



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-00 (LEP 001)

EFFECTIVE DATE: October 1, 2014

SUBJECT: LEP for Building Renovation/Rehabilitation and Demolition

REGIONAL IDENTIFIER: Region V

ABSTRACT

Purpose: This Notice continues a Local Emphasis Program (LEP) for safety and health inspections of those construction projects which involve extensive reconstruction, renovation, and rehabilitation on the interior of an existing building, and adds demolition activities that include the razing of the exterior of a structure in any way.

References: CPL 02-00-150, Field Operations Manual (FOM), OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs

Action Offices: Appleton, Aurora, Calumet City, Chicago North, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo Area Offices

Originating Office: Calumet City Area Office

Contact: Assistant Regional Administrator
Enforcement Programs
USDOL-OSHA
230 S. Dearborn Street, Rm. 3244
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By and Under the Authority of


Nick A. Walters
Regional Administrator

- 1) **Purpose.** The purpose of this Notice is to continue a Local Emphasis Program (LEP) for safety and health inspections of those construction projects which will involve extensive reconstruction, renovation, or rehabilitation of the interior of an existing building and add demolition activities that raze the exterior of a structure in any way.
- 2) **Scope.** This Notice applies to the Appleton, Aurora, Calumet City, Chicago North, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo Area Offices.
- 3) **References.** CPL 02-00-150, Field Operations Manual (FOM), OSHA Instruction CPL CPL 04-00-001, Procedures for Approval of Local Emphasis Programs.
- 4) **Expiration.** This Notice expires September 30, 2015.
- 5) **Action.** The Area Directors for Appleton, Aurora, Calumet City, Chicago North, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo will use the procedures described in Paragraph 8 of this Notice as the basis for developing and implementing inspection activity at those projects involving extensive rehabilitation, renovation, reconstruction and/or the demolition of existing buildings.
- 6) **Background.** There are a number of buildings in and around the larger cities of the Midwest that are currently undergoing extensive rehabilitation/renovation/reconstruction activities. These buildings typically have been purchased by development firms which then contract various construction companies to reconstruct the interior into residential units or office spaces. The reconstruction process normally involves an extensive amount of interior demolition in order to install new equipment (elevators, stairs, windows, electrical apparatus, etc.) which will satisfy present day building safety codes.

Due to the fact that most of the rehabilitation and renovation activities are being done on the interior of the building, OSHA's ability to conduct inspections on these types of environments has been limited to responding to fatalities, "formal" complaints or referrals. These types of construction projects have not been available through the Construction Inspection Targeting Application. There have been only a limited number of complaints and referrals filed with OSHA considering the number of these types of projects observed. Attempts have been made to use City Building Permits to generate an inspection list. However, for a number of reasons, that approach has proven ineffective. The inspections conducted on these types of projects have identified numerous serious hazards such as: open floor holes, ungrounded electrical installations, unguarded wall openings, and overexposures to airborne contaminants (such as asbestos, silica and lead) while sandblasting or grinding.

In cases where the buildings are in such disrepair or the development firm decides, the building is demolished partially or in its entirety to make way for new construction or future developments. This extensive demolition creates both safety and health hazards to the workers at the site due to the razing of buildings and structures which are in contrast to routine construction activities. Typical hazards associated with this work include

struck by falling objects, struck by machines, falls from upper levels, and exposures to various air contaminants.

Demolition and Site Prep Contractors (NAICS code 238910) have experienced 31 fatalities in Region V since 2006. The number of fatalities in the site preparation NAICS code needs to be addressed. Finding a reliable means of targeting demolition projects poses the same obstacles as those of rehabilitation/renovation/reconstruction projects, thus the benefit of adding this work activity to the program. The continuation of this Local Emphasis Program and the addition of demolition activities support the Strategic Management Plan goal to reduce injuries, illnesses, and fatalities in the construction and demolition industries.

- 7) **Procedures.** The following procedures will be used in targeting and scheduling of inspections conducted under this LEP.
- a) Due to the infeasibility issues mentioned previously, a list for random selection of these types of construction projects is not available.
 - b) Therefore, inspections conducted under this LEP will be initiated by: CSHO observation, complaints, and referrals from various sources, such as municipal building inspectors, utility officials, etc.
 - c) The targeted sites will consist of those buildings requiring extensive interior demolition to allow for the installation of up-to-date equipment as required by present-day building safety codes and the partial or complete demolition of the exterior of buildings to make way for new construction or future developments.
 - d) Upon CSHO observation or the receipt of a complaint or referral from the various sources referred to in paragraph 7(b), the CSHO will notify the Area Office with the name of the contractor (if available) and the location of the building. The Assistant Area Director will determine if the site has been inspected within the last 30 days. If the site has not been inspected within the last 30 days, permission will be given to inspect the site. If the site has been inspected within the last 30 days, an inspection will be authorized only if an imminent danger appears to be present or at the Area Director's discretion.
- 8) **OIS Coding.** Inspections conducted under this LEP will be coded "Programmed Planned" under Initiating Type and "GUTREH" under Local Emphasis Program.

Strategic Plan Activity codes shall be selected in accordance with the hazards cited as a result of the inspection. Also, "RESIDENTIAL CONSTR" or "COMMERCIAL CONSTR" shall be selected based on the end use of the structure being rehabilitated or demolished.

An Additional Code will be entered in order to identify each inspection that includes the partial or complete demolition of the exterior structure. This code will be inserted as follows: Additional Code; Type: A; ID: 20; Value: Demolition.

- 9) **CSHO Protection.** Inspections under this LEP are to be conducted by CSHOs who have received training on the LEP and the hazards of the industry most likely to be encountered. Compliance Officers shall establish the presence of hazardous substances prior to initiating the walk around portion of the inspection, relying on information such as previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring surveys.

CSHOs shall wear appropriate personal protective equipment, including, but not limited to hard hat, steel toed shoes, safety glasses and reflective vests.

- 10) **Evaluation Procedures.** It is important that this program be evaluated in a timely manner in order to assess its potential future value and to make any necessary modifications. The Calumet City Area Director shall submit an evaluation report to the ARA/EP annually for the previous Fiscal Year. The evaluation shall be in accordance with CPL 04-00-001 and include a brief description of the inspections conducted, results of the inspections and an evaluation of the program in general, addressing the evaluation factors listed below, as appropriate.

Evaluation Factors

Health

- # above PEL or action level for lead, cadmium, noise, silica, nuisance dust
- # of employees exposed above the action level
- # of employees exposed above the PEL
- # of employers who implemented lead programs
- # of employers who do blood lead levels for employees and results
- # of violations relating to training for health hazards
- # of violations relating to noise hazards
- # of employees exposed to asbestos-improper labeling

Safety

- # of machine guarding violations
- # of electrical violations
- # of lockout/tagout violations
- # of fall violations
- # of demolition standards violated
- # of training violations for any OSHA standard
- # of 5(a)(1) violations issued and/or submitted for review
- # of general fall hazard citations
- # of citations issued for improper scaffold erection

of employees removed from scaffold hazards

Follow-up – