

## ***IOSH Local Emphasis Program***

IA/LEP 5

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- **Record Type:** Local Emphasis Program
  - **Directive Number:** IA/LEP 5
  - **Subject:** Local Emphasis Program (LEP) for Grain Handling Establishments
  - **Information Date:** 07/05/2011
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### **IOSHA IA/LEP 5**

Workforce Development Department

Iowa Occupational Safety and Health (IOSHA)

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#### **ABSTRACT**

**Purpose:** To establish and implement a Local Emphasis Program (LEP) for programmed Safety inspections of grain handling establishments.

**References:** OSHA/IOSH Instructions: Iowa OSHA Instruction CPL 2-00-148 (FOM), OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), OSHA Instruction CPL 2.25I, OSHA Instruction CPL 02-00-051, OSHA Instruction CPL 02-01-004

**Cancellations:** None

**Action Offices:** State of Iowa

**Originating Office:** State of Iowa

**Contact:** (515) 281-8066

**By and Under the Authority of**

**Stephen J. Slater**

**Deputy Labor Commissioner/IOSH Administrator**

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- I. Purpose. The purpose of this local emphasis program (LEP) designed to reduce injury, illness, and death rates in the grain handling industry by increasing employers' knowledge in safety and health and promoting safety and health programs through a combination of outreach and enforcement activities.
- II. Scope. This Notice applies to general industry establishments that are covered by 29 CFR 1910.272 within the jurisdictional boundaries of the State of Iowa. This LEP establishes OSHA's procedure for partial inspections of establishments in Standard Industrial Classification (SIC)/North American Industry Classification System (NAICS) codes 2041/311211 (flour mill products), 2044/311212 (rice milling), 2048/311119 (prepared feed for animals and fowls), 4221/424510 (grain and field bean merchant wholesalers) and 5153/493130 (grain and field beans warehousing and storage), for any grain handling or storage related activities performed at the establishment and any plain view hazards, pursuant to the provisions contained in the Field Operations Manual.
- III. References.
- A. OSHA Instruction CPL 04-00-001 (CPL 2.102A), November 10, 1999, Procedures for Approval of Local Emphasis Program (LEPs) and Experimental Programs.
  - B. Iowa OSHA Instruction 02-00-148, November 9, 2009, Field Operations Manual (FOM)
  - C. OSHA Instruction CPL 02-00-025 (CPL 2.25I), January 4, 1995, Scheduling System for Programmed Inspections.

- D. OSHA Instruction CPL 02-01-004 (CPL 2-1.4C), November 8, 1996, Inspection of Grain Handling Facilities, 29 CFR 1910.272.
  - E. OSHA Instruction CPL 02-00-051 (CPL 2.51J) May 28, 1998, Exemptions and Limitations under the Current Appropriations Act.
  - F. National Institute of Occupational Safety and Health (NIOSH) Publication No. 83-126, Occupational Safety in Grain Elevators and Feed Mills (1983).
  - G. NIOSH Publication 88-102, Preventing Entrapment and Suffocation Caused by the Unstable Surfaces of Stored Grain and Other Materials (1987).
  - H. NIOSH Publication 95-109, Safe Grain and Silage Handling (1995).
- IV. Action. The IOSH Administrator shall ensure that the procedures outlined in this Notice are followed and adhered to in the scheduling of programmed inspections of grain handling facilities.
- V. Expiration. This LEP will be annually evaluated to determine the continued need of the local emphasis program (LEP).
- VI. Background. The hazards associated with grain handling facilities are well recognized. Employees are exposed to the potential of fires and explosions, and other significant hazards such as falls, grain bin entry, and rail car handling operations. In the late 1970s and early 1980s, OSHA implemented National Emphasis Programs covering grain handling facilities in order to focus its resources on these hazards. These programs have since been canceled. Iowa OSHA has determined that a renewed enforcement presence is warranted due to continuing incidences of fatalities and injuries in these facilities.

According to the National Institute for Occupational Safety and Health (NIOSH, 1995), suffocation under silage or grain was the leading cause of grain-handling fatalities between 1985 and 1989. Grain handling machinery is the second largest cause of farm machinery-related deaths and often causes severe disfiguring injuries and amputations (NIOSH, 1995). Falls from machinery and structures were the second most common cause of grain and silage handling fatalities between 1985 and 1989 (NIOSH, 1995). The grain handling industry also has confined spaces (entry into bins, silos, tanks, and other storage structures) and toxic atmospheres created by the decomposition of stored grain. According to the U.S. Department of Labor Bureau of Labor Statistics, in 2009 the nationwide Total Case Incident Rate (TCIR) for Private Industry was 3.6. The TCIR for NAICS group 3112XX was 4.6 (28 % higher than all private industry). The TCIR for NAICS group 311119 was 5.8 (61% higher than all private industry). The TCIR for NAICS group 4245XX was 5.0 (39% higher than all private industry). The TCIR for NAICS group 4931XX was 5.9 (64% higher than all private industry).

