



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-00-028 | **EFFECTIVE DATE:** August 2, 2021

SUBJECT: Regional Emphasis Program for Transportation Tank Cleaning Operations

REGIONAL IDENTIFIER: Region V

ABSTRACT

- Purpose:** This Instruction establishes a Regional Emphasis Program (REP) to reduce injuries, illnesses and fatalities related to workers' exposures while engaged in transportation tank cleaning operations. Transportation tanks are confined spaces and may contain a potential hazardous atmosphere exposing workers to the risk of death, incapacitation, impairment of the ability to self-rescue, or acute illness.
- Scope:** This Instruction applies to all worksites in Illinois, Ohio, and Wisconsin, and those worksites in Michigan, Minnesota, and Indiana under federal jurisdiction.
- References:** OSHA Instruction CPL 02-00-164
OSHA Instruction CPL 04-00-002
OSHA Instruction CPL 02-00-051
- Cancellations:** None
- State Plan Impact:** Region V 21(d) Consultation Project Offices in Illinois, Ohio, and Wisconsin will provide outreach, consultation services, and training to affected employers as requested. State Plans are strongly encouraged to adopt this program.
- Action Offices:** Region V Area Offices
Region V Consultation Project Offices
Chicago Regional Office
- Originating Office:** Chicago Regional Office – Enforcement Programs

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By and Under the Authority of

for
William J. Donovan
Acting Regional Administrator

EXECUTIVE SUMMARY

Workers employed in the transportation tank cleaning industry face many hazards that can lead to serious injury, illness, and death, including fire, explosions, hazardous atmosphere, and hazardous chemicals, rendering workers incapacitated and unable to self-rescue from the interior of a tank.

The intent of this Regional Emphasis Program is to encourage employers to take steps to address hazards, ensure facilities are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

OSHA Region V proposes to accomplish this through outreach and enforcement activities. Outreach activities will include letters to employers, training sessions with stakeholders, electronic information-sharing activities, public service announcements, and news release broadcasts. Enforcement activities will begin not earlier than three months after outreach is initiated and will include, but not be limited to, the inspection and review of production operations, and working conditions; injury and illness records; safety and health programs; and chemical handling and use, to identify and obtain corrections of workplace hazards at all applicable inspection sites.

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- I. Purpose.** This Instruction establishes a Regional Emphasis Program (REP) to reduce injuries, illnesses, and fatalities related to workers' exposures while engaged in transportation tank cleaning operations. This REP will provide the authority to evaluate the employers' workplace(s) at all programmed, unprogrammed, or other limited-scope inspections pertaining to transportation tank cleaning operations to assure that employees are being properly protected. Area Offices will normally conduct inspections for all complaints, formal or non-formal, which contain allegations of potential worker exposure to hazards associated with transportation tank cleaning. Where applicable, Area Offices will expand all unprogrammed inspections to include all potential hazard areas addressed by this emphasis program.
- II. Scope.** This Instruction applies to all worksites in Illinois, Ohio, and Wisconsin, and those worksites in Michigan, Minnesota, and Indiana under Federal Jurisdiction.
- III. References.**
- Title 29 Code of Federal Regulations, [Part 1910](#).
 - OSHA Instruction [CPL 02-00-164](#), Field Operations Manual (FOM), April 14, 2020, or current update.
 - OSHA Instruction [CPL 04-00-002](#), Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018, or current update.
 - OSHA Instruction [CPL 02-00-051](#), Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, or current update.
 - OSHA Instruction [CPL 02-00-025](#) - CPL 2.25I - Scheduling System for Programmed Inspections, January 4, 1995, or current update.
 - OSHA Instruction [CPL 02-00-100](#) (CPL 2.100) – Application of the Permit-Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146, May 5, 1995, or current update.
 - OSHA Instruction [CPL 02-02-054](#) - Respiratory Protection Program Guidelines, July 14, 2000, or current update.
 - OSHA Instruction [CPL 02-01-037](#) (CPL 2-1.037), Compliance Policy for Emergency Action Plans and Fire Prevention Plans, July 9, 2002, or current update.
 - OSHA Instruction [CPL 02-00-094](#) (CPL 2.94), OSHA Response to Significant Events of Potentially Catastrophic Consequences, July 22, 1991, or current update.
- IV. Cancellations.** None.
- V. Action.** OSHA compliance personnel shall follow the procedures contained in this Instruction when conducting outreach and enforcement activities.
- VI. Effective Dates.** This Instruction becomes effective August 2, 2021.
- VII. Expiration.** This Instruction expires July 31, 2026, but may be renewed as necessary.

