



PR OSHA Instruction CPL 11- 05  
September 29, 2011  
Bureau of Inspections

**SUBJECT: Local Emphasis Program – Limited and Full Service Restaurants**

- A. Purpose:** This instruction describes policies and procedures for implementing a Local Emphasis Program (LEP) for programmed safety inspections in establishments engaged in providing food services to patrons who order and are served while seated, or generally order or select items and pay before eating, and or preparing and serving meals for immediate consumption using cafeteria-style serving equipment, food and drink may be consumed on premises, taken out, or delivered to the customer's location, within the followings NAICS Code 722110, 722211 and 722212, in accordance with the provisions of the Field Operations Manual (FOM), Chapter II, Program Planning.
- B. Scope:** This instruction applies PR OSHA-wide.
- C. References:**
1. OSHA Directive CPL 04-00-001 (CPL 2-0.102A) Procedure for Approval of Local Emphasis Programs (LEP'S).
  2. OSHA Directive CPL 2.25I and CH-1, or most current versions Scheduling System for Programmed Inspections.
  3. PR OSHA Instruction: CPL 02-00-150, September 23, 2011 Bureau of Inspections Field Operation Manual (FOM).
- D. Action:** The Bureau of Inspections Director and Area Directors shall ensure that the procedures established in this instruction are followed when conducting this LEP. This instruction is limited to those establishments classified under NAICS Code 722110, 722211 and 722212.

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- E. **Background:** PR OSHA understands that there is a need for increase enforcement activity for those establishments engaged in providing food services. The employees in those establishments can be potentially exposed to unguarded machines, hot surfaces, poor ventilation or problems with extraction systems, lack of personal protective equipment, wet floors, and fire emergencies.

The implementation of this LEP will help PR OSHA achieve its strategic goals of reducing hazards especially assuring compliance with several standards, including, but not limited to: Recordkeeping, Personal Protective Equipment, Walking Working Surface, Machine Guarding, Means of Egress and Fire Protection

This Local Emphasis Program was developed to increase awareness and provide faster enforcement to reduce work injuries and illnesses; motivate employers to change the work practices within the industry and come into compliance with current safety and health regulations and practices, establish comprehensive safety and health programs with employee involvement, which deal with the hazards as well as the injuries and illnesses they are experiencing.

F. **Procedures:**

1. Following the guidelines in PROSHA Instruction CPL 2.25I and CH-1, the Area Director will develop a list of employers NAICS Code 722110, 722211 and 722212, from the best sources available. These sources include, but not limited to, phone books, business listing, Internet, previous OSHA history and local knowledge. Establishments with fewer than 10 employees shall also be included in this LEP.
2. The Area Director will review the list of all employers (see F.1. above) and a random number table will be used to develop the inspection register of establishments. This selection process sets forth administratively neutral criteria to identify establishments for programmed inspections. The Area Director must ensure that all selected establishments are inspected.
3. Additions: If, during this LEP, PR OSHA becomes aware of establishments that covers activities within NAICS Code 722110, 722211 and 722212,, and are not on the current establishments list, the site will be added to a new list and an inspection will be conducted in a random order.
4. Deletions: The Area Office will delete facilities from the establishments list when; the establishment have received a comprehensive inspection with an opening

conference date less than two (2) years from the start date of this LEP and establishments known to be out of business.

5. All worksites that fall down under the NAICS Code 722110, 722211 and 722212, and are inspected under unprogrammed activities following all the instructions on this LEP will be added to the LEP Inspection List. The scope of these inspections will be changed to a comprehensive programmed safety and health inspection.
6. The Area Directors will provide training to the CSHO'S in order to keep them up to date of the latest on several standards, including, but not limited to: Recordkeeping, Personal Protective Equipment, Walking Working Surface, Machine Guarding, Means of Egress and Fire Protection.
7. All contractors found during the LEP inspections shall be inspected following the FOM procedures.

**G. Inspection Scope:**

1. Programmed inspections under this LEP will be comprehensive safety inspections in nature and conducted in accordance with the FOM.

