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DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

**Date: September 25, 2023**

**To: Nevada Businesses**

**Re: Guidance for Nevadan Business related to the National Emphasis Program on Warehousing and Distribution Center Operations**

On July 13, 2023, Federal OSHA announced the launch of a [National Emphasis Program \(NEP\) on Warehousing and Distribution Center Operations](#) to protect workers from injuries related to hazards common to those industries, which include powered industrial vehicle operations, material handling/storage, walking-working surfaces, means of egress, and fire protection.

On September 11, 2023, Nevada OSHA adopted the NEP in a modified form to reflect Nevada specific injury and illness data. Nevada OSHA will conduct outreach for 90 days from September 25, 2023, to December 24, 2023, prior to initiating inspections under this NEP. This NEP shall remain effective until cancelled or modified by a change to the Federal NEP.

Federal OSHA has reported that warehousing and distribution centers have experienced growth within the past ten years. From January 2011 to December 2021, the warehousing and distribution centers industry experienced an increase in employment from 668,900 in 2011 to 1,713,900 in 2021. 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 in Days Away Restricted or Transferred (DART) rates 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.

Currently, Nevada OSHA focuses its programmed inspections in the General Warehousing and Storage industries (NAICS 493xxx) through its [Programmed Inspection Plan](#) (PIP). As part of this NEP, Nevada OSHA's PIP will now include the following industries: Couriers and Express Delivery Services (NAICS 492110), and high injury rate retail establishments such as Supermarkets and Other Grocery Stores (44511x), and Warehouse Clubs and Supercenters (452311). Injury and illness data within these industries specific to Nevada indicate that they are experiencing higher nonfatal injury and illness rates than the average rate in all private industries, which warrants Nevada OSHA to focus its enforcement efforts on these industries.

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Inspections of employers within industries that fall under this NEP will focus on hazards associated with powered industrial vehicles operations (i.e., forklifts, etc.), material handling/storage (e.g., storage racks), walking-working surfaces (e.g., work performed on/or around loading docks), means of egress, and fire protection. Heat and ergonomic hazards will also be considered and documented during each inspection under this NEP.

Partial inspections will be conducted at high injury rate retail establishments that fall under this NEP and shall cover the loading and storage areas of these establishments. Nevada OSHA 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 be found in other areas of that establishment.

Table 1 provides the five-year averages (2017 through 2021) for total recordable case rates and total DART rates for the industries engaged in warehousing and distribution center Operations within Nevada. The data reflects the fact that these industries are experiencing injury and illness rates higher than the average rate in all private industries.

**Table 1 – Injury and Illness Rates Specific to Nevada**

Industry Covered by	NAICS Code	Total Recordable Case Rates	Total DART Rates
All Private Industry		2.76	1.6
Couriers and Express Delivery Services	492110	8.1	6.3
Supermarkets and Other Grocery Stores	44511x	4.06	2.94
Warehouse Clubs and Supercenters	452311	4.02	2.76
General Warehousing and Storage	49311x	5.18	4.06

\*High injury rate retail establishments that fall within NAICS 4441xx will not be included in Nevada OSHA’s PIP as the state-specific average DART rate is 2.06, which does not meet or exceed the trigger of 2.5, which warrants possible industry programmed inspection focus, per Nevada OSHA’s PIP.

The following is a list which includes, but is not limited to, the standards applicable to work performed in warehousing and distribution center operations. Employers are responsible for reading the full standards and maintaining compliance:

## Training

### ➤ **Powered Industrial Trucks ([29 CFR 1910.178](#)):**

Prior to permitting an employee to operate a Powered Industrial Truck (i.e., Forklift), the employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified by paragraph (I).

**Refresher Training and Evaluation:** Refresher training, including an evaluation of the effectiveness of that training, shall be conducted to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely.

#### **Refresher training shall be provided to the operator when:**

- The operator has been observed to operate the vehicle in an unsafe manner;
- The operator has been involved in an accident or near-miss incident;
- The operator has received an evaluation that reveals that the operator is not operating the truck safely;
- The operator is assigned to drive a different type of truck; or
- A condition in the workplace changes in a manner that could affect safe operation of the truck.

