

DIRECTIVE NUMBER: 2024-001	EFFECTIVE DATE: January 12, 2024
SUBJECT: Local Emphasis Program on Warehousing and Distribution Center Operations	

ABSTRACT

Purpose: This Instruction describes policies and procedures when inspecting warehousing and distribution center operations, non-United States Postal Service (USPS) mail/postal processing and distribution centers, non-USPS parcel delivery/courier services, and certain high injury rate retail establishments. All inspections under this Local Emphasis Program (LEP) are comprehensive safety inspections, except for high injury rate retail establishments. Inspections of high injury rate retail establishments under this LEP shall be partial inspections concerning the storage and loading areas unless UOSH expands the scope of the inspection when there is evidence that violative conditions may exist in other areas of that establishment.

All inspections under this LEP will focus on workplace hazards common to the above industries including, but not limited to, powered industrial vehicle operations, material handling/storage, walking-working surfaces, means of egress, and fire protection. Heat and ergonomic hazards shall be considered during all inspections covered by this LEP and a health inspection shall be conducted if UOSH learns that heat and/or ergonomic hazards are present.

Scope: This Instruction applies UOSH-wide.

References: See Section III for references.

Action Offices: UOSH Compliance and Consultation and Education Services.

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Executive Summary

This Instruction provides guidance to the UOSH Office when inspecting warehousing and distribution center operations, non-USPS mail/postal processing and distribution centers, non-USPS parcel delivery/courier services, and certain high injury rate retail establishments. The Bureau of Labor Statistics (BLS) history shows injury and illness rates for these establishments are significantly higher than for other establishments. The inspections under this LEP, except for high injury rate retail establishments, will be comprehensive safety inspections and will focus on workplace hazards common to those industries, including powered industrial vehicle operations, material handling/storage, walking-working surfaces, means of egress, and fire protection. Heat and ergonomic hazards must be considered during all inspections covered by this LEP and a health inspection shall be conducted if UOSH learns that heat and/or ergonomic hazards are present.

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I. Purpose

This Instruction describes policies and procedures for implementing an LEP to identify and reduce or eliminate hazards during warehousing and distribution center operations; non-USPS mail/postal processing and distribution centers; non-USPS parcel delivery/courier services; and certain high injury rate retail establishments.

II. Scope

This Instruction applies UOSH-wide.

III. References

- A. 29 CFR 1904 – NAICS Update and Reporting Revisions, incorporated by reference under UAC R614-1-4.A.1.
- B. 29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illnesses.
- C. 29 CFR Part 1910, Subpart D, Walking-Working Surfaces.
- D. 29 CFR Part 1910, Subpart E, Exit Routes and Emergency Planning.
- E. 29 CFR Part 1910, Subpart I, Personal Protective Equipment.
- F. 29 CFR Part 1910, Subpart L, Fire Protection.
- G. 29 CFR Part 1910, Subpart N, Materials Handling and Storage.
- H. Utah Occupational Safety and Health (UOSH) Field Operations Manual (UFOM), May 2020.
- I. CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- J. Reporting Requirements under Utah Administrative Code (UAC) R614-1-5.B.1.
- K. Electronic submission of Illness and Injury Records under 29 CFR § 1904.41(a)(1) and (a)(2), incorporated by reference under UAC R614-1-4.A.1.
- L. CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.

IV. Expiration Date

This Instruction will terminate three years from the effective date.

V. Cancellations

None.

VI. Action Offices

UOSH Compliance and Consultation and Education Services.

VII. Background

Warehousing and distribution center operations pose a variety of serious safety and health hazards. These include, but are not limited to, struck-by, caught-in-between, slips, trips, and fall hazards; blocked aisles; means of egress; powered industrial vehicles and other material handling equipment; heat hazards; and ergonomic hazards. Incidents resulting from the above-mentioned hazards may result in death or serious physical harm.

Warehousing and distribution centers have experienced growth within the past ten years. From January 2011 to December 2021, the warehousing and distribution center industry experienced a surge in employment, increasing respectively from 668,900 employed to a total 1,713,900 employed (seasonally adjusted). At the same time, the warehousing and distribution center industry has experienced high occupational injuries and illness rates. From 2017 through 2021, the five-year average incidence rate of nonfatal occupational injuries and illnesses and the average Days Away Restricted or Transferred (DART) rate in establishments associated with warehousing and distribution center operations, mail processing and distribution centers, couriers/express delivery services, and local messengers and local delivery industries, were significantly higher than the baseline private general industry rates.

The same five-year national averages for total recordable case rates and total DART rates for industries covered under this LEP are provided in Table 1 below. The data illustrates workers in warehousing and distribution centers, USPS processing and distribution centers, couriers and express delivery services, and local messengers and local delivery industries suffer higher nonfatal injury and illness rates than the average rate in all private industries. Note that USPS does not fall under UOSH's jurisdiction and is not included in this LEP.

