

VOSH PROGRAM DIRECTIVE: 14-233B**ISSUED: 01 February 2016**

<u>Subject</u>	National Emphasis Program on Amputations
<u>Purpose</u>	<p>This directive transmits to field personnel policies and procedures for implementing a National Emphasis Program (NEP) to identify and to reduce workplace machinery and equipment hazards which are causing or likely to cause amputations.</p> <p><i>This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.</i></p>
<u>Scope</u>	<p>This Directive applies VOSH-wide. This directive applies to all VOSH personnel.</p> <p>Note: <i>Because of limited funding and staffing resources, VOSH will not participate in the outreach component of this Directive, § VIII.A. on page 3 of the attachment. However, VOSH may schedule a limited number of training programs if a speaker is identified and staffing and funding are available.</i></p>
<u>References</u>	<p>CHANGE I: OSHA Instruction CPL 2-1.35 (26 March 2002) CHANGE II: OSHA Instruction CPL 03-00-003 (27 October 2006) CHANGE III: OSHA Instruction CPL 03-00-019 (13 August 2015)</p>
<u>Cancellation</u>	<p>CHANGE I: VOSH Program Directive 14-233 (April 1, 2003). CHANGE II: VOSH Program Directive 14-233A (April 1, 2007)</p>
<u>Effective Dates</u>	<p>CHANGE I: 01 April 2003 CHANGE II: 01 April 2007 CHANGE III: 01 December 2015</p>
<u>Expiration Date</u>	Not Applicable
<u>Action</u>	Directors and Managers shall ensure that policies and procedures established in this Directive are uniformly enforced and field personnel understand and comply with the requirements included in this Directive.

C. Ray Davenport
Commissioner

Distribution:

Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
VOSH Legal Support & IMIS Staffs

Director of Cooperative Programs
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Summary

This Directive describes policies and procedures for VOSH implementation of a National Emphasis Program (NEP) to identify and to reduce workplace machine and equipment hazards which are causing or likely to cause amputations. A detailed analysis of the targeted industries has been conducted by federal OSHA to determine their continued coverage in this NEP.

Data from general industry and the targeted industries suggest that amputation related inspections were being under-reported. The intent of this NEP is to target workplaces with machinery and equipment that cause (or are capable of causing) amputations, while maximizing the Agency's inspection resources. Use of the OIS code "AMPUTATE" is required to code and track these activities.

Significant Changes

This Directive expands the 2006 NEP on Amputations.

- The revised targeting methodology is based on up-to-date data from OIS/IMIS and BLS sources.
- The industry scope of this NEP is based on 2012 NAICS code.
- Appendix C Amputations Targeting Methodology explains how the NAICS codes were selected.

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- I. **Purpose.** This Directive describes policies and procedures for implementing OSHA’s National Emphasis Program (NEP) to identify and to reduce workplace hazards from machines and equipment which cause or are likely to cause amputations. An “*Amputation*” is defined as a “traumatic loss of limb or other external body part. (http://www.bls.gov/iif/osh_oiics_2010_2_1_2.pdf). Amputations include a part, such as a limb or appendage that has been severed, cut off, amputated (either completely or partially); fingertip amputation with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth”.
- II. **Scope.** This Instruction applies VOSH-wide.
- III. **References.**
- A. Part 1910, Subpart J, General Environmental Controls, §1910.147, The Control of Hazardous Energy (Lockout/Tagout).
 - B. Part 1910, Subpart O, Machinery and Machine Guarding.
 - C. Part 1910, Subpart P, Hand and Portable Powered Tools & Other Hand-Held Equipment.
 - D. OSHA’s Safety and Health Management Guidelines, 54 FR 3904, January 26, 1989.
 - E. Executive Order 12196, Section 1-201.
 - F. OSHA Standards 29 CFR 1960.16, Compliance with OSHA Standards.
 - G. OSHA Publication 3157, A Guide for Protecting Workers from Woodworking Hazards.
 - H. OSHA Safety and Health Topics Web Page, Machine Guarding, <http://www.osha.gov/SLTC/machineguarding/index.html>.
 - I. OSHA Safety and Health Topics Web Page, Control of Hazardous Energy, <http://www.osha.gov/SLTC/controlhazardousenergy/index.html>.
 - J. Bureau of Labor Statistics (BLS), Table R1. Number of Nonfatal Occupational Injuries and Illnesses Involving Days Away From Work by Industry and Selected Natures of Injury or Illness, (Calendar year 2009, 2010, 2011, 2012 and 2013)
<http://www.bls.gov/news.release/pdf/osh2.pdf>
 - K. Bureau of Labor Statistics (BLS), Table R5. <http://www.bls.gov/iif/oshcdnew.htm> Incidence Rates for Nonfatal Occupational Injuries and Illnesses by Involving Days Away From Work per 10,000 Full-Time Workers by Industry and Selected Natures of Injury or Illness, (Calendar year 2009, 2010, 2011, 2012 and 2013).

