



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL-04-00-002F	EFFECTIVE DATE: October 1, 2016
SUBJECT: Region Wide Local Emphasis Program – Fall Hazards	
REGIONAL IDENTIFIER: Region I	

ABSTRACT

- Purpose:** This directive is a sixth renewal of a regional local emphasis program (LEP), OSHA Regional Instruction CPL 04-00-002, effective January 7, 2004, entitled Local Emphasis Program for Fall Hazards. It is intended to reduce the incidence of fatal and serious injuries resulting from falls to a lower level, in both general industry and construction.
- Scope:** OSHA – Region 1
- References:** CPL 02-00-160, August 2, 2016; Field Operations Manual (FOM).
OSHA Instruction CPL 04-00-001, November 10, 1999; Procedures for Approval of Local Emphasis Programs (LEPs).
- State Impact:** None
- Action Offices:** All area offices, Region I.
- Originating Office:** Boston Regional Office
- Contact:** Ameer Bhatt, Assistant Regional Administrator
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By and Under the Authority of

Jeffrey A Erskine
Acting Regional Administrator

Boston Regional Notice CPL 04-00-002F

Executive Summary

This notice is a seventh renewal of an earlier OSHA Regional Notice CPL 04-00-002, Local Emphasis Program for Fall Hazards, which provided a comprehensive framework of guidance and direction to ensure effective targeting, enforcement and outreach regarding fall hazards in Region I, New England.

Significant Changes

None

Boston Regional Notice CPL 04-00-002F

TABLE OF CONTENTS

I. Purpose.....	1
II. Scope.....	1
III. References.....	1
IV. Action.....	1
V. Effective Date.....	1
VI. Expiration.....	1
VII. Background.....	1
VIII. Program Procedures	2
IX. Recording in OIS.....	3
X. Outreach.....	4
XI. Evaluation.....	4
APPENDIX A.....	A-1
INDEX.....	Index-1

Boston Regional Notice CPL 04-00-002F

- I. Purpose:** This directive is a seventh renewal of the fall protection local emphasis program (LEP), which established a region-wide program to reduce the number of fall hazards and related injuries in general industry and construction. This notice also describes inspection policies and procedures to be followed by OSHA compliance staff when conducting inspections under this LEP.

This local emphasis program consists primarily of three broad elements. One element pertains to alternative site targeting, which will rely heavily on referrals, especially referrals from OSHA compliance officers. Another element concerns a greater emphasis on fall hazards in general industry during planned inspections scheduled using the current targeting plan for general industry. The third element consists of various outreach activities intended to raise the awareness of employers and employees of common fall hazards, abatement approaches, and compliance responsibilities.

- II. Scope:** This notice applies to all federal area offices of the Occupational Safety and Health Administration (OSHA) in Region 1 (New England).

III. References:

- A. CPL 02-00-160, August 2, 2016; Field Operations Manual (FOM).
- B. CPL 04-00-001, November 10, 1999; Procedures for Approval of Local Emphasis Programs (LEPs).
- C. OSHA's National Fall Prevention Campaign, <http://www.osha.gov/stopfalls/index.html>

- IV. Action:** Area directors shall ensure that compliance officers are familiar with the contents of this notice, and that the inspection procedures described by this directive are followed.

- V. Effective Date:** This revision is effective on October 1, 2016.

- VI. Expiration:** Unless extended by the Regional Administrator, this local emphasis program will expire on September 30, 2017.

- VII. Background:** In the construction industry, falls from elevation cause more fatal injuries than any other accident event type. In general industry, falls from elevation are also a major cause of serious and fatal injuries. In construction, according to the 2013 - 2014 National Census of Fatal Occupational Injuries, published by the U.S. Department of Labor's Bureau of Labor Statistics, nationwide, there were 660 fatalities in 2014, up 11 percent from the total from 2013, resulting from falls to a lower level, accounting for 19 percent of all fatal injuries in all workplaces. Of the cases where height was known (545 cases), 54 percent were 20 feet or less. While the predominant fatal falls were from or through roofs, from ladders and from scaffolds, other common work surfaces from which fatal falls occurred included: stairways, open-sided floors, stacked materials, building girders or other structural steel, and nonmoving vehicles. In addition, nationwide, there were 47,120 falls to lower level that resulted in one or more days away from work, including 9,560 falls in the construction industry. There were also 390 fall fatalities (290 falls to lower level) out of 3,609 total fatalities in the non-construction industries.

In the six New England states, during a five year period ending September 30, 2013, 57 workers suffered fatal falls in the workplace covered by the Occupational Safety and Health Administration.

Boston Regional Notice CPL 04-00-002F

With the implementation of the fall hazard local emphasis program within Region 1, there has been a steady decline in fatalities attributed to falls; from 22 in 1998 to 4 in 2013, 9 in 2014, 9 in 2015 and 12 (preliminary) in 2016.