### ➤ **Walking-Working Surfaces ([29 CFR 1910.30](#)):**

Before any employee is exposed to a fall hazard, the employer must provide training for each employee who uses personal fall protection systems or who is required to be trained as specified elsewhere in subpart D.

The employer shall assure that each employee is trained by a qualified person, in at least the following topics:

- The nature of fall hazards in the work area and how to recognize them;
- The procedures to be followed to minimize those hazards;
- The correct procedures for installing, inspecting, operating, maintaining, and disassembling the personal fall protection systems that the employee uses; and
- The correct use of personal fall protection systems and equipment specified in paragraph (a)(1) of this section, including, but not limited to, proper hook-up, anchoring, and tie-off techniques, and methods of equipment inspection and storage, as specified by the manufacturer.

**Retraining:** When the employer has reason to believe the employee does not have the understanding and skill required by paragraphs (a) and (b) of this section, the employer

must retrain an employee. Situations requiring retraining include, but are not limited to, the following:

- Changes in the workplace render previous training obsolete; or
- Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or
- Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

➤ **Fire Protection ([29 CFR 1910.156](#); [1910.157](#); [1910.160](#)):**

**Fire Brigades:** The employer shall provide training and education for all fire brigade members commensurate with those duties and functions that fire brigade members are expected to perform. Such training and education shall be provided to fire brigade members before they perform fire brigade emergency activities. Fire brigade leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire brigade.

**Portable Fire Extinguishers:** Employers who have provided portable fire extinguishers for employee use, shall provide training to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting.

**Fixed Extinguishing Systems:** In workplaces where fixed extinguishing systems are utilized, the employer shall train employees designated to inspect, maintain, operate, or repair fixed extinguishing systems and annually review their training to keep them up to date in the functions they are to perform.

### **Personal Protective Equipment**

➤ **Workplace Hazard Assessment ([29 CFR 1910.132](#)):** Employers shall assess their workplace(s) to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall elect, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment; communicate selection decisions to each affected employee; and select PPE that properly fits each affected employee.

➤ **Eye and Face Protection ([29 CFR 1910.133](#)):** The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

- **Respiratory Protection (29 CFR 1910.134):** In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures. When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used.

Respirators shall be provided to each employee when such equipment is necessary to protect the health of such employee. The employer shall provide the respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protection program, which shall include all applicable requirements. The program shall cover each employee required by this section to use a respirator.

- **Eye and Face Protection (29 CFR 1910.133):** The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

### **How to File a Complaint**

Employees who feel they have been exposed to a hazardous condition in the workplace, have the right to raise their concerns with their employer or to file a complaint with Nevada OSHA. Such a complaint may trigger an inspection of the workplace. An employee who raises concerns with their employer or files an OSHA complaint is protected against retaliation or discrimination for having done so by NRS 618.445 and section 11(c) of the federal Occupational Safety and Health Act, Pub. L. 91-596, 84 Stat. 1590. If an employee files a complaint with Nevada OSHA, their name and contact information will be held as confidential information pursuant to NRS 618.341(3)(a).

To file a complaint, please visit <https://www.osha.gov/workers/file-complaint> or call Nevada OSHA at (702) 486-9020 (southern Nevada) or (775) 688-3700 (northern Nevada).

### **Assistance Available from Nevada Safety Consultation and Training Section (SCATS)**

SCATS is here to help. SCATS is focused on keeping Nevadans safe and healthy while on the job. SCATS offers resources for employers and employees alike, from training to consultation to safety program review. If your business has questions or needs onsite training or consultation, please submit a request by calling 877-472-3368 or submitting a consultation request at <https://www.4safenv.state.nv.us/contact/>.

### **References:**

**National Emphasis Program – Warehousing and Distribution Center Operations:**

<https://www.osha.gov/enforcement/directives/cpl-03-00-026>