



October 2018

OSHA's Regional Emphasis Program on Reducing Exposure to Ammonium

On Oct. 1, 2018, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) **launched** a new Regional Emphasis Program (REP) to address hazards from exposure to fertilizer-grade ammonium nitrate (FGAN) and agricultural anhydrous ammonia. The REP will be effective in the states of Arkansas, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. It is aimed at employers in the fertilizer storage, mixing/blending, and distribution industries whose workers can face hazards leading to serious illness, injury, and death from fire, explosions, and exposure to toxic gases and chemicals.

The REP was a result of a disaster at a facility several years ago in West, Texas, where at least forty tons of FGAN exploded and killed fifteen people, injured hundreds of others, destroyed the facility, and damaged other surrounding buildings.

The REP begins with a three-month period of education and prevention outreach to encourage employers to bring their facilities into compliance with OSHA standards. During this period, OSHA will continue to respond to complaints, referrals, hospitalizations, and fatalities. After the three-month period expires, OSHA will begin enforcement activities, which will run through Sept. 30, 2019, unless extended.

It is anticipated that OSHA will be aggressive in implementing this new REP. As a result, the regulated community may wish to consider conducting a gap analysis under attorney-client privilege so that they can address any compliance-related issues before OSHA is at their doorstep. Greenberg Traurig's OSHA team has significant experience in helping employers prepare for these types of program inspections.

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