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts.
423930	Recyclable Material Merchant Wholesalers Establishments primarily engaged in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.
562212	Solid Waste Landfill Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.
562219	Other Nonhazardous Waste Treatment and Disposal Establishments primarily engaged in (1) operating nonhazardous waste treatment and disposal facilities (except landfills, combustors, incinerators and sewer systems or sewage treatment facilities) or (2) the combined activity of collecting and/or hauling of nonhazardous waste materials within a local area and operating waste treatment or disposal facilities (except landfills, combustors, incinerators and sewer systems, or sewage treatment facilities). Compost dumps are included in this industry.

- III. **Expiration:** This Instruction expires September 30, 2024.

- IV. **Action:** Englewood Area Office compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.

V. **References:**

- A. OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), September 13, 2018, or the most recent version at the time of the inspection opening conference.
- B. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Program (LEPs), November 13, 2018.
- C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- D. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.
- E. Title 29 Code of Federal Regulations, Part 1910.
- F. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, December 18, 2018, or the most recent version at date of inspection opening conference.
- G. Summary Report: Hazardous Waste Site Safety Hazards Study. Directorate of Enforcement Programs, Occupational Safety & Health Administration. November 12, 2002.
- H. OSHA. Green Jobs Hazards: Waste Management and Recycling [web page]. Retrieved March 25, 2013 from <http://www.osha.gov/dep/greenjobs/recycling.html>
- I. OSHA. Recycling [web page]. Retrieved March 25, 2013 from <http://www.osha.gov/SLTC/recycling/index.html>
- J. OSHA. (2008). Guidance for the Identification and Control of Safety and Health Hazards in Metal Scrap Recycling. Publication OSHA 3348-05.
- K. Institute of Scrap Recycling Industries, Inc. (isri.org).
- L. OIS Trending/Statistics Report from January 1, 2014 to September 20, 2019.

VI. **Cancellation:** This Instruction cancels Regional Notice 19-07, CPL 04-05, October 1, 2018, Local Emphasis Program for Scrap and Recycling Industries.

VII. **Action Office:** Englewood Area Office.

VIII. **Background:** Employees in the scrap and recycling industry are routinely exposed to a myriad of safety and health hazards. The Institute of Scrap Recycling Industries (ISRI) states that this industry is one of the most hazardous in the country

(<http://www.isrisafety.org/>).

According to the Bureau of Labor Statistics, in 2017, there were 8,800 incidents of injury or illness involving days away from work, transfer to another job, or work restrictions in these industries. Forty-eight of those injuries were fatal and were caused by fires and explosions, falls, exposure to harmful substances, and caught-in and struck-by accidents involving a variety of machinery.

From January 1, 2014, to September 20, 2019, the Englewood Area Office conducted 54 inspections at scrap and recycling establishments. A total of 149 violations were issued from these inspections, including citations for serious safety and health hazards.

IX. Inspection Scheduling and Site Selection: The procedures outlined in the November 12, 2014 OSHA Memorandum: Establishments-Targeting Lists for Emphasis Programs will be followed.

- A. Establishments that have received a comprehensive inspection within the previous 60 months of the creation of the current inspection cycle will be deleted from the list.
- B. The Area Office may delete an establishment if it is determined that:
 - 1. The establishment is a residence.
 - 2. The establishment is not in the scope of the LEP (e.g., the establishment is clearly conducting business other than that covered by the LEP).
 - 3. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; Google Earth or Street View shows conclusively that the business is non-existent).

The criteria used to delete any establishment must be fully documented by the Area Office.

C. In the event a cycle is not completed on or before expiration of this Instruction, the cycle will be extended into the new fiscal year, provided this Instruction is renewed. The outstanding cycle will be completed by each Area Office before establishments are selected from the new master list. If the Instruction is not renewed, the outstanding cycle is effectively cancelled and the Area Office is not obligated to complete inspections on the remaining establishments within the cycle.

X. Inspection Procedures:

A. Scope: Inspections under this LEP will be comprehensive in nature and address both safety and health hazards. Inspections will be conducted by appropriately trained CSHOs. The CSHO will make health or safety referrals as appropriate. Inspection procedures outlined in the FOM, OSHA Instruction CPL 02-00-163, will be followed for Scrap LEP inspections.

B. Safety and Health Considerations for CSHOs: Inspections under this LEP are to be

conducted by CSHOs who have received the necessary training on the LEP and the hazards associated with the Scrap and Recycling industries. The Area Director will ensure that appropriate training is provided to the CSHOs. Prior to commencing the walk around portion of the inspection the CSHO shall request a safety briefing of the facility. CSHO personal protective equipment such as respirators, gloves, eye-protection, hearing protection, steel-toed shoes, etc., will be utilized based on the information given. At the conclusion of the walk around, the CSHO shall evaluate likelihood of contact with heavy metals and other hazardous substances, and remove and contain any potentially contaminated clothing.

