

OSHA LAUNCHES NATIONAL EMPHASIS PROGRAM TARGETING WAREHOUSING AND DISTRIBUTION OPERATIONS

Hodgson Russ Occupational Safety & Health Act Alert
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Citing a decade of tremendous growth in the warehousing and distribution sector, coupled with higher-than-average injury and illness rates for workers engaged in these operations, the U.S. Occupational Safety and Health Administration (“OSHA”) has released a new, National Emphasis Program (“NEP”) targeting warehousing and distribution operations. This NEP not only focuses on private warehousing and distribution facilities handling goods and merchandise, but also encompasses mail and postal processing and distribution centers, parcel delivery/courier services, messenger and local delivery services, refrigerated warehousing operations, farm product warehousing, and certain high-risk retail establishments, including home centers, hardware stores, building material dealers, supermarkets, and warehouse clubs and supercenters. The types of establishments slated for inspection are listed more specifically in the NEP by their applicable North American Industry Classification System (NAICS) code. The new NEP became effective on July 13, 2023, and will be operative for the next three years.

Safety inspections undertaken pursuant to the NEP at warehousing and distribution facilities will be comprehensive in nature. The inspections at high injury retail establishments, by contrast, will begin as partial inspections that concentrate on storage and loading areas. OSHA may elect to expand the scope of those inspections if it finds evidence that violations may exist in other areas of the establishment. All inspections under the NEP will focus on the following primary areas:

- Powered industrial vehicle operation
- Material handling/storage
- Walking/working surfaces
- Means of egress
- Fire protection

OSHA will consider heat-related and ergonomic hazards as well, which may result in the expansion of the inspection to include a health inspection that would encompass these additional potential hazards to employees. Notably, heat-related illnesses have become points of emphasis and enforcement by OSHA in recent years. In April

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2022, OSHA issued a National Emphasis Program on Outdoor and Indoor Heat-Related Hazards, notwithstanding the absence of a specific regulatory standard. The agency is continuing to engage in heat-related enforcement activities while also promoting heat illness prevention on its website.

If you have questions about OSHA's Warehousing and Distribution Center NEP, or any other questions about OSHA compliance, please contact [Jason Markel](#) (716.848.1395), [Glen Doherty](#) (518.433.2433), [Charles H. Kaplan](#) (646.218.7513), or any other member of our [Labor and Employment Group](#).

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