- L. Bureau of Labor Statistics (BLS), Table R25. Number of Nonfatal Occupational Injuries and Illnesses Involving Days Away From Work by Source of Injury or Illness and Selected Natures of Injury or Illness, (Calendar year 2009, 2010 and 2011, 2012 and 2013).
- M. Executive Office of the President, Standard Industrial Classification Manual, 1987.
- N. Executive Office of the President, North American Industry Classification System, United States, 1997.
- O. Executive Office of the President, North American Industry Classification System, United States, 2002.
- P. Executive Office of the President, North American Industry Classification System, United States, 2012
- Q. Occupational Safety and Health Act of 1970 [29 U.S.C. §654(a)(1 - 2)].
- R. VOSH PD 01-010, Local Emphasis Programs: Development and Approval of Special Targeting Activities (02/15/14).
- S. VOSH PD 02-051A, Scheduling System for Programmed General Schedule Inspections (02/22/90).
- T. VOSH PD 01-015A, State Plan Policies and Procedures Manual (Through CH-5) (03/01/96).
- U. VOSH PD 02-001G, VOSH Field Operations Manual (FOM) (10/01/03).
- V. VOSH PD 02-003P, VOSH Procedures to Comply with OSHA Enforcement Exemptions and Limitations under the Federal Appropriations Act, OSHA Instruction CPL 2-0.51J [when inspecting employers with ten or fewer employees]; Revision of Appendix A.

IV. Cancellations. VOSH PD 14-233A, National Emphasis Program on Amputations (01 April 2007).

V. Expiration Date. Not Applicable.

VI. Action. VOSH Directors and Managers must ensure that the policies and procedures set forth in this directive are followed. The Assistant Commissioner shall encourage Consultation Program's involvement in this effort.

VII. Application. This Directive applies to general industry workplaces, where **any** machinery and equipment that are likely to cause amputations are present. Appendix A lists many of the machinery and equipment most often associated with amputations. Appendix B lists many National Consensus standards that provide guidance in complying with VOSH standards.

VIII. Background. The operation of machinery and equipment can be extremely dangerous. Injuries involving machinery and equipment often result in death or permanent disability. OSHA's more than 40-year inspection experience indicates that employee exposures to unguarded or inadequately guarded

machinery and equipment, together with associated hazardous energy employee exposures during servicing and maintenance activities, occur in many workplaces. Like OSHA, VOSH workplace requirements prescribe measures for the safe operation, servicing and maintenance of machinery and equipment, e.g., §§1910.147, 1910.212, 1910.213, 1910.217, and 1910.219.

IX. Program Procedures. This NEP includes four major activities: outreach, targeting/selection, inspection, and program approval.

A. Outreach. *Because of limited funding and staffing resources, VOSH will not participate in the outreach component of this Directive. However, VOSH may schedule a limited number of training programs if a speaker is identified and staffing and funding are available.*

B. Targeting/Site Selection. Inspections conducted under this NEP must be scheduled and conducted pursuant to the following procedures.

