



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: San Francisco Regional Instruction CPL 04-00-10	EFFECTIVE DATE: October 1, 2014
SUBJECT: Local Emphasis Program for Programmed Construction Inspections at Military Installations	
REGIONAL IDENTIFIER: Region IX	

ABSTRACT

- Purpose:** This instruction establishes a Local Emphasis Program (LEP) for construction projects located on military bases, Coast Guard installations, and national parks in Hawaii.
- References:** See paragraph III.
- Cancellation:** This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-10, dated October 1, 2013.
- Significant Changes:** The procedures for scheduling inspections have been modified to comply with national directives.
- Action Offices:** Office of Enforcement Programs
Honolulu Area Office
Office of Cooperative and State Programs
- Originating Office:** Honolulu Area Office
- Contact:** Jeff Romeo
Area Director

By and Under the Authority of

Barbara Zup Gotz

for Ken Nishiyama Atha
Regional Administrator

Executive Summary

This Local Emphasis Program (LEP) creates a scheduling system for inspections of construction projects on military bases and national parks in Hawaii.

Region IX's PROGCON Local Emphasis Program addresses scheduling of construction projects throughout the region. This Area Office LEP specifically addresses the protocol for access to military bases in Hawaii, and for gathering information on construction projects on these installations.

BLS data reveals construction employment as one of the most hazardous occupations in the United States. Due to the hazardous nature of construction employment, OSHA has identified this industry as an objective in its Strategic Management Plan.

Construction is particularly hazardous and difficult to schedule due to the temporary nature of the worksites. The University of Tennessee Construction Resource Analysis Group, Dodge Reports and OSHA's National Office do not provide Region IX with lists of active construction sites on Hawaii. This instruction will provide a mechanism to develop the list, based on input from NAVFAC, the Army Corps of Engineers and knowledge of active sites from other sources.

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I. Purpose.

This instruction establishes a Local Emphasis Program (LEP) for construction projects located on military bases, Coast Guard installations, and national parks in Honolulu.

II. Scope.

This instruction applies to construction projects on federal installations in Hawaii.

III. References.

- A. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections,
- B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs,
- C. OSHA Instruction CPL 02-00-148, Field Operations Manual (FOM).
- D. OSHA Instruction CPL 02-00-051 Enforcement Exceptions and Limitation under the Appropriations Act,
- E. OSHA Instruction CPL 02-00-111 Citation policy for Paperwork and Written Program Requirement Violations, and
- F. OPNAVINST 5100.23G – Chapter 11 – Inspections and Investigations of Workplaces by Federal and State OSH Officials.

IV. Cancellation.

This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-10, dated October 1, 2013.

V. Expiration.

This LEP will expire no later than one year from the date of implementation, unless renewed.

VI. Background.

Region IX's PROGCON Local Emphasis Program addresses scheduling of construction projects throughout the region. This Area Office LEP specifically addresses the protocol for access to military bases in Hawaii, and for gathering information on construction projects on these installations.

VII. Procedures.

The Area Director will ensure that Compliance personnel follow the procedures contained in this instruction in scheduling and conducting inspections under the LEP.

A. Inspection Targeting and Scheduling.

1. A list of current projects which are between 20% and 80% completed will be obtained at the beginning of each quarter from NAVFAC, the Army Corps of Engineers and knowledge of active sites from other sources. This master list will be updated on a quarterly basis.
2. On a quarterly basis, the Area Director will create a randomly numbered list of all available projects. Projects shall be randomly ordered using the RANDBETWEEN function in Excel. ADs may also send their lists to EP for randomization. A site may be deleted from the inspection list if there is no activity, the project has been completed, or a reason justified and documented by the Area Director.
3. Inspection lists are based on project sites, and not individual contractors. Therefore, any and all contractors at a site will be inspected.

B. Programmed Inspections – Focus of Inspections.

1. Although programmed inspections may be comprehensive, primary inspection efforts should be placed on significant hazards that are likely to cause death or serious injury. Typically this includes the following hazards:
 - a. Falls
 - b. Electrical (that would lead to electrocution)
 - c. Trenching
 - d. Crushing
 - e. Vehicular
2. Employers with safety and health programs will qualify for and be coded as a “focused” inspection.
3. Minimum time will be spent on in-compliance inspections.