Table 1. 2017-2021 five-year average incidence rates of nonfatal occupational injuries and illnesses by industry and case types.

Industry	NAICS Code	Total Recordable Case Rates	Total DART Rates
All Private Industry		2.76	1.6
Postal Service (Processing and Distribution Centers Only)	491110	4.79*	4.27*
Couriers and Express Delivery Services	492110	8.14	6.3
Local Messengers and Local Delivery	492210	3.9	2.6
General Warehousing and Storage	493110	5.18	4.06
Refrigerated Warehousing and Storage	493120	5.16	4.06
Farm Product Warehousing and Storage	493130	3.08**	2.0**
Other Warehousing and Storage	493190	2.86	2.2

* Figures based on Bureau of Labor Statistics and Injury Tracking Application Data (ITA).

** 2017-2020 four-year average rates based on Bureau of Labor Statistics.

Table 2. NAICS codes for Warehousing and Distribution Center Operations, Mail/Postal Processing and Distribution Centers, and Parcel Delivery/Courier Services covered under this LEP.

NAICS CODES	ESTABLISHMENTS
491110	Non-USPS Postal Service (Processing and Distribution Centers only)
492110	Couriers and Express Delivery Services
492210	Local Messengers and Local Delivery
493110	General Warehousing and Storage
493120	Refrigerated Warehousing and Storage
493130	Farm Product Warehousing and Storage
493190	Other Warehousing and Storage

High Injury Rate Retail Establishments

Many retail establishments have the same or similar hazards as warehousing and distribution facilities, particularly in loading and storage areas. This LEP provides

procedures for conducting partial safety inspections of certain retail establishments with the highest rates of injuries and illnesses resulting in days away, restricted duty or job transfer. The most recent employer-reported data (from CY 2021) submitted pursuant to 29 CFR 1904.41 through OSHA’s Injury Tracking Application (ITA) indicates that the highest-risk retail establishments are in the following NAICS codes:

Home centers – 444110, Hardware stores – 444130, Other building material dealers – 444190, Supermarkets and other grocery (except convenience) stores – 445110, and Warehouse clubs and supercenters – 452311.

High-risk retail establishments in these NAICS codes are covered by this LEP. Inspections in these establishments under this LEP shall cover loading and storage areas; however, UOSH may expand the scope of the partial inspection when there is evidence (e.g., injuries or illnesses recorded in both OSHA forms 300 and 301, employee statements, or “plain view” observations) that violative conditions may exist in other areas of that establishment.

Table 3. High Injury Rate Retail Establishments under this LEP.

NAICS CODES	HIGH INJURY RATE RETAIL ESTABLISHMENTS
444110	Home Centers
444130	Hardware Stores
444190	Other Building Material Dealers
445110	Supermarkets and Other Grocery Stores
452311	Warehouse Clubs and Supercenters

VIII. Selection and Scheduling of Sites for Inspection.

This LEP covers high injury rate retail establishments; warehousing and distribution centers; non-USPS mail processing and distribution centers, couriers and express delivery services; local messengers; and local delivery industries.

Neutral and objective selection criteria will be used to select establishments for a programmed inspection. UOSH will create two separate lists of establishments to be inspected under this LEP: a list of establishments taken from Table 2 of this LEP; and a list of high-rate retail establishments taken from Table 3.

A. Warehouses and Distribution Centers.

The list of industries in Table 2 of this LEP will be used to create a master inspection scheduling list of selected establishments within the identified NAICS codes. The list of establishments will be generated by the Office of Statistical Analysis (OSA) List Gen application.

B. High Injury Rate Retail Establishments.

The list of establishments targeted within the NAICS codes in Table 3 of this LEP will be used to create an additional master list of targeted establishments in those NAICS that must also be inspected. The list of establishments will be generated by OSA based on ITA data.

C. Exempt Employers.

UOSH must ensure that selected establishments do not fall within the scope of the current Appropriations Act (CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act). UOSH will not conduct programmed safety inspections of small employers (10 or fewer employees) in low hazard industries listed in the Appropriations Act.

D. Cooperative Programs.

Voluntary Protection Program (VPP) and Safety and Health Achievement Recognition Program (SHARP) sites will be removed from UOSH's inspection scheduling list for the duration of approved participation in the VPP and SHARP. The site will remain off the list until the approved VPP or SHARP participant has withdrawn or been terminated from its respective program.

E. Deletions.

UOSH must delete from the inspection scheduling list any retail establishments/stores that are not included on the high injury rate retail establishment list.

UOSH must delete from the inspection scheduling list any businesses known to be out of business, documenting the basis for such determinations. This documentation should be kept as an attachment to the inspection scheduling list.