In construction, fall exposures often occur when employees are working within or on incomplete structures in the process of being built, or from scaffolds, aerial lifts, ladders and other work surfaces that are frequently moved or altered during the course of construction.

In general industry, employee exposures to fall hazards often occur when employees work on open-sided floors or platforms, or when they use portable ladders or aerial lifts. Fall hazards in general industry are especially common when employees are performing maintenance activities which require that they work on roof-mounted equipment, or when they climb up onto the equipment being maintained. Employee exposures to fall hazards in general industry during maintenance operations typically involve brief, but reoccurring exposures which usually can be anticipated and prevented by employers.

VIII. Program Procedures:

- A. Compliance Safety and Health Officers (CSHOs) shall, while traveling during the course of their work-day, be watchful for employees, working at elevations greater than ten feet above the lower level, and who appear to be unprotected from the hazard of falling to the lower level. Compliance officers seeing such exposures shall attempt to contact the area office either to obtain supervisory authorization to begin an immediate inspection; or, in cases where the CSHO is unable to begin an immediate inspection, to notify the area office of the CSHO's observations. Supervisory approval to start the inspection will normally be granted to the CSHO provided that this inspection activity does not conflict with higher priority inspection activity, and provided that the CSHO has the necessary expertise and equipment to conduct the inspection.
- B. If the CSHO has no readily available means to contact the area office (i.e., no cellular phone service), or is otherwise unable to reach area office personnel who can authorize the inspection, the CSHO will begin an immediate limited scope inspection provided this activity will not interfere with higher priority inspections or assignments. In these cases, the CSHO will give highest priority to preventing further employee exposure to the fall hazards observed.
- C. Whenever an inspection is begun under this LEP on the basis of a CSHO self-referral, the CSHO will include in the case file narrative, a description of the circumstances which resulted in discovery of the employee exposure that was the basis of the referral. The case file narrative shall also indicate if supervisory authorization for the inspection was obtained prior to the start of the inspection, or an explanation why this authorization was not obtained or sought.
- D. The scope of inspections scheduled under this LEP will be in accordance with the Field Operations Manual.
- E. During all programmed safety and health inspections (such as national, regional or local emphasis programs), and during all unprogrammed inspections (accidents, complaints and referrals) involving alleged fall hazards, CSHOs will include the following activities as part of their inspections:

Boston Regional Notice CPL 04-00-002F

1. In addition to looking for walking/working surfaces where guardrails, handrails, and floor opening covers are needed, CSHOs will attempt to determine, by reviewing the establishment's injury/illness logs, and through interviews of employees and employer representatives, if employees have been exposed to fall hazards during production or maintenance operations.

- F. When a complaint alleging a fall hazard is received at the area office, which previously would have been handled in accordance with the phone/fax procedures for off-site interventions, under this LEP, the area director has the option, resources permitting, of scheduling an inspection to investigate the complaint.
- G. At the end of each LEP inspection, the CSHO will provide the employer with informational materials concerning fall hazards. Appendix A of this notice is a copy of a letter to employers that is to be included with the informational materials. If, in the judgment of the inspecting CSHO, no potential fall hazards were identified, nor expected at the establishment, either because of the nature of the employer's business, or because the employer already has in place effective fall prevention measures, there is no need for the CSHO to distribute the informational materials, nor engage in any other compliance assistance activities.

IX. Recording in OIS: Current instructions for completing the inspection and investigation forms and dropdown fields shall be followed when recording inspections under this LEP. Additionally, the following instructions will be followed to ensure inspections and compliance assistance activities done as part of this LEP are properly recorded.

- A. The OIS for any inspection scheduled under this LEP shall be marked "Planned" in the "initiating type" dropdown menu. Record the word "FALL" in the "Local Emphasis Program" dropdown field. Complaints and referrals from sources such as police departments or fire departments, and inspections scheduled in response to reports of fatalities or a catastrophe shall be appropriately coded as "Unprogrammed." Also, unprogrammed inspections shall be coded "FALL" under the "Local Emphasis program" dropdown field.

X. Outreach: Each area director will continue to conduct outreach activities intended to reach as many stakeholders in the area office jurisdiction as is practicable. Outreach activities will be for the purpose of informing interested parties of the existence, purpose and objectives of this local emphasis program, as well as to promote employer and employee awareness of fall hazards and acceptable methods for preventing falls to lower levels, and for prevention of injuries resulting from fall hazards. It is expected that outreach activities will continue throughout the duration of this LEP. Initial outreach activities were completed by May 31, 1999, at which time, enforcement activities began. OSHA's Fall Prevention Campaign will continue a nationwide outreach campaign to raise awareness among workers and employers about the hazards of falls from ladders, scaffolds and roofs. In addition, OSHA has partnered with the National Institute for Occupational Safety and Health and National Occupational Research Agenda (NORA) - Construction Sector on this nationwide outreach campaign to raise awareness among workers and employers about common fall hazards in construction, and how falls from ladders.