Much of Iowa's industry is related to agriculture, and Iowa's primary agricultural crops are corn and soybeans. According to the U.S. Department of Labor Bureau of Labor Statistics, in Iowa in 2009 the Total Case Incident Rate (TCIR) for Private Industry was 4.6. The TCIR for NAICS group 3111XX was 6.8 (47% higher than all private industry). The TCIR for NAICS group 424XXX was 4.9 (6% higher than all private industry). The TCIR for NAICS group 49XXXX was 6.1 (33% higher than all private industry).

- VII. Procedures. The following procedures will be utilized to notify affected employers about the program and to implement enforcement activity.
- A. Outreach. Iowa OSHA will work with the Iowa Workforce Development 21(d) OSHA Consultation Project to provide outreach to affected employers. This will be performed through newsletter articles, e-mail updates, presentations and other sources identified throughout the year. The Consultation Office will use the Iowa OSHA list to notify employers within the state of the LEP and provide resources to assist with the elimination of known hazards in the grain industry.
- B. Targeting/Selection. Inspections conducted under this program shall be scheduled and conducted pursuant to the following criteria. Inspections shall concentrate on grain handling establishments as defined by 29 CFR 1910.272(b). Following is a list of sources for obtaining information to develop a roster from which inspections will be conducted.
1. The following SIC/NAICS codes list the industries within the State of Iowa that are covered by 29 CFR 1910.272: Standard Industrial Classification (SIC)/North American Industry Classification System (NAICS) codes 2041/311211 (flour mill products), 2044/311212 (rice milling), 2048/311119 (prepared feed for animals and fowls), 4221/424510 (grain and field bean merchant wholesalers) and 5153/493130 (grain and field beans warehousing and storage).
- NOTE: Small employers with fewer than ten employees in SIC codes that are listed in Iowa OSHA Instruction CPL 02-00051 as exempt from programmed Iowa OSHA safety inspections will not be inspected. Office staff will consult the appropriation riders each fiscal year for exempt employers in any given SIC. However, other establishments with fewer than ten employees are to be included in this program.
2. The Workforce Data and Business Development Bureau at Iowa Workforce Development will prepare a master list of establishments using the above NAICS codes. Establishments on the master list are arranged alphabetically by company name. The list is then randomized and maintained by the Iowa Division of Labor Management Information section. Iowa OSHA will request from the Iowa Division of Labor Management Information section cycles of five to fifty employers from the random

number table.

3. Establishments that have had a comprehensive safety or health inspection within the past 24 months will be removed from the list.

C. Inspection Procedures.

1. Inspections will be conducted in accordance with CPL 02-00- 051, Enforcement Exemption and Limitations under the Appropriation Act, and shall be conducted in accordance with provisions of the FOM.
2. All inspections will comply with guidelines established in OSHA Instruction CPL 02-01-004, Inspection of Grain Handling Facilities, and will include an evaluation of the employer's efforts at adopting protective measures and its efforts toward the abatement of hazards relating to grain handling hazards, especially combustible dust and engulfment hazards.
3. Un-programmed events such as fatalities, catastrophes, complaints, follow-up inspections and referrals shall be scheduled for inspection in accordance with existing procedures outlined in the FOM.

VIII. Recording in IMIS.

- A. Inspections that are targeted as a result of this LEP will be coded as "GRAIN" in block 25c and as a programmed planned partial or comprehensive inspection in accordance with the FOM.
- B. Inspections that are conducted as a result of a complaint, referral by another agency, or fatality/catastrophe will be coded as "GRAIN" in block 25c and appropriate unprogrammed activity in block 24.
- C. Where "program related" inspections are conducted, they will be so indicated on the OSHA 1.

- IX. Evaluation. The Iowa Division of Labor shall collect data relevant to the effectiveness of this program. At a minimum the evaluation should respond to the requirements of OSHA Instruction CPL 04-00-001, Procedure for Approval of Local Emphasis Programs and Experimental Programs, Paragraph G.4. Evaluations.