**H. Recordkeeping:**

1. The employer shall submit, to the Area Office for the following five-years after being inspected the annual summary report of injuries and illnesses in the establishments (Forms 300, 300A and 301). These data will be evaluated to verify if the injuries and illnesses show a trend in the establishment and a decision will be made to re-inspect the site in cases where the evaluation of the OSHA-300 log shows a rising on the rates. This report shall be completed by February 1, of each calendar year after the inspection under this LEP.
2. If the employer does not comply with the requirements of providing the information and records required on paragraph H.1, a follow up inspection will be schedule.
3. Recording in the Computer System: The following guidelines shall be applied when recording inspections conducted under this Local Emphasis Program:
  - a. Current instructions for completing the appropriate inspection classification boxes (Items 24 and 25) on the Inspection Report,

(OSHA-1 Form) as found in the IMIS Manual shall be followed for inspections under this LEP.

- b. The OSHA-1 for any programmed inspection scheduled under this Local Emphasis Program shall be marked Programmed (Item 24h), “Comprehensive” (Item 35) and Local Emphasis Program (Item 25c.). Record “RESTAURANT” in the space in Item 25c.
- c. The OSHA-1 for any programmed inspection scheduled from the Safety Establishment List shall be marked Programmed (Item 24h), Safety Planning Guide, “Manufacturing” (Item 25a or b) as appropriate. For programmed safety inspection scheduled it shall be marked Local Emphasis Program (Item 25c.) and “Comprehensive” (Item 35). Record “RESTAURANT” in the corresponding space (Item 25c).
- d. The OSHA-1 for any unprogrammed activities shall be marked in Item 5. The other items shall be completed as established in section H.3.a.
- e. Optional information for recording the appropriate values in the OSHA-1 (Item 42).

Type	ID	Value
S	18	“RESTAURANT”
N	20	Training yes or no / Participation yes or no

- 4. Nonformal complaints, other government agency referrals and reports from the public reporting potential hazards related to “RESTAURANT” shall be recorded on an OSHA-7 Notice of Alleged Safety or Health Hazards, or an OSHA-90, Referral Report, if appropriate, in accordance with current IMIS Instructions.

**I. Evaluation:**

- 1. Area Director’s Responsibility – All Area Directors shall submit to the Bureau of Inspections Director by April 1, 2012 after the effective date of this instruction an evaluation report that shall include the following elements:
  - a. Description of the LEP purpose
  - b. Area Director’s opinion about the effectiveness of the LEP is in accordance with its purpose

- c. Data and information to support the conclusions above
- d. Number of inspections
- e. Number of employees covered
- f. Number of inspections in compliance
- g. Number of inspections with violations
- h. Average violations per inspection
- i. Number of serious violations cited
- j. Type and number of injuries and illnesses regarding to the LEP
- k. Number of employers implementing or improving Safety/Health Programs
- l. Evaluation of the standards cited to determine whether the LEP is addressing the goal
- m. Statement of whether the program should be continued, accompanied by brief rationale

**J. Bureau of Inspection's Reports:** No later than 15 days after the expiration date of the Annual Performance Plan, the Director of the Bureau of Inspection will present to the Assistant Secretary an evaluation report, this will include the impact and the effectiveness of this Program.

**K. Full Service:**

1. The Compliance Safety and Health Officer shall make a comprehensive evaluation of the safety and health program at the establishment and recommend proper measures to ensure an effective implementation of the program. Interviews with employees will be required in the evaluation of the program.
2. At the closing conference the Compliance Safety and Health Officer will offer information about the hazards found in the establishment, give advice of appropriate abatement methods and discuss all the violations observed during the walk around. Participation of the employees and union representative (if applicable) in the closing conference will be required and promoted.

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3. Employees' involvement in all safety and health matters will be encouraged.

**L. Effective Date:** October 1, 2011.

**M. Expiration Date:** September 30, 2016.

  
Gladys Cruz-Mercado  
Assistant Secretary

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