1. Each Regional Office shall receive an Inspection Register for this NEP from the Headquarters office. These Registers may be developed by DOLI IT in-house or developed by federal OSHA for use by VOSH.
2. Regional Offices shall follow the guidelines set forth in VOSH PD 02-003P, VOSH Procedures to comply with OSHA Enforcement Exemptions and Limitations under the Appropriations Act, OSHA Instruction CPL 2-0.51J when inspecting employers in low hazard industries with ten or fewer employees; Revision of Appendix A (04/01/15), or its successor. This appropriations act prohibits the use of federal funds for a VOSH inspection of an employer in a low hazard industry that has 10 or fewer employees currently and at all times during the previous 12 months.



Establishments in a low hazard industry with 10 or fewer employees are not to be included on the program targeting list unless approval for the use of 100% state funding has been authorized.

3. Headquarters or the Regional Office may add to the Register of general industry establishments where amputation injuries or fatalities related to machinery and equipment have occurred in the five years preceding the effective date of this directive. If additions are made to the Register, it must be re-randomized prior to using the RANDBETWEEN function in Microsoft Excel to assign new random numbers. Headquarter's local evidence of amputations may be based on OIS accident data, workers' compensation data, OSHA 300 data, NIOSH data, and other reliable sources of information, e.g., reports of amputations from hospital admissions, emergency medical services, fire department, and police reports.
4. **Deletions.** Based on local knowledge, the Regional Office may delete establishments from the Register that are deemed not likely to have the targeted machinery and equipment, or firms known to be out of business, documenting the basis for such determinations. Any establishment, other than those where amputations are known to have occurred, in the previous five (5) years that has had a comprehensive safety inspection in the previous 24 months, will be deleted from the list.

5. **New Business.** CSHOs will proceed with the programmed inspection where it has been determined that a new business is using the same plant and equipment of the previous business. CSHOs will proceed with the programmed inspection where it has been determined that a new business is using the same plant and equipment of the previous business. Also refer to VOSH Program Directive 02-050A (15 Dec 2013) regarding guidance for programmed inspection of establishments.
- C. Cycle Generation.** The “Inspection Cycle” is defined as a subset of establishments from the entire Inspection Register which, by definition, is already randomized. Creating cycles from a randomized list allows VOSH to use its enforcement resources more efficiently. Inspecting firms within a cycle in the order that makes the most efficient use of VOSH’s resources does not diminish the plan’s neutrality. Rearranging firms’ order within the cycle is not discriminatory because all establishments in the cycle must be inspected; and it is reasonable because it furthers VOSH’s legitimate goal of efficient resource allocation.

The Regional Office can schedule inspections in the following manners:

1. If the Regional Office intends to inspect the entire Register, it can schedule the inspections in any order. If the Regional Office uses this method, it must account, through inspections and deletions, for the entire Register. The Regional Office cannot inspect off a new Register until the entire previous Register is completed.
 2. The Regional Office can inspect the facilities in the random number order provided by the Register. If the Regional Office uses this method, it does not need to complete the entire Register.
 3. The Regional Office can create cycles by choosing a set number of establishments from the Register which is sorted in random number order. For example, the Regional Office can select the first ten establishments on the Register sorted by ascending random number as a first cycle of ten (10) establishments. The Regional Office can then inspect those ten (10) establishments in the cycle in any order, but must finish the cycle prior to beginning a second cycle. Once the first cycle of ten (10) is complete, the office can select the next ten establishments from the Register as its second cycle.
- D. Inspection Procedures.** Inspections initiated under this NEP will be scheduled and conducted in accordance with provisions of the VOSH FOM, Chapter 5, *Inspection Procedures*, except as noted below:
1. Once an inspection has been scheduled in the Regional Office and assigned for the identified establishment, the CSHO will review the OSHA Public Inspection Data Web Page for the employer’s citation and fatality/accident history prior to the opening conference.
 2. At the opening conference, the CSHO will verify with the employer whether any of the machinery and equipment in Appendix A or any other machinery and equipment that could cause amputations are present in the workplace. If any machinery and equipment

associated with amputations are present in the workplace, the CSHO should exercise professional judgment in conducting an inspection of the machinery and equipment with particular attention to employee exposure to nip points, pinch points, shear points, cutting actions, and other point(s) of operation. The CSHO should consider and evaluate employee exposures during any of the following:

- Regular operation of the machine;
- Setup/threading/preparation for regular operation of the machine;
- Clearing jams or upset conditions;
- Making running adjustments while the machine is operating;
- Cleaning of the machine;
- Oiling or greasing of the machine or machine pans;
- Scheduled/unscheduled maintenance; and
- Locking out or tagging out.

