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OSHA RENEWS FOCUS ON WAREHOUSING AND DISTRIBUTION CENTER SAFETY: 4 COMPLIANCE PRIORITIES FOR EMPLOYERS

Insights
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OSHA Renews Focus on Warehousing and Distribution Center Safety: 4 Compliance Priorities for Employers

Warehousing and distribution center employers will need to emphasize safety compliance at their workplaces thanks to a renewed federal directive that will see OSHA focus on these industries for at least the next five years. OSHA just renewed its National Emphasis Program (NEP) as July 31, extending coverage from the original start date in 2023 through at least 2031. Although the renewed NEP narrows certain aspects of the prior program – removing some retail employers from covering and dropping mandatory heat and ergonomic screening – you shouldn't interpret the changes as a reduction in enforcement focus. The renewed program continues to authorize comprehensive safety inspections given that injury and illness rates in these industries continue to exceed the overall private industry average. This Insight will cover the four biggest compliance priorities you should focus on.

The Basics

The renewed NEP continues to cover establishments within the following seven industry classifications:

- Postal Service processing and distribution centers (NAICS 491110)
- Couriers and Express Delivery Services (NAICS 492110)

Related People



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- Local Messengers and Local Delivery (NAICS 492210)
- General Warehousing and Storage (NAICS 493110)
- Refrigerated Warehousing and Storage (NAICS 493120)
- Farm Product Warehousing and Storage (NAICS 493130)
- Other Warehousing and Storage (NAICS 493190)

But certain high-injury-rate retail establishments that had been included in the original 2023 NEP – including home centers, hardware stores, supermarkets, and warehouse clubs and supercenters – have been removed from the renewed 2026 NEP.

For covered employers, OSHA inspections will remain broad in scope. The renewed directive identifies powered industrial vehicle operations, material handling and storage, walking-working surfaces, means of egress, heat, ergonomics, and fire protection among the hazards that may be evaluated during an NEP inspection.

4 Biggest Takeaways for Employers

There are four big takeaways you should focus on thanks to the renewed NEP.

1. Confirm Whether Your Operations Fall Within the NEP

You should determine now whether your individual facilities perform operations falling within one of the seven covered NAICS classifications. Do not rely solely on your company's primary NAICS code.

Under the renewed NEP, OSHA's Office of Statistical Analysis will use its ListGen system to create randomized Master Lists of establishments within the covered NAICS codes for each Area Office. At the opening conference, the Compliance Safety and Health Officer (CSHO) will verify the establishment's NAICS code, total number of employees, and the location where warehousing or distribution activities are performed. OSHA also permits the inspection to proceed where an establishment location has changed but the NAICS code, personnel, and operations remain substantially similar.

If you have multiple facilities, you should conduct a location-by-location review of operations and NAICS classifications rather than assuming that a corporate-wide classification

determines NEP exposure. You should also be prepared to explain accurately what functions occur at each facility.

2. Prepare for a Comprehensive Inspection, With Particular Attention to OSHA's Identified Hazards

The renewed directive calls for comprehensive safety inspections for covered establishments selected under the NEP, rather than inspections limited to one discrete condition or complaint.

You should consider conducting compliance assessments focused on the areas OSHA has expressly identified, including:

- powered industrial vehicles and associated traffic management;
- material handling and storage;
- walking-working surfaces and fall hazards;
- exit routes and means of egress;
- fire protection;
- heat-related hazards; and
- ergonomic hazards.

You also should expect OSHA to scrutinize injury and illness records. During the opening conference, the CSHO is directed to review OSHA 300 Logs, 300A Summaries, and OSHA 301 Incident Reports for the current and previous three calendar years to identify injuries and illnesses associated with the hazards covered by the NEP.

Review your OSHA recordkeeping before an inspection occurs, identify injury trends that could prompt further questioning, and confirm that physical conditions, written programs, training, and actual work practices align. Additionally, at least through September 2 of each calendar year, confirm that you have submitted the required OSHA records through the Injury Tracking Application (ITA).

3. Don't Mistake the Removal of Mandatory Heat and Ergonomic Screening for Removal of Those Hazards From OSHA's Focus

The 2023 NEP required CSHOs to assess heat and ergonomic hazards during covered inspections and directed OSHA to open a health inspection when such hazards were identified. The renewed NEP expressly removes those *mandatory* screening requirements. But heat and ergonomics remain specifically identified among the hazards addressed by the program.

That distinction is critical. While the procedural requirement that every NEP inspection include the prior prescribed screening process has been removed, OSHA has not declared heat or ergonomic hazards irrelevant.

Continue evaluating heat exposure, material-handling demands, repetitive-motion concerns, lifting practices, work pace, and other ergonomic conditions at your workplace. Do not relax existing controls merely because mandatory NEP screening language has disappeared.

4. Have an Inspection-Response Plan

One of the most meaningful changes involves OSHA's treatment of unprogrammed inspections. Under the 2023 NEP, inspections arising from fatalities, catastrophes, complaints, or referrals at covered establishments were required to be expanded to address hazards targeted by the NEP.

The renewed directive instead provides that the Area Office *may* expand those inspections to address common warehouse and distribution hazards. OSHA also *may* expand programmed or unprogrammed inspections where there is evidence that violative conditions may exist, including OSHA 300 and 301 entries, employee statements, or conditions observed in plain view. This change gives OSHA greater discretion rather than requiring expansion in every covered case.

Have a written OSHA inspection-response protocol and train managers on how to implement it. That protocol should address who will interact with the CSHO, how you will determine and document the inspection's proposed scope, how you will manage document requests, who will participate in employee and management interviews where appropriate, and when you should contact your legal counsel.

Additional Considerations

The renewed NEP also provides that an establishment generally should be removed from the Master List if it received a comprehensive inspection related to the hazards addressed by the NEP within the previous three years. Covered employers that have recently undergone comprehensive OSHA inspections should therefore maintain readily accessible records concerning the date, scope, and disposition of those inspections.

The directive also contains an important provision for State Plan jurisdictions. While the relevant section is captioned "Notice of Intent Required, Adoption Required," the operative language states that State Plans are *strongly encouraged, but are not required, to adopt* the updated instruction. Employers operating in State Plan states should confirm whether and how the applicable state agency has implemented the renewed NEP rather than assuming the federal directive applies without modification.

Conclusion

We will continue to monitor developments in this area and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Workplace Safety and Catastrophe Management Practice Group](#).