Establishments that were subject to an inspection related to the hazards addressed by this LEP within the previous 2 years will be deleted from the inspection list and not inspected under this LEP.

UOSH will delete from the inspection scheduling list any facilities not likely to be engaged in any of the industries covered by this LEP (i.e., warehousing/distribution, postal processing/distribution activities, couriers and express delivery services, and local messengers and local delivery industries), documenting the basis for such determinations.

F. Random List of Establishments/Inspection Cycle.

From the inspection scheduling list, a random list will be developed using a random number list (see Appendix C of CPL-02-00-025 for guidance) or an internet-based randomized sequence generator. The first cycle of twenty-five establishments,

starting from the top of the randomized list, will be selected and assigned to Compliance Safety and Health Officers (CSHOs) for inspection. Once a cycle is completed, the establishments selected in that cycle will be removed from the inspection scheduling list and placed on the completed establishment list. After completion of the cycle, the next twenty-five establishments will be selected from the top of the randomized list and assigned to CSHOs. If any new establishments are added to the inspection scheduling list, the list will be re-randomized prior to selecting the next twenty-five establishments. This process will be repeated until the entire scheduling list is completed. A cycle may be generated prior to completion of the previous cycle if there are no available establishments for CSHO assignment.

G. Changes in Selection.

Rearranging establishments' order within a cycle is reasonable because it furthers UOSH's legitimate goal of efficient allocation of inspection resources. Due to Utah's dispersed and rural population centers, the director or designee may select other establishments from the inspection scheduling list within a geographical region for an inspection. This will be done to reduce travel time to remote locations and to improve the efficiency of the inspection process. The director must ensure that all establishments from the scheduling list within UOSH's jurisdiction will be inspected within a reasonable time period.

If any changes in the selection process are necessary, the director or designee must approve the change and document the justification for the desired change.

H. Unprogrammed Inspections.

1. Fatalities/catastrophes, complaints, and referrals.

Inspections based upon fatalities/catastrophes, complaints, or referrals related to establishments in the NAICS codes covered under this LEP shall be expanded to address the workplace hazards targeted by this LEP (Refer to Section IX., *Inspection Focus*, of this LEP).

In addition to the guidelines provided in this LEP, the inspections must be handled in accordance with Chapter 9, *Complaint & Referral Processing*, and Chapter 11, *Imminent Danger, Fatality, Accident & Emergency Response*, of the UFOM.

Prior to the compliance supervisor assigning an unprogrammed inspection to the CSHO, the supervisor will check the inspection scheduling list to determine if the establishment assigned for inspection is on the list. If it is on the list, the unprogrammed inspection will be expanded to include the LEP inspection.

2. Follow-up Inspections.

Based on available resources, follow-up inspections are to be conducted in

accordance with Chapter 3, Section VIII.A., *Follow-up and Monitoring Inspections*, of the UFOM.

IX. Inspection Focus.

Inspections of establishments conducted under this LEP will focus on powered industrial vehicles' operations, material handling/storage, walking-working surfaces, means of egress, and fire protection. Heat and ergonomic hazards must be considered and documented during each inspection under this LEP, and a health inspection opened if the CSHO learns that heat and/or ergonomic hazards are present.

X. Inspection Procedures.

A. Scope.

Warehouses and Distribution Centers – Inspections in warehouses and distribution centers (Table 2) shall be comprehensive safety inspections.

High Injury Rate Retail Establishments – Inspections in high injury rate retail establishments (Table 3) shall be partial inspections concerning the storage and loading areas unless UOSH expands the scope of the inspection when there is evidence (e.g., injuries or illnesses recorded in both OSHA forms 300 and 301, employee statements, or “plain view” observations) that violative conditions may be found in other areas of that establishment.

This LEP covers both programmed and unprogrammed safety inspections; all inspections will be conducted in accordance with the provisions of Chapter 3, *Inspection Procedures*, of the UFOM. Complaints and referrals pertaining to establishments covered under this LEP should be processed in accordance with the procedures outlined in Chapter 9, *Complaint & Referral Processing*, of the UFOM.

USPS is under the jurisdiction of federal OSHA, therefore, inspections of USPS facilities/operations will not be conducted under this LEP. Inspections under this LEP will also not include package transportation/delivery to residences and businesses.

Inspections conducted under this LEP may be combined with other programmed and unprogrammed inspections.

B. Opening Conference.

The CSHO will verify the NAICS code of the site and the number of employees employed by the employer. After confirming that the workplace is subject to inspection under this LEP (see paragraphs 1-2 below), the CSHO will also verify with the employer the location where the warehousing and/or distribution center activities are being conducted in the workplace. In addition, OSHA 300 logs, 300A summaries, and OSHA 301 incident reports, for the current and previous three calendar years, will be reviewed during the opening conference to identify recorded

injuries and illnesses associated with the focused hazards covered by this LEP.