VIII. Background. Workers employed in the transportation tank cleaning industry face many hazards that can lead to serious injury, illness, and death, including fire, explosions, hazardous atmosphere, and hazardous chemicals.

Transportation tanks, whether truck tanks or railroad tank cars, carry a variety of commodities for a wide variety of customers. To meet standards and regulations administered by other agencies, transportation tanks must be cleaned and inspected prior to filling again with the same, new or different commodity for transportation.

Transportation tanks meet the definition of a Confined Space as stated in 29 CFR 1910.146, *Permit-Required Confined Spaces*. Depending on the chemical nature of the commodities transported by the tank, configuration of the tank, cleaning method used and associated equipment used for cleaning, these tanks may have one or more characteristics of a permit-required confined space as defined by the standard.

During FY 2016 - 2021, Region V initiated 349 inspection activities within the industry resulting in 873 violations. Twenty-three of the inspections were initiated as a result of a workplace fatality. Approximately 12 percent of the fatality investigations addressed worker entry into confined spaces and permit-required confined spaces. Entrants and would be rescuers were incapacitated by an unidentified hazardous atmosphere inside the space; three individuals lost their life. In accordance with Department of Labor’s Strategic Plan, the REP addresses OSHA Performance Objective 2.1: “Secure safe and healthful working conditions for America’s workers.”

Based on the U.S. Bureau of Labor Statistics (BLS) Occupational Injury and Illness Classification System (OIICS) 2.01, 2011-2108, tanker truck interiors and confined spaces on vehicles, categories of confined space, experienced 65 fatal occupational injuries. The leading cause of death, in both spaces, was inhalation of a harmful substance accounting for a combined 36 instances.

IX. Scheduling. This REP targets worksites in the business of cleaning, repair and maintaining transportation tanks for the purpose of conducting inspections to identify safety and health hazards. The targeted industries are:

NAICS	Description
484110	General Freight Trucking, Local
488210	Support Activities for Rail Transportation
488490	Other Support Activities for Road Transportation
488510	Freight Transportation Arrangement
562910	Remediation Services
562920	Materials Recovery Facilities
562998	All Other Miscellaneous Waste Management Services

A. The Area Office will develop a list of establishments following the protocol provided in CPL 02-00-025, paragraph B.1.a.(2)(c), which states that when no

establishment list is provided by the National Office, the Area Director shall compile a complete list considering all establishments within the coverage of the office and using the best available information (e.g., commerce directories, commercial telephone listings, local permits, local knowledge, internet, etc.).

- B. Adjustments to the list for additions and deletions will follow guidelines in CPL 02-00-025, paragraph B.1.b(1)(b)(6).
- C. After the establishment list for the Area Office has been adjusted, per paragraph B. above, establishments on the list shall be alphabetized and numbered consecutively beginning with the number one, skipping deletions. Using a random number method and following the guidelines in CPL 02-00-025, Appendix C, the Area Office will develop an REP inspection list. Establishments will be selected in the order prescribed by the inspection list until the total of establishments selected equals the number of projected inspections for the year. The resulting list shall constitute the program inspection register.
- D. Establishments may be selected from the inspection register for inspection in any order that makes efficient use of available resources. If any establishment on the inspection register is documented to be unavailable for inspection, the next establishment according to inspection list shall replace it on the inspection register.
- E. Since employees are subject to multiple hazards at industries covered by the REP, at all inspections performed under this REP, the injury and illness records, for the past five years shall be reviewed for trends that may identify a common hazard at the workplace. Where injury and illness trends are identified to have occurred and the CSHO has the expertise (such as equipment familiarity and training) to address the hazards, the inspection shall be expanded to address these hazards. When the CSHO needs additional technical assistance/support to evaluate the specific hazards (such as engineering hazards), a referral shall be made to the appropriate personnel (e.g., safety engineer) for investigating the hazards.
- F. All inspections conducted at facilities where transportation tank cleaning is performed are covered by this Instruction.
- G. In accordance with the FOM, Chapter 9, Complaint and Referral Processing, Area Offices will normally conduct an inspection for all complaints, formal or non-formal, which contain allegations of employee exposure to hazards associated with transportation tank cleaning operations unless there are significant resource implications.
- H. When OSHA is notified of any imminent danger, fatality/catastrophe, complaint, or referral in any of the industries covered by this Instruction, the Area Offices shall incorporate this REP into the scheduled or ongoing inspection upon a determination of tank cleaning-related hazards or injuries/illnesses. An appropriate referral may