3. OSHA 300 logs, and 301 incident reports for current and previous three (3) years will be reviewed during the inspection in order to identify recorded amputations associated with machinery and equipment.
4. Inspections will be scheduled beginning with the current fiscal year, and will continue until further notice or until all establishments on the list have been inspected.
5. Regional Directors, Supervisors, and CSHOs should ensure that the requirements for VOSH FOM, Chapter 9, Case File Documentation, and the requirements for significant cases in VOSH FOM, Chapter 12, are being met.

E. Program Approval. Inspection programs that deviate from this NEP must first be approved by the VOSH Safety Compliance Director.

X. Scheduling and Resource Allocation. This is a National initiative which affects existing VOSH inspection scheduling priorities, as indicated below:

A. Resources. The Safety Compliance Director shall ensure that adequate resources are designated for this NEP.

B. Planning. The Safety Compliance Director shall report to the Assistant Commissioner the number of NEP inspections that are planned for each fiscal year.

C. Priority. Inspections conducted under this NEP may have a lower priority than inspections conducted under other targeting initiatives mandated by VOSH, but have a higher priority than other scheduled programmed inspections from regular targeting initiatives. When possible, inspections conducted under this NEP will be combined with other programmed and unprogrammed inspections. This NEP may be combined with other existing initiatives, such as other National or Local Emphasis Programs which identify targets on a different basis.

D. Voluntary Protection Program (VPP) Sites. This National initiative exempts participating worksites. VPP sites will be removed from VOSH's programmed inspection lists of targeted

sites, for the duration of their approved participation in the VPP. An unapproved VPP applicant worksite will be removed from the programmed inspection lists no more than 75 days prior to the commencement of its scheduled pre-approved onsite review. The site will remain off those lists until approved VPP participant has withdrawn or been terminated.

XI. Training. Because of the technical nature of some of these inspections and/or machinery and equipment, CSHOs, who conduct inspections under this NEP, must have had adequate training or experience with both general and specific machine guarding concepts and techniques as well as with hazardous energy control (lockout/tagout) program requirements.

A. Additional Training.

1. **On-the-Job Training.** The Safety Compliance Director shall ensure that inexperienced CSHOs receive on-the-job training by accompanying experienced CSHOs during these NEP inspections.
2. **Enforcement Issues.** Continuing guidance regarding enforcement issues will be provided by Headquarters as new issues arise.

XII. Program Evaluation. The Regional Safety Director will collect all data relevant to the operation and results of this NEP and submit them to the Safety Compliance Director who will analyze the data and develop summary conclusions of program efficiency and effectiveness and forward this evaluation to the Assistant Commissioner. At a minimum, this evaluation should include the requirements of VOSH PD 01-010, Local Emphasis Programs: Development and Approval of Special Targeting Activities (02/15/14), or its successor.

XIII. Relationship to Other Programs.

- A. Unprogrammed Inspections.** If an unprogrammed inspection, e.g., complaint, fatality/catastrophe, or referral, at an establishment coincides with respect to a programmed inspection under this NEP, the two inspections may be conducted either concurrently or separately, at the discretion of the Regional Office.
- B. Other Emphasis Programs.** If an establishment scheduled for inspection pursuant to this Amputation NEP is also scheduled for inspection under another NEP or LEP, the inspections may be conducted concurrently. CSHOs will apply applicable OIS codes to the inspection. The employer's number must also be recorded for each inspection. (See also Section XV.)

In such case of an establishment scheduled for inspection under both this Amputation initiative and another NEP/LEP, the scope of the inspection shall be limited to the safety and health issues targeted by the other NEP/LEP program, as well as any machinery and equipment hazards which are causing or likely to cause amputations and are in plain view.

