

**Performing Arts, Live Entertainment, Sports and Related Industries**  
**Nevada Local Emphasis Program**  
**NAICS Code 711**  
**Revised August 2011**

**Background**

The State of Nevada OSHA has developed a Local Emphasis Program (LEP) for the unique industry of “performing arts, live entertainment, sports and related industries” as identified under the North American Industrial Classification System (NAICS) code 711. The justification for the LEP is the high reported accident/injury rate (IR) and days away from work, restricted duty, or job transfer rates (DART) for this industry classification. For industries in NAICS code 711 as reported by the Bureau of Labor Statistics for calendar year 2008, the National IR rate is 6.4 recordable injuries for every 200,000 hours worked and the National DART rate is 2.5. For Nevada in 2008, the IR rate is 33.5 and the DART rate is 19.9. These Nevada IR and DART rates are the highest rates for any industry in the State of Nevada; these rates are higher than Nevada’s construction or mining industries which have rates of (IR/DART) 4.7/2.5 and 2.9/2.0 respectively. These extraordinarily high injury rates call for a collaboration of industry experts, employers, employees and Nevada OSHA to work together on minimizing the potential hazards intrinsic to this industry.

**Compliance Safety and Health Officer (CSHO) Training**

As with most unique industries, there are unique requirements and expectations for the entertainment industry. The Nevada entertainment industry has a culture that has developed and grown over the past forty years which has brought the Las Vegas Strip to the forefront of the entertainment industry; there will always be high expectations for Las Vegas as the entertainment capital of the world. There is a growing need to provide new entertainment ventures that are bigger, better and more spectacular than their predecessor. This mindset to set the bar a little higher, carries over into other related industries with regard to the growing number of large conventions and spectacular outdoor entertainment events coming into Nevada each day.

Industry specific training for Nevada OSHA compliance officers is paramount in conducting a creditable inspection, and gaining support of affected employees, employers, and industry experts. The inspector requires a basic working knowledge of the tools, equipment, terminology and culture of the industry to have a basic working knowledge to conduct a thorough inspection and to conduct informative interviews. Nevada OSHA’s new Training Supervisor has been developing new training courses to prepare CSHOs for the unique environment that they will be inspecting. To date, Nevada OSHA has been working and consulting with industry experts in the private and academic sector of the industry. NV-OSHA is also working with the local stagehand trades union (Local 720); CSHOs have participated in cross-training sessions with Local 720 members and have successfully completed basic training courses in stage rigging and stage construction.

## **Selection of Inspection Sites**

Where and when to inspect, who to inspect, what questions to ask, what tools or personal protective equipment should the inspector have to conduct an inspection? These were basic questions that needed to be answered. Over the past year, NV-OSHA has been gathering comments, and concerns with regard to these questions; we have been working and consulting with industry experts and employee representatives to assure that we are sending our CSHOs out prepared to conduct inspections at those jobs where the entertainment industry has concerns about employee safety.

Based on industry information gathered to date, the primary concerns are with the potential hazards created during set-up and tear down activities with special emphasis on the construction of the stage/backstage areas, critical lifts/anchor points, rigging equipment, flying equipment, electrical power set-up, and other hazards that are unique to the venue. Outdoor stages will be evaluated for proper engineering and design to assure safety factors are designed into the structure to handle wind loads and other potential stressors. Some of the hazards associated with this work are trip/fall hazards, struck-by, caught-in-between, shock hazards, et cetera. Another industry concern is a lack of training and experience for the unskilled laborers who work along-side the skilled tradesmen.

The selection of theatrical and stage production work sites to inspect, meets the neutrality requirements for selecting inspection sites as outlined in the OSHA Directive 04-00-001. A list of potential work sites to inspect is first created from information gathered via entertainment publications and internet websites that advertise upcoming convention events, theatrical stage productions, concerts, et cetera. Each work site is assigned a number on the list of work sites to be inspected; these numbers are then put through a random number generator that generates a randomized sequence of these numbers. From this randomized list, work sites are inspected in the order their number comes up on the random number list; the employer work site coming up first on the list is inspected first, the second work site next, et cetera. This list is refreshed when all work sites on the list have been inspected.

For selecting those entertainment venues, and events that are less than thirty days in duration between set-up and tear-down, one event will be randomly chosen each month for inspection.

The inspection of small employers will not conflict with the restrictions set forth by the congressional Appropriations Act riders as described in OSHA Instruction CPL 2-0.51J or successor guidance.