be made, subject to any current exemptions or limitations on such activity. Refer to the general procedures in [FOM](#) Chapter 9, Complaint and Referral Processing, and Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response, for additional information.

- I. If an employer refuses to allow the compliance officer to perform an inspection under this program to cover transportation tank cleaning operations, the Area Office will follow the procedures in the current FOM for handling such refusals, including seeking a warrant.
- J. Area Directors shall insure that compliance officers are sufficiently qualified/trained to conduct this type of inspection.
- K. Assignments will be generated through fatalities, accidents, complaints, referrals, and general industry schedule criteria. The assignments have priority based upon the schedule in FOM Chapter 2 (Program Planning, IV - Enforcement Program Scheduling).

X. Inspection Procedures.

- A. Any inspection activity performed under this emphasis program **will be conducted as a partial health inspection** to include all areas where transportation tank cleaning operations are conducted at the facility based on the procedures listed in FOM Chapter 3 (Inspection Procedures) and any relevant regional notices.
- B. CSHOs assigned to conduct an inspection under this emphasis program must:
 - 1. Review the inspection history for the specific site.
 - If the site has received a programmed, comprehensive safety or health inspection within the preceding three years, the expansion under this emphasis program may not be required. The CSHO will review the inspection file for the earlier inspection and confer with the Area Office managers to determine if an unprogrammed inspection is to be expanded. The history of the prior programmed inspection must be documented in the Narrative for the current inspection.
 - If the site has received a comprehensive inspection within the past three years and all required elements were addressed in that inspection, the CSHO will conduct the assigned unprogrammed (complaint/referral) inspection but will not expand the current inspection unless plain-view hazards demonstrate the need to expand. Considerations for expanding an inspection must be discussed with and approved by Area Office management. The history of the prior un-programmed inspection must be documented in the Narrative for the current inspection.
 - 2. Determine if any appropriations riders apply to the facility.

3. Familiarize themselves with the following documents as appropriate:
 - [CPL 02-00-100](#) (CPL 2.100) – Application of the Permit-Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146.
 - [CPL 02-00-135](#) – Recordkeeping Policies and Procedures.
 - [CPL 02-02-072](#) – Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records.
 - [CPL 02-02-054](#) - Respiratory Protection Program Guidelines.
 - [CPL 02-02-079](#) – Inspection Procedures for Hazard Communication Standard (HCS 2012).
 - [CPL 02-01-050](#) – 29 CFR Part 1910, Subpart I, Enforcement Guidance for Personal Protective Equipment in General Industry.
 - [CPL 02-01-037](#) – Compliance Directive for Emergency Action Plans and Fire Prevention Plans.

XI. Program Elements. CSHOs will evaluate the following safety and health program elements and issues during all compliance inspections conducted at the targeted NAICS sites under this REP. The compliance inspections cover all portions of the employer's operations at the site.

Permit Required Confined Space Program. CSHOs will evaluate the employer's transportation tank cleaning operation in the work environment for compliance with 29 CFR 1910.146. CSHOs will use [CPL 02-00-100](#) (CPL 2.100) – Application of the Permit-Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146.

Respiratory Protection Program. CSHOs will evaluate the employer's respiratory protection program for work operations in the work environment for compliance with 29 CFR 1910.134. CSHOs will use [CPL 02-02-054](#) - Respiratory Protection Program Guidelines.

Hazard Communication. CSHOs will evaluate the employer's use of chemicals in the work environment for compliance with [29 CFR 1910.1200](#) – Hazard Communication. CSHOs will use [CPL 02-02-079](#), Inspection Procedures for the Hazard Communication Standard (HCS 2012), as guidance. CSHOs will determine compliance with OSHA's HCS requirements for safety data sheets (SDSs), labeling and worker training.

