



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2016-12 (CPL 2)

EFFECTIVE DATE: October 1, 2015

SUBJECT: Local Emphasis Program – Sandy Cleanup and Recovery

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose: This regional notice implements a Local Emphasis Program (LEP) for safety and health inspections related to Superstorm Sandy storm cleanup, recovery and rebuilding activities

References: CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
CPL 02-00-025, Scheduling System for Programmed Inspections, January, 4, 1995.
CPL 02-00-051-Enforcement Exemptions and Limitations under the Appropriations Act, May 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 with designated counties impacted by Hurricane Sandy

Originating Office: Office of Regional Administrator

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By and Under the Authority of

Robert D. Kulick
Regional Administrator

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I. Purpose

This regional notice implements a Local Emphasis Program (LEP) for programmed safety and health inspections, interventions and outreach to address worker safety and health issues related to response and recovery to Post Tropical Cyclone (AKA Superstorm) Sandy.

Activities covered include, but are not limited to: cleanup and demolition of damaged structures; construction repairs to damaged structures; rebuilding or replacement of previously existing structures and any other activity related to the recovery and restoration efforts associated with Superstorm Sandy.

The LEP will be conducted in accordance with the Field Operations Manual (FOM) CPL 02-00-150 effective 4/22/11.

II. Scope

This instruction applies to all Region II Area Offices in the states of New Jersey and New York with designated counties impacted by Hurricane Sandy.

III. Expiration

This notice expires on September 30, 2016.

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

IV. Background

Superstorm Sandy approached the Mid-Atlantic Coast on Monday October 29, 2012, impacting portions of New York and New Jersey. According to the National Weather Service, Sandy came ashore as a post-tropical cyclone producing hurricane force wind gusts. Widespread wind damage and a huge storm surge devastated many areas along the coast.

Coastal Regions of New Jersey and New York, extending from Atlantic City, through Seaside Heights, Sea Branch, Staten Island, Far Rockaway and east to Fire Island suffered some of the most extensive damage. In some areas, the only remnants of entire neighborhoods were concrete foundation slabs.

High tides associated with the landfall of Sandy resulted in significant flooding to the areas adjacent to the Navesink, Raritan, Hudson, and East Rivers.

The Sandy response and recovery operations are a long-term project. Millions of cubic

yards of debris needed to be removed from the affected areas. Rebuilding and reinforcement of homes and commercial structures is ongoing. Safety and health hazards must be properly identified, evaluated, and controlled in a systemic manner to reduce or eliminate occupational safety and health risks to workers.

V. Action

The Area Director shall ensure that the procedures outlined in the notice are 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 (FOM). 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

A. Targeting

An inspection targeting system which encompasses identification of sites at the beginning of the quarter and the random selection of sites is not practical. Construction hazards related to disaster recovery are often transient and of short or intermittent duration.

Due to the limits on the ability to targeting sites in advance, it is expected that most inspections conducted under this LEP will be conducted at sites where hazards are observed by compliance officers for “Focus-4” hazards in construction (Falls, Struck By, Caught In / Between, and Electrical Hazards), and similar conditions that present imminent danger or high-gravity serious hazards to employees.

Inspections conducted under this LEP would be initiated by several means including:

- Notifications of fatalities, injuries, illnesses, complaints, or referrals.
- “See and inspect” for “Focus-4” hazards in construction (Falls, Struck By, Caught In / Between, and Electrical Hazards), and similar conditions that present imminent danger or high-gravity serious hazards to employees.
- Information obtained via health risk assessments (conducted by OSHA or other agencies).
- Information provided by other agencies and similar sources, media, as well as local knowledge.
- Information developed by OSHA’s Field Observers in designated impacted counties (Ocean and Monmouth in NJ; Nassau, Suffolk, Queens, Brooklyn, and Staten Island in NY).
- Information provided by county and local OEMs, building departments, or other authorities regarding plans and schedules for major recovery

projects such as demolition operations and restoration projects.

B. Scope

The scope of these inspections will include both safety and health hazards, as well as a review of all applicable documentation and programs. Attention will be paid to hazards covered by OSHA's Strategic Management Plan and applicable emphasis programs. If hazards are observed in the opposite discipline (safety or health), a referral shall be made.

C. 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.

VII Recording in OIS

Current instructions for completing the appropriate inspection classification boxes in the LEP section of the OIS Inspection Form, as found in the OIS manual shall be applied when recording inspections conducted under the LEP, as follows:

- A. The Inspection Form for any programmed inspection covered under this Local Emphasis Program for Local Construction Targeting shall be marked "planned" and "Local Emphasis Program" Record "SANDY" in the LEP section of the Inspection Form.
- B. LEP Combined with Un-programmed Inspections. For all un-programmed inspections conducted in conjunction with this LEP inspection under this initiative, the Inspection Form forms must be marked as "un-programmed" with the appropriate un-programmed activity identified. In addition, the "LEP" box is to be checked and the value "SANDY" recorded in LEP section of the Inspection 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 Inspection Form must be marked as "programmed planned." In addition, the "LEP" box is to be checked and the

value "SANDY" recorded in the LEP Section of the Inspection Form, along with all NEP and LEP OIS codes applicable to the inspection.

VIII. 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