OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR — Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 15/03 CPL (02-03)	**EFFECTIVE DATE:** October 1, 2014
SUBJECT: Regional Emphasis Program (REP) for Electrical Hazards	
REGIONAL IDENTIFIER: REGION IV	

ABSTRACT

Purpose: This notice defines a Regional Emphasis Program (REP) for programmed safety inspections of workplaces with employees exposed to overhead powerline electrical hazards. This REP would potentially affect all trades and industries.

Scope: This Notice applies to all Federal Area Office in Region IV

References: OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.

OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), and Appendix A, Program Evaluation Items for Local Emphasis Programs (LEPs).

CPL 02-00-150, Field Operations Manual (FOM).

Cancellation: CPL 14/03, October 1, 2013, Regional Emphasis Program (REP) for Electrical Hazards. This Notice updates and replaces an earlier version.

State Impact: None

Action Offices All area offices

Originating Office: Atlanta Regional Office

Contact: Benjamin Ross, Assistant Regional Administrator for Enforcement Programs, 678-237-0400

By and Under the Authority of:

KURT A. PETERMEYER
Regional Administrator

I. **Purpose:**

This notice defines a Regional Emphasis Program (REP) for programmed safety inspections of workplaces with employees exposed to overhead powerline electrical hazards. This REP would potentially affect all trades and industries.

II. **Scope:**

This Notice applies to all Federal Area Office in Region IV.

III. **Expiration:**

This notice expires within one year of the effective date, unless extended.

IV. **Background:**

In FY-13, the region conducted 20 inspections that were coded under the REP for overhead electrical power lines. Additionally, there were 38 interventions where CSHO's provided on-site outreach activities to include training and education. There were also 21 outreach sessions where the REP was discussed. In FY-13, three fatality investigations were coded under the REP in OIS.

Because 50.4% of all electrical accidents occur to construction workers, major improvements can be achieved through this regional emphasis program that focuses on overhead powerline electrical hazards.

V. **Program Procedures:**

A. Compliance Safety and Health Officers (CSHOs) shall, while traveling during the course of their work day, be watchful for work activities where exposures to overhead powerline electrical hazards may be expected. The compliance officer seeing such work activity shall attempt to contact the area office to obtain authorization from the Area Director or Team Leader to begin an immediate inspection/intervention. Approval to start an inspection/intervention will normally be granted to the CSHO provided that this activity does not conflict with higher priority inspection activity.

B. If the CSHO has no readily available means to contact the area office, or is otherwise unable to reach area office personnel who can authorize the inspection/intervention, the CSHO will initiate either a limited scope inspection or an intervention 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 electrical hazards observed. The CSHO shall notify the Area Director or Team Leader of the inspection/intervention as soon as possible.

C. Whenever an inspection is begun under this REP, the CSHO will include in the case file narrative a description of the circumstances which resulted in discovery of the work activity that was the basis of the inspection. In cases where authorization was not obtained, an explanation shall be included as to the circumstances.

VI. **Action:**

A. Scope - The scope of inspections scheduled under this REP will be in accordance with the FOM.

B. Complaints - If a complaint is received regarding employees working at or near overhead powerline electrical hazards without protection and it can be determined that the work is ongoing, and resources are available, a complaint inspection will be initiated.

C. Refusal of Entry - If an employer refuses entry on a REP inspection initiated in accordance

with this instruction, a warrant shall be sought in accordance with procedures for handling such refusals, focusing on the observed hazards at the time the CSHO attempted to enter the jobsite.

D. Penalties - Area Directors will utilize the discretion allowed in the FOM, to assure that the appropriate deterrent effect is achieved.

E. Intervention - Site entry, authorized by the REP, is to evaluate the hazards and remove employees from exposure to workplace hazards. If upon entry, a determination is made that no violative condition exists, no employer and employee relationship exist, or other factual evidence exists that would preclude OSHA from conducting an inspection, the CSHO may inform the site representative of the resources OSHA has available.

VII. Recording in OIS:

Current instructions for completing the appropriate inspection classification boxes on the Inspection Form shall be applied when recording inspections conducted under the REP as follows:

A. The Inspection Form for a programmed inspection conducted under this regional emphasis program shall be marked "Planned" and "Local Emphasis Program". Record "OHPWRLNE". CSHO self-referrals are to be recorded as programmed inspections. Complaints, referrals from sources such as police departments or fire departments, fatality/ catastrophe, and follow-up inspections shall be appropriately recorded as unprogrammed inspections and marked "Local Emphasis Program" coded "OHPWRLNE".

B. When it is determined that the activity will result in a "No Inspection", the Inspection Form shall be coded "no inspection". The Inspection Form shall also be coded as described in paragraph VII. A. and brief statement shall be included with the case file to explain why an inspection was attempted and the circumstance resulting in a "No Inspection" occurring. In addition, a Compliance Assistance Activity Form will be completed to account for Compliance Assistance time spent on site with the employer. Area Directors shall maintain a hard copy of all Compliance Assistance Activity Forms completed for this program to facilitate final evaluation.

VIII. Outreach:

Each Area Director will ensure that outreach activities are conducted to reach as many stakeholders as possible. Outreach is for the purpose of informing interested parties of the existence, purpose and objectives of this regional emphasis program, as well as to promote employer and employee awareness of overhead powerline electrical hazards.

IX. Evaluation:

The Area Director of each area office covered by this REP will prepare a brief description of the inspections and interventions conducted, a summary of results of the inspections and interventions, and an evaluation of the entire program, based in part on OSHA Instruction CPL 04-00-001, Appendix A. The evaluation must be submitted to the Regional Administrator by October 31 of each year. The evaluation must, at a minimum, address the REP's role in meeting goals of OSHA's Strategic Plan, such as:

- Change in the number of fatalities related to overhead powerline electrical hazards on a fiscal year basis.
- The number of outreach sessions conducted by OSHA concerning overhead powerline electrical hazards.
- The number of partnerships established dealing with overhead powerline electrical hazards.
- The number of outreach sessions conducted by Partnered Employers concerning overhead

powerline electrical hazards.

Other enforcement statistics should include at a minimum:

- Number of REP inspections.
- Number of REP interventions.
- Number of REP in-compliance inspections.
- Number of REP "no inspection" cases.
- Number of violations related to specific REP targeted hazards.
- Percent of total violations cited serious/ repeat/ and willful during REP inspections.
- Total penalties assessed during REP inspections.
- Percent of REP inspections that were contested.
- Number of significant REP cases.
- Average violations per REP inspection.

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