OSHA launched its fall prevention campaign in 2012. Region 1 will continue to participate in OSHA's nationwide outreach campaign to raise awareness among workers and employers about

Boston Regional Notice CPL 04-00-002F

the hazards of falls from ladders, scaffolds and roofs throughout FY17. In addition, OSHA released a new publication titled “Fall Protection in Construction” (OSHA Publication 3146). This publication is intended to help workers and employers better understand the Fall Protection in Construction standard’s requirements and the reasons behind them.

- XI. Program Evaluation:** The Regional office will complete a composite evaluation report for the Area Office and submit it to the EPTS ARA no later than November 15 of each year that the LEP is in effect. The evaluation will include a description of inspections conducted (construction vs. general industry), the number of programmed and unprogrammed inspections conducted, the number of employers sent informational materials concerning fall hazards (appendix-A), an evaluation of the program in general and a recommendation for continuing or discontinuing the LEP.

The Area Director will submit a local evaluation report on the LEP to supplement the Region Office program assessment. The report will contain the following:

- Number of employers sent informational materials concerning fall hazards
- Outreach metrics
- General evaluation of program recommendations for continuing or not.

Boston Regional Notice CPL 04-00-002F

APPENDIX A

Date:

Employer/Address

Dear Employer or Employee Representative:

In construction, according to the 2013 - 2014 National Census of Fatal Occupational Injuries, published by the U.S. Department of Labor's Bureau of Labor Statistics, nationwide, there were 724 fatalities in 2013 and 793 fatalities in 2014 (preliminary) resulting from falls to a lower level, accounting for 17 percent of all fatal injuries in all workplaces. After two years of increases, workplace fatalities decreased in 2012 compared to 2011. However, fatal work injuries in construction continued to increase in 2013, 2014, and 2015.

Nearly all of these deaths, and the personal hardships they caused to the families and friends of victims could have been prevented had the employers of these workers taken steps to protect employees from fall hazards at their place of work.

Data concerning fatal occupational injuries, collected and published by the U.S. Department of Labor's Bureau of Labor Statistics, has revealed that the number of employee deaths resulting from workplace falls has continued to increase relative to other major accident event types. In response to this disturbing national trend, Region 1 developed and implemented a local emphasis program (LEP) to address fall hazards within construction and general industry. The result: Region I has experienced a reduction in the number of fatal falls from 20 in 2005 to 4 fatalities in 2013.

Over the past several years, citations issued by OSHA in Region I, have reflected an increasing focus on violations involving employee exposures to fall hazards. In most cases, these violations have been found by OSHA to be of high gravity, and therefore, warranting a proposed penalty at the high end of the penalty scale used for penalty determinations. In cases where employers were found to have willfully disregarded OSHA fall protection requirements, proposed penalties have been as high as \$124,709 per violation.

Under OSHA's Five Year Strategic Management Plan, the Agency has established various mission goals. One of these goals is a continued reduction in fall related deaths in the construction industry. Toward this end, OSHA, in Region 1, has implemented a local emphasis program (LEP) geared toward raising employer and employee awareness of potential fall hazards in their workplaces, as well as appropriate methods for protecting workers from this hazard. OSHA, in Region 1, intends to focus inspection resources on fall hazards in general industry as well, including fall exposures that occur during maintenance operations which, experience has shown, are often overlooked by employers.

To assist employers in their efforts to provide a safe place of employment, we have put together a package of informational materials concerning fall hazards and effective approaches to hazard control, which we hope you find helpful. Compliance officers will provide these materials to employers and employee representatives, when applicable, whenever their inspections reveal a potential at the establishment for employee exposures to a fall hazard.

Should you wish to receive additional information concerning fall protection issues, or other occupational safety and health information, we urge you to visit OSHA's Internet website found at www.osha.gov. You may also contact the OSHA area office in (city/state) at (***)***-****.

Another option available to establishments with 250 or fewer employees is onsite assistance from the State's OSHA Consultation service. Funded primarily with federal dollars, this service is free to eligible employers.

Boston Regional Notice CPL 04-00-002F

OSHA Consultation is a confidential service in that it is completely separate from OSHA enforcement operations. Additional information concerning OSHA Consultation is included with the informational materials accompanying this letter, and on OSHA's Internet website (<http://www.osha.gov>).

Sincerely,

Area Director

INDEX

Elements of LEP.....1

Statistics on falls in the construction industry1

General industry fall hazards.....1, 2, 4

Application of 29 CFR 1910.132.....3

Informational materials.....1, 2, 3, 4

LEP inspections.....4

Stakeholders.....4

Written evaluation.....4