C. Re-Inspection.

1. Any company at any worksite that has been inspected based on this LEP may be subject to re-inspection.
2. Re-inspection may be based on unprogrammed events such as fatalities, catastrophes, complaints, referrals, and follow-up inspections. Inspections in these categories will be scheduled for inspection in accordance with

existing procedures outlined in OSHA Instruction CPL 02-00-148, the Field Operations Manual (FOM).

3. Re-inspection may also occur on a quarterly basis because the mechanism of identifying worksites/projects is repeated. Therefore, if a project is still active, the location may be subject to another inspection.
4. Re-inspection may also occur based on the need to verify abatement per the Abatement Verification Standard (29 CFR 1903.19).

D. Conduct of Inspections.

1. Prior to the start of any inspection activity, the area director, or designated CSHO, shall contact a federal official at the NAVFAC Hawaii Office or the Army Corps of Engineers who will provide an escort to projects they oversee.
2. The area director, or designated CSHO, shall request that the federal official not give advance notice of the inspection, except as authorized by the area director, and will advise the federal official that providing unauthorized advance notice of an OSHA inspection is a criminal offense.
3. Professional judgment shall be used in determining the order of the inspections of employers at a facility.
4. Inspections of work performed by federal agency employees will be conducted in accordance with 29 CFR Part 1960, Subpart D.
5. A safety and health inspection of each employer actively engaged in Construction services at the time of the site visit will be conducted except where the employer has been approved for exemption from inspection through consultation or for participation in the voluntary protection program.
6. When a CSHO makes a self-referral based on apparent hazards at a non-targeted site, and later determines that employees are not exposed to hazards, the CSHO shall provide the employer's on-site representatives with appropriate training and outreach materials which address potential hazards at construction sites. This action shall be entered in OIS as a Compliance Assistance activity.

VIII. Program Evaluation.

- A. The Regional Administrator will direct the Area Director to evaluate the LEP in accordance with the guidelines in Appendix A of CPL 04-00-001 (previously CPL 2-0.102A), November 10, 1999, Procedures for Approval of Local Emphasis Programs and Experimental Programs.

- B. For LEPs which have been renewed from a previous year, the evaluation will use data for the period covering from the beginning of the 4th quarter of the previous fiscal year through the end of the 3rd quarter of the current fiscal year (i.e., the FY15 LEP evaluation will include data from July 1, 2014 – June 30, 2015). Narrative sections of the evaluation should cover the same time frame, although significant issues arising in the 4th quarter, which may affect a decision on renewal of the LEP, may also be discussed.
- C. The Area Director shall submit a draft of the evaluation to the Regional Administrator, with a copy to the Assistant Regional Administrator for Enforcement Programs, by November 1. The ARA/EP shall review the evaluation and resolve any areas of concern with the Area Director.
- D. The Regional Administrator shall make the final decision to renew or discontinue the LEP. On the approval of the Regional Administrator, the ARA/EP shall submit the evaluation report to the Directorate of Enforcement Programs no later than November 30.

IX. Coding.

In addition to recording information and entering data in OIS in accordance with all other relevant instructions and directives, for all inspections conducted under this LEP, the following specific coding instructions apply:

- A. The Local Emphasis Program code **HICON** shall be entered on the Inspection report as the Primary LEP. **PROGCON** should be entered as a secondary LEP.
- B. Additional Codes:
 - 1. R 05 [Location]: A specific location should also be entered in the optional information field. See Appendix A of the PROGCON LEP for a list of locations (note: the location should be entered exactly as it is listed in PROGCON's Appendix A; if no location is applicable for an inspection, do not create an R 05 location entry for that OSHA-1).
 - 2. For focused construction inspections:
 - a. N 14 FOCUS, C [total # of contractors on site] should be entered on OSHA-1s for the controlling contractor (the total number of contractors entered here should include the controlling or general contractor, plus all sub-contractors on the site).
 - b. N 14 FOCUS, S should be entered on OSHA-1s for all subcontractors on focused construction inspections.

- C. Strategic Plan codes, including but not limited to AMPUTATIONS, COMMERCIAL CONSTR, ELECTRICAL, FALL FROM HEIGHT, HWY STREET BRIDGE CONSTR, LEAD, NOISE, POWERED IND VEHICLE, RESIDENTIAL CONSTR, STRUCK-BY and TRENCHING should be entered where applicable.

X. Outreach:

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the LEP when conducting outreach sessions and meetings. Hazards, work practices, and machinery associated with the construction industry and covered by this LEP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this LEP will be provided to interested parties upon request.