

SE TX OSHA NEP Update (July 2022)

Three National Emphasis Programs (NEPs) have recently been in the news. Let's keep on top of our safety programs and processes and keep our workers safe.



Trenching and Excavation NEP

In 2022's first six months, 22 workers have fallen victim to the deadly hazards present in trenching and excavation work – surpassing 15 in all of 2021 – and prompting the U.S. Department of Labor's Occupational Safety and Health Administration to launch enhanced enforcement initiatives to protect workers from known industry hazards.

To stress the dangers of disregarding federal workplace safety requirements for trenching and excavation work, OSHA enforcement staff will consider every available tool at the agency's disposal. These actions will place additional emphasis on how agency officials evaluate penalties for trenching and excavation related incidents, including criminal referrals for federal or state prosecution to hold employers and others accountable when their actions or inactions kill workers or put their lives at risk.

<https://www.osha.gov/news/newsreleases/national/07142022>

National Emphasis Program on Trenching and Excavation

https://www.osha.gov/sites/default/files/enforcement/directives/CPL-02-00-161_0.pdf

OSHA INSTRUCTION
U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration
DIRECTIVE NUMBER: CPL 02-00-161 EFFECTIVE DATE: 01/12/18
SUBJECT: National Emphasis Program on Trenching and Excavation

ABSTRACT

Purpose: This instruction, National Emphasis Program on Trenching and Excavation, describes policies and procedures for continued implementation of an OSHA National Emphasis Program (NEP) to identify and to reduce hazards which are causing or likely to cause serious injuries and fatalities during trenching and excavation operations.

Scope: This instruction applies OSHA-wide.

References: 29 CFR 1926, Subpart P – Excavations; CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.

Cancellations: This instruction will supersede CPL 02-00-069, Special Emphasis: Trenching and Excavation, September 19, 2005. 100 days after this NEP becomes effective. Enforcement under CPL 02-00-069 shall continue during the pre-enforcement outreach period in Section XI of this instruction.

State Impact: Notice of Intent and Abatement required. See paragraph VII.

Action Offices: National, Regional, Area, and State Plan Offices.

Originating Office: Directorate of Construction (DOC).

Contact: Director, Office of Construction Services
200 Constitution Avenue, NW, Room 3246B
Washington, DC 20210
Phone (202) 693-2020

By and Under the Authority of
Loren Swarth
Deputy Assistant Secretary

ABSTRACT - 1

Covid-19 NEP

OSHA extends National Emphasis Program to protect high-risk workers from coronavirus

The U.S. Department of Labor's Occupational Safety and Health Administration is extending its Revised National Emphasis Program for COVID-19 until further notice. The program focuses enforcement efforts on companies that put the largest number of workers at serious risk of contracting the coronavirus, and on employers who engage in retaliation against workers who complain about unsafe or unhealthful conditions or exercise other rights under the Occupational Safety and Health Act.

OSHA is also temporarily increasing the coronavirus inspection goal from 5 percent of inspections to 10 percent, while it works to finalize a permanent coronavirus health care standard. The program was set to expire July 7, 2022.

<https://www.osha.gov/news/newsreleases/trade/06302022>

National Emphasis Program to protect high-risk workers from coronavirus

https://www.osha.gov/sites/default/files/enforcement/directives/DIR_2021-03_CPL_03.pdf

OSHA DIRECTION
U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration
DIRECTIVE NUMBER: DIR 2021-03 CPL 03 EFFECTIVE DATE: June 2, 2021
SUBJECT: Revised National Emphasis Program – Construction Division 2019 to COVID-19

ABSTRACT

Purpose: This revised Direction describes policies and procedures for implementing a National Emphasis Program (NEP) to ensure that employees in high-hazard industries or work tasks are protected from the hazard of contracting SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of Coronavirus Disease 2019 (COVID-19). The NEP augments OSHA's efforts addressing unprevalent COVID-19 related activities, e.g., compliance, referrals, and severe incident reports, by adding a component to target specific high-hazard industries or activities where the hazard is present. The NEP targets manufacturers that hire workers with increased potential exposure to this hazard, and that put the largest number of workers at serious risk. In addition, the NEP includes an added focus to ensure that workers are protected from retaliation, and are accomplishing this by preventing retaliation where possible, distributing anti-retaliation information during inspections, and outreach opportunities, as well as promptly enforcing allegations of retaliation to the Workplace Protection Program.

Scope: This Direction applies OSHA-wide.

References: Presidential Executive Order on Promoting Worker Health and Safety, January 24, 2021;
Federal Register, 86 FR at 22226, 29 CFR § 1910, Emergency Temporary Standard for COVID-19, Final Rule, June 21, 2021;
OSHA Direction, DIR 2021-02, CPL 02, Inspection Procedures for the COVID-19 Emergency Temporary Standard, June 28, 2021;
Section 104(a) of the Occupational Safety and Health Act (OSH Act), 29 U.S.C. § 654.

ABSTRACT - 1


Indoor and Outdoor Heat NEP

As part of the program, OSHA will proactively initiate inspections in over 70 high-risk industries in indoor and outdoor work settings when the National Weather Service has issued a heat warning or advisory for a local area. On days when the heat index is 80 F or higher, OSHA inspectors and compliance assistance specialists will engage in proactive outreach and technical assistance to help stakeholders keep workers safe on the job. Inspectors will look for and address heat hazards during inspections, regardless of whether the industry is targeted in the NEP.

<https://www.osha.gov/news/newsreleases/national/04122022>

National Emphasis Program – Outdoor and Indoor Heat-Related Hazards

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-024.pdf

**OSHA INSTRUCTION**

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 03-00-024
EFFECTIVE DATE: April 14, 2022

SUBJECT: National Emphasis Program – Outdoor and Indoor Heat-Related Hazards

ABSTRACT

Purpose: This instruction describes policies and procedures for implementing a National Emphasis Program (NEP) to protect employees from heat-related hazards and resulting injuries and illnesses in outdoor and indoor workplaces. This NEP expands on the agency's ongoing heat-related illness prevention initiative and campaign by setting forth a targeted enforcement component and outlining its compliance assistance and outreach efforts. This approach is intended to encourage early interventions by employees to prevent illnesses and deaths among workers during high heat conditions, such as working outdoors in a local area experiencing a heat wave, as announced by the National Weather Service. Early interventions include, but are not limited to, implementing water, rest, shade, rest, and acclimation procedures for new or returning employees.

Scope: This instruction applies OSHA-wide.

References: Section 5(a)(1) of the Occupational Safety and Health Act (OSHA Act), 29 U.S.C. 1354; OSHA Instruction, CPL 03-00-166, *Field Operations Manual (FOM)*, April 14, 2020. (See [Section III](#) for additional references.)

Cancellations: None.

State Plan Impact: Notice of Intent Required, Adoption Encouraged, Federal Program Change, Notice of Intent Required, Enforcement Required. See [Section VI](#).

Action Officers: OSHA Regional and Area Offices, State Plan and OSHA On-Site Consultation programs.

Originating Office: Directorate of Enforcement Programs, Office of Health Enforcement.

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others improve workplace health and safety. While we attempt to thoroughly address specific topics [or hazards], it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in this presentation. This information is a tool for addressing workplace hazards, and is not an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards.

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