- C. Consultation Inspections.** Consultations accomplished in support of this directive should input the following into the corresponding fields on the Request Form, the Visit Form (Form 30), and the Intervention Form (66); and in OIS Request, Visit and Compliance Assistance Activity, as applicable:

Field Name	Input
National Emphasis	AMPUTATE

XIV. Targeting Methodology.

The following updated NAICS Codes were derived through a progression of evaluating data from primarily four factors:

1. OSHA's Integrated Management and Information System (IMIS)
2. OSHA'S Information System (OIS)
3. High Amputation rates from the Bureau of Labor and Statistics (BLS)
4. High Amputation numbers from BLS

See Appendix C: Amputations Targeting Methodology for further explanation of the targeting methodology.

2012 NAICS	2012 NAICS US Title
311411	Frozen Fruit, Juice, and Vegetable Manufacturing
311412	Frozen Specialty Food Manufacturing
311511	Fluid Milk Manufacturing
311512	Creamery Butter Manufacturing
311513	Cheese Manufacturing
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing
311611	Animal (except Poultry) Slaughtering
311612	Meat Processed from Carcasses
311613	Rendering and Meat Byproduct Processing
311615	Poultry Processing
311811	Retail Bakeries
311812	Commercial Bakeries
311813	Frozen Cakes, Pies, and Other Pastries Manufacturing
311991	Perishable Prepared Food Manufacturing
311999	All Other Miscellaneous Food Manufacturing
321113	Sawmills
321114	Wood Preservation
321911	Wood Window and Door Manufacturing
321912	Cut Stock, Resawing Lumber, and Planing
321918	Other Millwork (including Flooring)
321920	Wood Container and Pallet Manufacturing
322211	Corrugated and Solid Fiber Box Manufacturing
322212	Folding Paperboard Box Manufacturing
322219	Other Paperboard Container Manufacturing
322220	Paper Bag and Coated and Treated Paper Manufacturing
323111	Commercial Printing (except Screen and Books)
323113	Commercial Screen Printing
323117	Books Printing
326111	Plastics Bag and Pouch Manufacturing
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing

326160	Plastics Bottle Manufacturing
327320	Ready-Mix Concrete Manufacturing
327390	Other Concrete Product Manufacturing
331491	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding
331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper
332111	Iron and Steel Forging
332112	Nonferrous Forging
332114	Custom Roll Forming
332117	Powder Metallurgy Part Manufacturing
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)
332311	Prefabricated Metal Building and Component Manufacturing
332312	Fabricated Structural Metal Manufacturing
332313	Plate Work Manufacturing
332321	Metal Window and Door Manufacturing
332322	Sheet Metal Work Manufacturing
332323	Ornamental and Architectural Metal Work Manufacturing
332710	Machine Shops
332991	Ball and Roller Bearing Manufacturing
332992	Small Arms Ammunition Manufacturing
332993	Ammunition (except Small Arms) Manufacturing
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing
332996	Fabricated Pipe and Pipe Fitting Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333111	Farm Machinery and Equipment Manufacturing
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing
333611	Turbine and Turbine Generator Set Units Manufacturing
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing
333613	Mechanical Power Transmission Equipment Manufacturing
333618	Other Engine Equipment Manufacturing
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System an
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, an
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and
334514	Totalizing Fluid Meter and Counting Device Manufacturing
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical
334516	Analytical Laboratory Instrument Manufacturing
334517	Irradiation Apparatus Manufacturing
334519	Other Measuring and Controlling Device Manufacturing
336211	Motor Vehicle Body Manufacturing

336212	Truck Trailer Manufacturing
336213	Motor Home Manufacturing
336214	Travel Trailer and Camper Manufacturing
337110	Wood Kitchen Cabinet and Countertop Manufacturing
337121	Upholstered Household Furniture Manufacturing
337122	Nonupholstered Wood Household Furniture Manufacturing
337124	Metal Household Furniture Manufacturing
337125	Household Furniture (except Wood and Metal) Manufacturing
337127	Institutional Furniture Manufacturing

