



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: ATL-CPL-04-00-000

SUBJECT: Regional Emphasis Program (REP) for Landscaping and Horticultural Services

REGION: Atlanta (ATL)

SIGNATURE DATE: October 1, 2024

EFFECTIVE DATE: October 1, 2024

ABSTRACT

Purpose: The purpose of this instruction is to renew a Regional emphasis program to reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 561730), Landscape Architectural Services (NAICS 541320), and Other Scientific and Technical Consulting Services (NAICS 541690).

Scope: This instruction applies to all Atlanta Region Federal Offices.

References: [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
[OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs \(LEPs\)](#), November 13, 2018
[OSHA Instruction CPL 02-00-164, Field Operations Manual \(FOM\)](#), September 13, 2019

Cancellations: CPL 23/02, October 20, 2023. This Instruction updates and replaces an earlier version.

State Impact: No Impact

Action Offices: All Atlanta Region Federal Area Offices

Originating Office: Atlanta Regional Office

Contact: Assistant Regional Administrator for Enforcement Programs

By and Under the Authority of

KURT A. PETERMEYER
Regional Administrator

Executive Summary

The purpose of this instruction is to renew a Regional Emphasis Program to reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 561730), Landscape Architectural Services (NAICS 541320), and Other Scientific and Technical Consulting Services (NAICS 541690).

Significant Changes

Removed "Region IV" designation and replaced with "Atlanta Region". Continuation of REP.

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- I. Purpose.
To reduce the fatal accidents rate for Landscaping and Horticultural Services. This instruction renews a Regional Emphasis Program (REP) reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 561730), Landscape Architectural Services (NAICS 541320), and Other Scientific and Technical Consulting Services NAICS 541690).
- II. Scope.
This instruction applies to all Atlanta Region Federal Area Offices.
- III. References.
 - A. U. S. Department of Labor, Bureau of Labor Statistics: Fatal Occupational Injuries 2022
 - B. [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995.
 - C. [OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 13 2018
 - D. [OSHA Instruction CPL 02-00-164, Field Operations Manual \(FOM\)](#), September 13, 2019
- IV. Cancellations.
 - A. This replaces the previous REP (CPL 23/02).
- V. Expiration.
This instruction expires within four years of the effective date, unless extended.
- VI. Action Offices.
 - A. Responsible Office.
Atlanta Regional Office – Enforcement Programs.
 - B. Action Office.
All Atlanta Region Federal Area Offices.
- VII. Federal Program Change.
None.
- VIII. Significant Changes.
None.
- IX. Background

Landscaping activities include mowing lawns; weed trimming; planting flowers, shrubs and trees; and trimming hedges and trees. Landscaping businesses will often fertilize plants and grounds, as well. Employees are exposed to multiple hazards when performing these activities, such as, falls, electrical, struck-by, etc. Employees can be injured or killed when utilizing landscaping equipment, e.g., mowing with zero-turn lawnmowers on slopes or trimming trees near overhead power lines.

From FY-17 to FY-23, in the geographical area of the previous Region IV, Federal and State OSHA investigated 434 worksites which provided landscaping services. For this period, there are 86 fatal landscaping accidents listed. Of these 86 fatal accidents, 81 of them occurred in the four federal OSHA enforcement states, Alabama, Florida, Georgia, and Mississippi. In these four states, the majority of the accidents occurred in Florida, 57.

In FY-23, Atlanta Region (previously Region IV) conducted 82 inspections of landscaping operations, and 14 of those were fatality investigations. Atlanta Region also investigated 7 employer reported referrals. Of the 53 inspections with violations, 88.7% of them resulted in serious violations. Additionally, 1.89% of all violations were determined to be willful.

According to 2022 BLS data, the total incidence rate in Landscaping Services was 3.4, compared to all of Private Industry at 2.7. Additionally, the rate for cases with days away from work, job transfer, or restriction was 2.2, compared to 1.7 for all of Private Industry.

X. Procedures

Compliance Safety and Health Officers (CSHO) shall, while traveling during the course of their workday, be watchful for work activities where employees may be exposed to hazardous conditions while doing landscape/horticultural type work. The compliance officer seeing such work activity shall attempt to contact the area office to obtain authorization from the Area Director (AD) or Assistant Area Director (AAD) to begin an immediate inspection/intervention. Approval to start an inspection/ intervention will normally be granted to the CSHO provided that this activity does not conflict with higher priority inspection activity.

If the CSHO has no readily available means to contact the area office or is otherwise unable to reach area office personnel who can authorize the inspection/intervention, the CSHO will initiate either a limited scope inspection or an intervention provided this activity will not interfere with higher priority inspections or assignments. The CSHO will give highest priority to preventing further employee exposure to the hazards observed. The CSHO shall notify the area office management of the inspection/intervention as soon as possible.

Whenever an inspection is initiated under this REP, the CSHO will include in the case file narrative a description of the circumstances which resulted in discovery of the work

activity that was the basis of the inspection. In cases where authorization was not obtained, an explanation shall be included as to the circumstances.

XI. Recording in OIS

Current instructions for completing the appropriate OSHA forms shall be applied when recording inspections under this REP.

- A. The Inspection Form, under the Inspection Type Tab for a programmed inspection conducted under this regional emphasis program shall be marked "Planned" and "Local Emphasis Program". The CSHO shall record "LANDSCPE" from the LEP drop down menu for proper coding. CSHO self-referrals are to be recorded as programmed inspections. Complaints, referrals from sources such as police departments or fire departments, fatality/catastrophe, and follow-up inspections shall be appropriately recorded as unprogrammed inspection activity, marked "Local Emphasis Program" and coded "LANDSCPE".
- B. Upon entry, if it is determined the employees are not exposed to hazards and/or adequate precautions were taken to protect employees, the Inspection Form shall be coded "No Inspection". The Inspection Form shall also be coded as described in paragraph VIII. A. and a brief statement shall be included with the case file to explain why an inspection was attempted and the circumstances resulting in a "No Inspection" occurring. In addition, a Compliance Assistance Activity Form will be completed to account for the Compliance Assistance time (intervention) spent on site with the employer. A copy of the completed Compliance Assistance Activity Form must be placed in the case file for future reference. Area Directors shall account for all intervention activities by generating a report that lists the Compliance Assistance Activity Form related to this Regional Emphasis Program.

XII. Outreach

Each Area Director will ensure that outreach activities are conducted to reach as many stakeholders as possible. Outreach is for the purpose of informing interested parties of the existence, purpose and objectives of this regional emphasis program, as well as to promote employer and employee awareness of hazards associated with landscaping.

XIII. Evaluation

An evaluation of the program will be conducted midway through and at the completion of the effective period that addresses whether the program advances OSHA's goals and initiatives and will include quantitative and qualitative measures.