After verifying the NAICS code of the establishment, the CSHO must conduct an inspection under this LEP unless:

1. The site NAICS code is not listed in Table 2 of this LEP, or
2. The site was not on the list of high injury rate retail establishments provided from OSA.

If the CSHO does not conduct an inspection, the CSHO must document the reason(s) for not inspecting, exit the establishment, and code the inspection in OIS as “No Inspection.”

C. ITA Non-responders.

When conducting an inspection of a non-responder employer, CSHOs must follow the guidance listed in OSHA’s Interim Enforcement Procedures for Failure to Submit Electronic Illness and Injury Records under 29 CFR § 1904.41(a)(1) and (a)(2), or subsequent guidance, for citing failure to submit violations.

D. Training.

Because of the varied nature of some of these inspections and the hazards that present themselves, CSHOs who conduct inspections under this LEP must have training and/or knowledge to address the related hazards.

E. Heat Screening.

Occupational heat exposure must be assessed during review of injury and illness records, during worker interviews, and during the establishment walkthrough. When exposure to heat-related hazards are occurring, the inspection scope shall be expanded and a health inspection, based upon the CSHO referral, shall also be opened.

F. Ergonomic Screening.

Worker exposure to ergonomic hazards must be assessed during review of the employer’s injury and illness logs, during worker interviews, and during the establishment walkthrough. When exposures to ergonomic hazards are occurring, the inspection scope shall be expanded, and a health inspection, based upon the CSHO referral, shall also be opened.

XI. Recording in OIS

A. Programmed Inspections.

Warehouses and Distribution Centers (Table 2) – Inspections opened from the list of industries in Table 2 of this LEP will be coded as initiating type Programmed Planned, Comprehensive; “WAREHOUSE23” shall be selected as the National

Emphasis Program and the Primary Emphasis Program.

High Injury Rate Retail Establishments (Table 3) – Partial inspections opened from the list of industries in Table 3 of this LEP will be coded as initiating type Programmed Planned, Partial; “WAREHOUSE23” shall be selected as the National Emphasis Program and the Primary Emphasis Program, unless the inspection is expanded to a comprehensive inspection, then the above paragraph will apply.

Inspections conducted under this LEP are to be coded under the Inspection Category as a “Safety” inspection.

Health referral inspections under this LEP are to be coded under the Inspection Category as a “Health” inspection. The inspection will be coded as initiating type Referral, Partial; “WAREHOUSE23” shall be selected as the National Emphasis Program and the Primary Emphasis Program.

Inspections opened under the targeting list that are “No Inspection” will also be coded pursuant to this paragraph, with the reason for not conducting the inspection (e.g., number of employees less than 10).

B. Unprogrammed Inspections Combined with Warehousing and Distribution Center Operations LEP.

All unprogrammed inspections that are expanded by this LEP will be coded as “WAREHOUSE23.”

C. Other Emphasis Program Inspections with Warehousing and Distribution Center Operations LEP.

Enforcement activities related to warehousing hazards under other LEPs may be coded as “WAREHOUSE23” under the Secondary National Emphasis Program if the inspection is expanded per this directive.

XII. Outreach

UOSH must implement a 90-day outreach program that supports the purpose of this LEP. During this period, the covered industries with NAICS codes in Table 2 will be offered outreach prior to undergoing inspections under this LEP. Outreach will also include Occupational Injury and Illness Recording and Reporting Requirements. Letters and news releases to local and national news organizations and trade magazines can assist with disseminating information about this LEP. Outreach programs with employers, professional associations, and local unions may include meetings, training, education, speeches, or other activities designed to involve labor and management in the identification and elimination of hazards associated with powered industrial vehicle operations, material handling/storage, walking-working surfaces, means of egress, and fire protection. UOSH has the discretion to disseminate outreach materials to stakeholders, which may include employees, employers, professional associations, and local unions.

Small businesses that may be inspected under this LEP should be referred to UOSH's on-site consultation program. (<https://laborcommission.utah.gov/divisions/uosh/consultation/>)

Additional resources and reference materials, including related topics, are available on OSHA's designated *Warehousing* webpage, located at <https://www.osha.gov/warehousing>.

XIII. Program Review

To assess the effectiveness of this LEP, UOSH will review outcomes within 12 months of issuance to determine whether the emphasis program will be continued.

Data on effectiveness may include:

- Number of employers covered by the inspections;
- Number of workers removed from hazards;
- Abatement measures implemented;
- Number of violations related to specific targeted hazards; and
- Any indices that relate directly to measures that may be included in the UOSH Strategic and/or Management Plans.