XV. Reporting, Recording and Tracking.

- A. OIS Coding.** The inspection must be marked as “Programmed Planned” as the Initiating type, “AMPUTATE” needs to be selected in the “National Emphasis Program” field and “AMPUTATE” must be selected as the “Primary Emphasis Program”. The Amputations inspections are being coded under the NEP for ease of tracking.
- B. Complaint Inspections.** Whenever an OSHA-7 or OIS Complaint UPA is completed by a Federal office and the applicable complaint alleges the presence of amputation hazard, complete the OIS Complaint UPA in the usual manner, and select “AMPUTATE” as the “National Emphasis Program” on the “Program Info” tab.
- C. Fatality and Catastrophe Inspections.** Whenever a OIS Fat/Cat UPA is completed by a Federal office and the inspecting CSHO is able to identify at the site of the fatality/catastrophe the presence of amputation hazards, complete the OIS Fat/Cat UPA in the usual manner. Select “AMPUTATE” as the “National Emphasis Program” on the “Program Info” tab.
- D. Referral Inspections.** Whenever an OIS Referral UPA is completed by a Federal office and the applicable referral case has amputation hazards as one of the subjects, complete the OIS Referral UPA in the usual manner and select “AMPUTATE” as the “National Emphasis Program” on the “Program Info” tab.

XVI. Establishment Identification. If the DUNS number of an inspected establishment is known, it must be recorded in the appropriate field on the Establishment Detail Screen. The establishment Detail Screen can be accessed by selecting “Search Establishment” from the OIS-Navigation menu on the Home Page.

XVII. New Rule. Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions.

Part 1904 has new requirements for reporting work-related fatalities, hospitalizations, amputations or losses of an eye. The new rule, which also updates the list of employers partially exempt from VOSH record-keeping requirements, went into effect in Virginia on September 15, 2015. As part of this NEP, if a report of amputation is received and the employer’s classified activity is one of the identified NAICS codes, the Regional Office will conduct an inspection based on the Serious Injury Report (SIR) guidance.

Employers have three options for reporting an event:

- During normal business hours, telephone the VOSH Office that is nearest to the site of the incident.
- Use the central toll-free number of either federal OSHA or the Virginia State Police.
- Federal OSHA has developed an online reporting tool that can be used by Virginia employers to report amputations electronically, please click on link below:

<http://www.osha.gov/pls/ser/serform.html>

There are two major changes to the reporting requirements:

A. Expansion of the Types of Incidents Reported.

- Reporting under Part 1904 continues to require the reporting of all work-related fatalities, but now includes the reporting of all work-related in-patient hospitalizations, as opposed to the previous reporting threshold of three (3) or more in-patient hospitalizations.
- New reporting requirements include all amputations and all losses of an eye.

B. Reporting Timeframe for the Employer.

- Due to a legislative drafting error in the revision to §40.1-51.1.D, the statute is not identical to the federal OSHA requirement to report in-patient hospitalizations, amputations and loss of an eye within 24 hours. The Virginia statute mistakenly requires an eight (8) hour reporting period for all of these incidents listed in “A” above, not just fatalities.
- As explained below, the Department is taking steps to mitigate any damage caused by the above error. (See XVIII and XIX)

XVIII. VOSH Enforcement Policy

No citations or penalties will be issued in instances where an in-patient hospitalization, amputation or loss of an eye are reported within OSHA's requirement of 24 hours, but not within the eight (8) hours required by §40.1-51.1.D. Instead, a de minimis violation will be noted in the case file in accordance with §40.1-49.4.A.2.

A "de minimis" violation is one that has no direct or immediate relationship to safety and health. A de minimis violation for the fact situation described above is appropriate because the reporting period requirement has no direct safety or health impact on the cause of the reportable incident that resulted in an employee being injured. Whether an employer fails to meet the reporting requirement post-accident has no bearing on and could not have prevented the accident from occurring.

De minimis violations are not captured in the OSHA Information System (OIS) that is used by the Department to record inspection data so there will be no negative impact on an employer's safety and health inspection history.