Personal Protective Equipment. CSHOs will evaluate the employer's respiratory protection program for work operations in the work environment for compliance with 29 CFR 1910.132, 1910.133, 1910.135, 1910.136, and 1910.138. CSHOs will use [CPL 02-01-050](#) – 29 CFR Part 1910, Subpart I, Enforcement Guidance for Personal Protective Equipment in General Industry.

Other Hazards. CSHOs will review the injury and illness records, including first aid and nursing logs, for the past five years for trends that may identify a common hazard at the workplace. Conditions and hazards may vary from facility to facility

depending on the work operations. However, a variety of hazards may be common industry-wide, including noise, chemicals, thermal, electrical, fall, and struck-by hazards.

XII. Recording in OIS. Current instructions for completing Inspection, Complaint, Fatality, and Referral Forms shall be applied when recording inspections under this REP.

- A. The Inspection Report for any inspection expanded or scheduled under this REP shall be marked as “**Tankclean5**” under local emphasis.
- B. All other enforcement activities (i.e., complaints and referrals, etc.) and compliance assistance interventions conducted under this REP shall be marked as “**Tankclean5**” under the Local Emphasis Program field.
- C. The Unprogrammed Activity (UPA)/Fatality for any accident related Fertilizer Grade Ammonium Nitrate (FGAN) mixing/blending hazards shall be marked as “**Tankclean5**” in the appropriate field.
- D. The UPA/Complaint for any complaint related FGAN mixing/blending hazards shall be marked as “**Tankclean5**” in the appropriate field.
- E. The UPA/Referral for any referral related FGAN mixing/blending hazards shall be marked as “**Tankclean5**” in the appropriate field.
- F. All other applicable OIS codes shall be applied, as appropriate.

XIII. Evaluation. The Cleveland OSHA Area Director shall submit program reports at the midpoint of the program and at the expiration. The program report will include a brief description of program activities and results, analysis of factors listed in CPL 04-00-001 (formerly CPL 2.102), Appendix A, as well as recommendations regarding the continuation of this Regional Emphasis Program. In addition, the following factors should also be included.

- A. The number of inspections where transportation tank cleaning operations were evaluated and total number and percent of violations that are serious, willful, or repeat.
- B. The number of serious or other-than-serious violations for the following unique hazards to the industry:
 - Confined space
 - Respiratory protection

- Electrical
- Hazard Communication
- Personal Protective Equipment (PPE)

- C. The number of hazard alert letters (HAL) issued.
 - D. Annual number of fatalities, hospitalizations, amputations, and serious incidents at transportation tank cleaning facilities.
 - E. The number of unprogrammed activities concerning transportation tank cleaning facilities conducted annually.
 - F. The number of employees covered during enforcement and outreach activities.
 - G. Narrative that describes the impact that outreach activities may have had for employers and employees.
 - H. Abatement measures implemented, if novel and innovative.
- XIV. Outreach.** The Regional and Area Office will conduct outreach activities ongoing throughout the effective period of the program. These Outreach activities will be conducted to raise awareness of the hazards associated in the transportation tank cleaning industry to inform stakeholders and employers of the elements of the REP.

Enhancing Compliance Assistance and Outreach Activities

Each Area Director will develop an outreach plan and programs that will support their enforcement efforts, by working with compliance assistance specialists (CAS) and regional labor liaison, when available, to suggest relevant outreach materials and targeted audiences, provide guidance for how to best implement current and new outreach activities, and continue successful outreach strategies implemented in the past and/or currently being implemented.

Outreach activities will utilize OSHA's already established compliance assistance workshops, tools, and resources, as well as other mediums, such as news releases, information packets, seminars, etc. In order to maximize and expand the scope, reach, and effectiveness of outreach efforts, each Area Office should determine relationships to be established with local organizations, interested parties, stakeholders, and community groups, as well as foster already existing relationships. Emphasis will be placed on reaching out to organizations such as consulates and faith-based and community groups to assist in reaching limited English proficiency workers.