C. At the opening conference, the CSHO will determine if the employer performs operations as covered in this LEP. If the employer does not meet any of the criteria in this LEP and are not engaged in scrap or recyclable material processing activities, no inspection will be conducted.

XI. **Outreach:** At the discretion of the Area Director, outreach materials may be provided to appropriate stakeholders to explain this LEP and the hazards associated with the Scrap, Waste and Refuse Industries. Stakeholders and companies within the jurisdictional boundary of the Englewood Area Office utilizing the NAICS codes listed above were previously mailed a notification of the LEP. Information on the State OSHA Consultation Program will also be included in the mailing.

A sample outreach letter is included in Appendices A1 and A2. The OSHA publication OSHA3349-05, *Guidance for the Identification and Control of Safety and Health Hazards in Metal Scrap Recycling*, may be referenced or included.

XII. **OIS Coding:** The following will address only the changes or additions to OSHA Information System (OIS) coding procedures for inspections conducted under this LEP:

A. On the OIS Inspection Form, inspections which are targeted pursuant to the selection criteria in Sections “VII.A.1. through 3.” of this LEP shall be coded as “SCRAP” in the *Local Emphasis Program* block and as “Programmed Planned” in the *Initiating Type* block. Inspections under this LEP will be typically coded as “Safety” inspections in the “Inspection Category” block unless the inspection is predominately health related in nature. In this case the inspection should be coded as “Health.”

B. On the OIS Inspection Form, inspections involving scrap, waste and refuse processing safety or health issues which are initiated as a result of a complaint, referral, or fatality/catastrophe (i.e., Section VII.A.4.) shall be coded as “SCRAP” in the *Local Emphasis Program* block and as the appropriate “unprogrammed” activity in the *Initiating Type* block regardless of whether they are listed on a cycle list.

XIII. **Program Report:** No later than midway through the life of the program the Area Offices will provide a report of this REP to the Regional Office.

DISTRIBUTION: Directorate of Enforcement Programs
Regional Office of the Solicitor

Appendix A

Date

Employer Name
Address
City, State & Zip

Dear Employer,

Employees in the scrap and recycling industry are routinely exposed to a myriad of safety and health hazards. The Institute of Scrap Recycling Industries (ISRI) states that this industry is one of the most hazardous in the country (<http://www.isrisafety.org/>).

According to the Bureau of Labor Statistics, 4,230 employees were injured in 2017. Forty-eight of those injuries were fatal and were caused by fires and explosions, falls, exposure to harmful substances, and caught-in and struck-by accidents involving a variety of machinery in these industries.

From January 1, 2014, to September 15, 2019, the Englewood Area Office conducted 54 inspections at scrap and recycling establishments. A total of 149 violations were issued from these inspections, including those for serious safety and health hazards.

Potential risks for workers include, but are not limited to:

- Mechanical, engulfment and oxygen-deficiency hazards from bodily entering confined spaces without proper entry protocols.
- Struck-by hazards from the operation of powered industrial trucks and earth-moving equipment.
- Mechanical and electrical hazards from improper or inadequate lockout/tagout protocols.
- Amputations and crushing injuries from inadequately guarded process machines, conveyor belts and power transmission equipment.
- Lacerations, abrasions and eye injuries from inadequate personal protective equipment.
- Broken bones and disabling injuries from falls of unprotected heights.
- Shock hazards from inadequate or deficient electrical installations.
- Hearing damage from overexposure to industrial noise.
- Health hazards from overexposure to lead and cadmium.
- Explosions.

The Occupational Safety and Health Administration (OSHA) Englewood Area Office has created a Local Emphasis Program designed to reduce occupational injuries, illnesses, and fatalities among scrap and recycling workers through direct interventions by the Agency. This mailing is being sent to you because your company has been identified as being engaged in scrap and recycling industries within the Englewood Area Office's jurisdiction.

Employers are encouraged to utilize the free consultation services provided by the State OSHA Consultation Program in Colorado. The program provides occupational safety and health services that are funded by Federal OSHA and are available to eligible employers (establishments with 250 or fewer employees) at no cost. The safety and health professionals in the State OSHA Consultation Program will conduct, at your request, a free on-site safety and health evaluation of your establishment. All employers who avail themselves of this service will be required to abate all serious hazards identified during the consultation visit and to provide the consultation service with verification that these hazards have been abated. The Colorado OSHA Consultation Program can be contacted at:

Department of Environmental and Radiological Health Services
Colorado State University
1681 Campus Delivery
Ft. Collins, CO 80523
970-491-6151
OHSS@lamar.colostate.edu
<http://www.osha.gov/dcsp/smallbusiness/consult.html>.

It is OSHA's mission to promote safe and healthful working conditions for the nation's work force. OSHA shares each employer's goal of eliminating workplace fatalities and reducing occupational injuries and illnesses to the maximum extent practicable. We look forward to working with you toward this common objective.

Sincerely,

David Nelson
Area Director