XIX. VOSH Citation Policy:

The new reporting requirements in §40.1-51.1.D will be cited as follows:

- Fatalities – when not reported within 8 hours, cite per current VOSH Field Operations Manual (FOM) policy with an unadjusted penalty of \$5,000.00 as a violation of §40.1-51.1.D (not as a violation of 1904.39)
- In-patient hospitalizations of one or more persons, amputations, loss of an eye THAT RESULT IN AN INSPECTION – when not reported within 24 hours, cite as an other-than-serious violation of a violation of §40.1-51.1.D (not as a violation of 1904.39) with an adjusted penalty of \$1,000.00. If circumstances indicate that the failure to report an incident was willful, an unadjusted penalty of \$5,000.00 will be issued.
- In-patient hospitalizations of one or more persons, amputations, loss of an eye THAT DO NOT RESULT IN AN INSPECTION – no citation for failure to report within 24 hours will be issued for the first occurrence. If the same employer fails to report a second occurrence within 24 hours, an inspection may be scheduled to allow for the possible issuance of a citation for failure to report (even if the specific incident would normally have been handled as a Rapid Response Investigation (RRI)).

APPENDIX A: MACHINERY AND EQUIPMENT

(To be used for guidance/not inclusive)

2012 (Table R-25*) Combined Amputation Sources
Sources of Amputations: Machinery and Equipment
Agricultural, garden machinery, bailers
Aerial lift platforms
Benders, Rollers and Shapers
Cranes (unspecified)
Casting Machinery
Conveyors – Belt, Chain, Live Roller, and Auger Screw Conveyors
Heating and cooking machinery and appliances
Drills – Stationary
Extruding Machinery
Food and Beverage Processing
Grinders, Abraders, and Meat Grinders
Material and personnel handling machinery
Metal, woodworking, and special material machinery
Milling Machines
Mowing machinery
Mixers, Blenders, Whippers, Slicers, and Food Beverage Processing Equipment
Packing, Wrapping, Bundling Machinery
Plastic Injection Molding Machinery
Press Brakes (All Types)
Presses (Mechanical, Hydraulic, and Pneumatic)
Printing Presses
Sawing Machinery - (Band, Table, Radial Arm Saws)
Shears (All Types)

*Bureau of Labor Statistics (BLS) Table R25. Number of nonfatal occupational injuries and illnesses involving days away from work by source of injury or illness and selected natures of injury or illness, private industry, 2012 —

APPENDIX B: RELATED ANSI /ASME STANDARDS

OSHA recognizes the value of national consensus standards in terms of useful guidance for employers and employees attempting to comply with specific OSHA standards.

OSHA's enforcement policy provides that a violation may be *de minimis* if an employer complies with a proposed standard or amendment or a consensus standard rather than with the standard in effect at the time of the inspection, and the employer's action clearly provides equal or greater employee protection. See OSHA Instruction CPL 02-00-150, *Field Operations Manual*, Chapter VIII, Paragraph A (1) through A (4), April 22, 2011. In applying this principle, OSHA takes heed of its rulemaking findings.

1. ANSI B11.1- Mechanical Power Presses
2. ANSI B11.2- Hydraulic Power Presses
3. ANSI B11.3- Power Press Brakes
4. ANSI B11.4- Shears
5. ANSI B11.5- Ironworkers
6. ANSI B11.6- Lathes
7. ANSI B11.7- Cold Headers and Cold Formers
8. ANSI B11.8- Drilling, Milling, and Boring Machines
9. ANSI B11.9- Grinding Machinery
10. ANSI B11.10- Metal Sawing Machines
11. ANSI B11.11- Gear Cutting Machines
12. ANSI B11.12- Roll-Forming and Roll-Bending Machines
13. ANSI B11.14- Coil-Slitting Machines
14. ANSI B11.15- Pipe, Tube, and Shape Bending Machines
15. ANSI B11.16- Metal Powder Compacting Presses
16. ANSI B11.17- Horizontal Hydraulic Extrusion Presses
17. ANSI B11.18- Machinery and Machine Systems for Processing Strip, Sheet, or Plate From Coiled Configuration
18. ANSI B11.19- Safeguarding When Referenced by the Other B11 Machine Tool Safety Standards
19. ANSI B5.37- External Cylindrical Grinding Machines (Centerless)
20. ANSI B5.42- External Cylindrical Grinding Machines (Universal)
21. ANSI B65.1- Printing Press Systems
22. ANSI B65.2- Safety Standard – Binding and Finishing Systems
23. ANSI B65.3- Safety Standard for Guillotine Paper Cutters
24. ANSI B7.1- Use, Care, and Protection of Abrasive Wheels
25. ANSI B151.5- Plastic Film and Sheet Winding Equipment
26. ANSI B151.20- Plastic Sheet Production Machinery
27. ANSI B155.1- Packaging Machinery and Packaging-Related Converting Machinery
28. ANSI B177.1- Three Roller Printing Ink Mills
29. ANSI O1.1- Woodworking Machinery

