



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2016-04 (CPL 2)

EFFECTIVE DATE: October 1, 2015

SUBJECT: Local Emphasis Program – Gut Rehabilitation and Demolition

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose: This regional notice implements a local emphasis program (LEP) for programmed safety and health inspections of construction sites involved in Gut Rehabilitation and Demolition Work.

References: CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), 11/10/1999.
CPL 02-00-0025, Scheduling System for Programmed Inspections, 01/04/1995.
CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998.

Expiration: This notice expires September 30, 2016.
EXCEPTION: Any inspection begun prior to September 30, 2016 may continue until its conclusion.

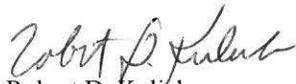
State Impact: None

Action Offices: All Region II Area Offices

Originating Office: Office of the Regional Administrator

Contact: Office of the Regional Administrator (212) 237-2378
201 Varick Street, Room 670
New York, NY 10014

By and Under the Authority of


Robert D. Kulick
Regional Administrator

- I. Purpose: This regional notice implements a local emphasis program (LEP) for safety and health inspections of construction sites involved in Gut Rehabilitation and Demolition work in accordance with the Field Operations Manual (FOM). These work sites are not included in the present national targeting system.
- II. Scope: This instruction applies to all Region II Area Offices.
- III. Expiration: This notice expires September 30, 2016.
EXCEPTION: Any inspection begun prior to September 30, 2016 may continue until its conclusion.
- IV. Background: Local inspection history identifies that employees employed by construction firms that are involved in Gut Rehabilitation and Demolition work are being exposed to safety hazards on a daily basis. The most serious injuries usually result from either a partial or total collapse of the building, or from fall hazards. Additional hazards that may be found include improperly stored compressed gas cylinders, electrical hazards, floor holes and openings, improper personal protective equipment, improper scaffolding, and hazard communication violations. Many of the buildings are very old, in poor repair, have suffered fire damage, and are structurally weak from exposure to the elements.

The “Gut Rehab” process usually requires that crucial support structures be removed. The work calls for the complete “Gutting” of the inside of the building, leaving only the outside facade. The building is then completely rebuilt on the inside by installing new floor and ceiling joists, plumbing, masonry, electrical wiring, etc. Therefore, many trades are engaged in these projects. Other buildings are completely demolished because they are beyond redemption.

Past inspections have revealed that these projects are often completed without the benefit of an engineering survey as required by 29 CFR 1926.850(a). Decisions about work practices and procedures have to be based on the information in the engineering survey. Many employers do not include these items in their contracts because of the costs involved and the time required to perform them.

The Bureau of Labor Statistics reported for the year 2013, for NAICS code 2389, other specialty trade contractors, there was a final number of 102 fatalities. Total recordable cases was 4.2, above the 3.3 reported for all private industry employers.

Additionally, those employees involved in Gut Rehabilitation and Demolition work are also potentially exposed to various health hazards such as, but not limited to lead, asbestos, and silica. When the rehabilitation or demolition activity disturbs any existing building materials, employees working in the area may potentially be exposed to the resulting airborne contaminants. Historically, OSHA has documented exposures to these and other contaminants during Gut Rehabilitation, Demolition and other similar

construction activities.

Finally, implementation of the Local Emphasis Program supports the current DOL Strategic Plan Objective to “Secure safe and healthy workplaces, particularly in high risk industries”, (Strategic Objective 2.1, Strategic Plan 2014-2018).

- V. Action: The Area Director shall ensure that the procedure outlined in the notice is followed during the effective period of this notice. This notice is not to conflict with the inspection priorities as established in the Field Operations Manual.

When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with the current procedures for handling such refusals.

- VI. Procedures:

Sites obtained from imminent danger notifications, fatalities/catastrophes, complaints, referrals from outside agencies, follow-ups and monitoring visits are considered unprogrammed inspections and will be scheduled in accordance with the policies established in the FOM.

The Area Director shall be responsible for obtaining information regarding construction sites which have planned or scheduled Gut Rehabilitation or Demolition projects. The information shall be gathered from all available sources, including local building departments, CSHO sightings, as well as any other relevant information sources.

When performing programmed inspections under this LEP, each Area Office shall develop an inspection master list of establishments. The National Office Policy on List Generation and Randomization shall be followed in accordance with the National Office memorandum to Regional Administrators dated November 12, 2014, *Establishment Targeting Lists for Emphasis Programs*. Deletions and scheduling must be completed in accordance with CPL 02-00-155, *Inspection Scheduling for Construction*.

Establishments for inspection may fall within the scope of the current Appropriations Act.

If so, inspection activities must be done and completed in accordance with the directive, CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.

Sites will receive safety inspections. Safety CSHOs will make silica, lead, noise, or other referrals as appropriate, and health inspections will be opened accordingly. All inspections conducted under this LEP will be comprehensive unless the site qualifies for a Focused Inspection. Inspections conducted under this LEP shall not conflict with inspections conducted at the same site under other enforcement programs.

VII. Recording in OIS: Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report, as found in the OIS manual shall be applied when recording inspections conducted under this LEP, as follows:

A. Programmed Inspection: The OSHA Inspection Report for any programmed inspection covered under the Local Emphasis Program for Demolition or Rehabilitation construction sites shall be marked "Program Planned" in the Initiating Type field and "GUTREH" in the Local Emphasis Program field.

B. LEP Combined with Unprogrammed Inspections: For all unprogrammed inspections conducted in conjunction with this LEP inspection under this initiative, the OSHA Inspection Report must be marked with the appropriate unprogrammed activity in the Initiating Type field. In addition, the Local Emphasis Program field's value shall be "GUTREH" on the OSHA Inspection form and the Unprogrammed Activity form.

C. LEP Combined with other Emphasis Program Inspections: For all programmed inspections such as other NEPs/LEPs conducted in conjunction with an LEP inspection under this initiative, the OSHA form must be marked as "Program Planned" in the Initiating Type field. In addition, the value "GUTREH" shall be recorded in the Local Emphasis Program field along with all NEP and LEP OIS codes applicable to the inspection.

VIII. Outreach

Region II will develop an outreach plan which will implement programs that will support the efforts of the Agency in meeting the Strategic Plan/Operating Plan goals. Such programs could include speeches, training sessions, or news releases to our constituents such as unions, professional organizations, and community groups. Inspections may be initiated independent of any outreach being conducted.

IX. Evaluation

A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.

B. Each Region II Office participating in the LEP will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001. The evaluation must respond to the questions outlined in Appendix A of the Instruction. Evaluations will be submitted to FEO no later than September 15, 2016. The evaluation will include a recommendation for the continuation or

elimination of this program. In addition, the evaluation will include the following evaluation factors:

1. The goal of the program and the Area Office's opinion of how effective the program was in meeting its goals.
2. Data and information used to support the conclusions stated above such as enforcement statistics, serious hazards eliminated, any impact on covered, non-inspected employers, and the number of employees affected by enforcement activities covered by the LEP. Data to be evaluated may also include:
 - a. Number and percentage of serious, repeat, 5(a)(1) and willful violations cited
 - b. Number and type of violations issued directly related to hazards targeted by the LEP
 - c. Number of fatality inspections
 - d. Number of visits coded as "No Inspection"
 - e. Number and type of referrals made to other agencies
 - f. Number of outreach activities conducted
 - g. Number of employers contacted through outreach
 - h. Number of individuals affected through outreach