### **Industry Consensus Standards and Best Practices**

Other considerations that merit future discussion are whether the existing general industry standards (29 CFR 1910) or construction standards (29 CFR 1926) adequately control the inherent hazards associated with the unique working conditions of the entertainment industry. NV-OSHA will evaluate the possible need to adopt any existing industry consensus standards or best practices that have been developed by the entertainment industry to date.

### **Conclusion**

The primary goal for this LEP is to reduce the high rates of injury occurring in Nevada's rapidly growing entertainment industry. To achieve this goal will require all affected parties to share their experiences and knowledge in improving overall safety and sustaining a positive safety culture to maximize safety in this unique work environment.

**Performing Arts, Live Entertainment, Sports and Related Industries**  
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**May 2011**

**Background**

The State of Nevada OSHA has developed a Local Emphasis Program (LEP) for the unique industry of “performing arts, live entertainment, sports and related industries” as identified under the North American Industrial Classification System (NAICS) code 711. The justification for the LEP is the high reported accident/injury rate (IR) and days away from work, restricted duty, or job transfer rates (DART) for this industry classification. For industries in NAICS code 711 as reported by the Bureau of Labor Statistics for calendar year 2008, the National IR rate is 6.4 recordable injuries for every 200,000 hours worked and the National DART rate is 2.5. For Nevada in 2008, the IR rate is 33.5 and the DART rate is 19.9. These Nevada IR and DART rates are the highest rates for any industry in the State of Nevada; these rates are higher than Nevada’s construction or mining industries which have rates of (IR/DART) 4.7/2.5 and 2.9/2.0 respectively. These extraordinarily high injury rates call for a collaboration of industry experts, employers, employees and Nevada OSHA to work together on minimizing the potential hazards intrinsic to this industry.

**Compliance Safety and Health Officer (CSHO) Training**

As with most unique industries, there are unique requirements and expectations for the entertainment industry. The Nevada entertainment industry has a culture that has developed and grown over the past forty years by the high expectations that Las Vegas is the entertainment capital of the world. There is a growing need to provide new entertainment ventures that are bigger, better and more entertaining than their predecessor. This carries over into other related industries with regard to the growing number of conventions and outdoor entertainment events coming into Nevada each day.

Industry specific training for Nevada OSHA compliance officers is paramount in conducting a creditable inspection, and gaining support of affected employees, employers, and industry experts. The inspector requires a basic working knowledge of the tools, equipment, terminology and culture of the industry to have a basic working knowledge to conduct a thorough inspection and to conduct informative interviews. Nevada OSHA’s new Training Supervisor is developing new training courses to prepare CSHOs for conducting competent inspections.

**Selection of Inspection Sites**

Where and when to inspect, who to inspect, what questions to ask, what tools or personal protective equipment should the inspector have to conduct an inspection? These are basic questions that need to be answered. Who can best answer these questions than the

industry's experts and employees who are working in the entertainment industry and its related industries. NV-OSHA has been working and consulting with these industry experts and employee representatives to assure that we are sending our CSHOs out to jobs where the industry has concerns about employee safety.

The selection of theatrical and stage production work sites to inspect will meet neutrality requirements for inspection as outlined in the OSHA Directive 04-00-001. A list of potential work sites to inspect is first created from information gathered via entertainment publications and internet websites that advertise upcoming convention events, theatrical stage productions, concerts, et cetera. This work site list is then numbered; these numbers are put through a random number generator that generates a randomized sequence of these numbers. From this random generated list, work sites are inspected in the order they come up on the list; the employer work site coming up first on the list is inspected first, the second work site next, et cetera. This list is refreshed when all work sites on the list have been inspected.

For selecting those entertainment venues, and events that are less than thirty days in duration between set-up and tear-down, one event will be randomly chosen each month for inspection using the neutrality requirements outlined above.

The inspection of small employers will not conflict with the restrictions set forth by the congressional Appropriations Act riders as described in OSHA Instruction CPL 2-0.51J or successor guidance.

### **Industry Consensus Standards and Best Practices**

Other considerations that merit future discussion are whether the existing general industry standards (29 CFR 1910) or construction standards (29 CFR 1926) adequately address the serious hazards of the industry or is there a need to adopt any existing consensus standards or best practices that have been developed by the industry.

### **Conclusion**

The primary goal for this LEP is to solve the problem of why this Nevada industry has such a high injury rate and days away from work rate. Reducing injuries is beneficial for all affected employees and employers.