30. ANSI Z244.1- Control of Hazardous Energy - Lockout/Tagout and Alternative Methods
31. ASME B5.52M- Mechanical Power Presses, General Purpose Single Point
32. ASME B15.1- Mechanical Power Transmission Apparatus
33. ASME B15.1A- Addenda to B15.1
34. ASME B15.1B- Addenda to B15.1
35. ASME B20.1- Conveyors and Related Equipment, with Interpretations A and B
36. ASME B20.1A and B20.1B- Addenda to B20.1
37. ASME/CEMA 350- Screw Conveyors
38. ASME/CEMA 401- Unit Handling Conveyors - Roller Conveyors - Non-Powered
39. ASME/CEMA 402- Unit Handling Conveyors - Belt Conveyors
40. ASME/CEMA 403- Unit Handling Conveyors - Belt Driven Live Roller Conveyors
41. ASME/CEMA 404- Unit Handling Conveyors - Chain Driven Live Roller Conveyors
42. ASME/CEMA 405- Packaging Handling Conveyors - Slant Conveyors

NOTE: This appendix is not an inclusive list of all ANSI and ASME standards that are associated with hazardous machinery and equipment.

APPENDIX C: AMPUTATIONS TARGETING METHODOLOGY

NATIONAL DATA:

Selection Process for Industries with Significant Inspection Histories (High IMIS¹ Numbers and OIS² Numbers).

Category 1.

1. OSHA selected five standards (29 CFR 1910.147, .212, .213, .217, and .219) that are generally recognized as being related to amputation hazards.
2. OSHA IMIS and OIS data covering fiscal years 2006-2014 identified those industries with 40 or more federal OSHA inspections with one or more violations of the standards listed in #1 above.
3. OSHA limited the range to the NAICS Sector 31-33, Manufacturing. This range encompasses all manufacturing operations and addresses amputation issues.
4. The process yielded 80 5-digit NAICS codes.

Selection Process for Industries with High BLS Rates:

Category 2.

1. OSHA used the most recent five years of BLS Data (Calendar year 2009, 2010, 2011, 2012 and 2013) on incidence rates for nonfatal occupational injuries and illnesses involving days away from work per 10,000 full-time workers.
2. OSHA limited the range to the NAICS Sector 31-33, Manufacturing.
3. OSHA selected NAICS with BLS incidence rates of 10.0 or greater for amputations for any year.
4. The process yielded 10 5-digit NAICS codes.

BLS Data Selection Process for Industries with High BLS Numbers:

Category 3.

1. OSHA used the most recent five years of BLS Data (Calendar year 2009, 2010, 2011, 2012 and 2013) on the number of amputations.
2. OSHA limited the range to the NAICS Sector 31-33, Manufacturing.
3. OSHA selected NAICS with BLS numbers of 50 or more amputations per year.
4. The process yielded 26-5 digit NAICS codes.

The 80 6-Digit NAICS codes that comprise the scope of this NEP have either High IMIS/OIS Numbers coupled with High BLS Amputation Rates or High IMIS/OIS Numbers coupled with High BLS Amputation Numbers.

There are 14 6-digit NAICS codes with high inspection counts and high BLS rates

1 IMIS- Integrated Management Information System. OSHA's database for enforcement data.

2 OIS – OSHA Information System

(categories 1 and 2 above).

- There are 76 6-digit NAICS codes with high inspection counts and high BLS case counts (categories 1 and 3 above).
- After eliminating the overlap between the two groups, the final total is 80 6-Digit NAICS codes.