The Area Office should consider having these stakeholders participate in training, assist in the dissemination of information from this REP, and participate in any other outreach activity where their participation would benefit the program. Stakeholders may include

actual physical mixing/blending facilities, manufacturers' representatives, industry periodical publishers, safety and health consultants, insurance companies, local and national associations, safety councils, and unions.

The method of outreach is at the Area Director's discretion; however, a detailed description of outreach activities will be included in each Area Office's Regional notice of REPs, as well as in their subsequent evaluations. Below are examples for outreach activities and other compliance assistance to be incorporated into REP procedures.

Outreach to Industry, Workers and other Stakeholders

Outreach activities may include, but are not limited to:

- Encouraging employers to utilize OSHA's free on-site consultation programs and providing educational and compliance assistance information relevant to the industry, along with other applicable outreach materials to appropriate stakeholders.
- Informing employers and other stakeholders that many new resources exist in many languages on hazard identification and prevention.
- Upon establishing a list of affected worksites, providing a letter to inform industry, employees, government and other stakeholders of hazards associated with that particular industry, and informing employers of your outreach and targeting plan prior to commencement of inspection activities. Furthermore, inform employers and workers of educational resources that give them information on potential hazards and how to prevent them.

Utilization of Existing OSHA resources and Outreach Tools

- Conduct targeted training sessions for employers on the recognition, prevention, and abatement of safety and health hazards in the workplaces. Provide information to workers on regarding workers' rights, job hazards, employer responsibilities, and how to file complaints.
- Conduct stakeholder meetings and disseminate information through speeches, training sessions and Area Office newsletters.

Leveraging of Community Knowledge and Local Institutions

- Outreach will be tailored to the transportation tank cleaning industry and the communities of workers and stakeholders. Therefore, outreach programs with employers and trade associations, unions, professional associations, advocacy groups, community and faith-based organizations and others, will be in conjunction with local resources, knowledge and relationships to involve employee and management stakeholders in the identification and elimination of worksite hazards.
- State Consultation Programs should be encouraged to participate in local outreach efforts performed by Area Offices.

APPENDIX A

Date

Company Name

Address

Dear [Stakeholder]:

The United States Department of Labor/Occupational Safety and Health Administration (OSHA), Region V, has developed a local outreach, education, prevention, and inspection program pertaining to employers who may engage transportation tank cleaning operations in Illinois, Ohio, and Wisconsin. We will be conducting outreach efforts to employers in order to raise awareness of the hazards related to transportation tank cleaning operations. We are writing to invite you to participate in our future outreach efforts and to begin evaluating your workplaces to identify and remove hazards.

The intent of this emphasis program is to encourage employers to take steps to address and correct these hazards while cleaning transportation tanks, thereby reducing potential worker injuries, illnesses, and death. Hazards associated with these operations include fires, explosions, electrical, chemical hazards, and confined spaces, among others. OSHA in Region V proposes to accomplish this through outreach and enforcement activities. Outreach activities will include letters to employers; training sessions; electronic information sharing activities; public service announcements; and other outreach with stakeholders. Enforcement activities will begin not sooner than three months after outreach begins and will include, but not be limited to, the on-site inspection and review of production operations; working conditions; records; safety and health programs; chemical handling and use; and safety management systems, to identify and obtain corrections of workplace hazards at all applicable inspections.

Small employers may contact the On-Site (State) Consultation Program for a free confidential safety and health consultative visit. The consultation program, funded primarily by Federal OSHA, provides safety and health consultative services to help employers establish and maintain a safe workplace by coming into compliance with OSHA's regulations. Although the consultants' findings are confidential, employers are required to correct any serious hazards they observe on their visit. Information related to the On-Site Consultation Program may be found at the OSHA website, www.OSHA.gov.

The mission of OSHA is to ensure that working men and women arrive home safely each night from their place of employment. Together, we can accomplish this task. OSHA shares each

employer's goal of reducing occupational injuries and illnesses to the maximum extent practicable. Should you wish to participate with us in our efforts or if you have any questions or comments, please contact me at (xxx) xxx-xxxx. More information on hazards and means of control confined space hazards in general are available at <https://www.osha.gov/confined-spaces> and <https://www.osha.gov/etools>. We look forward to working with you toward this common objective.

Sincerely,

Area Director (xxxx)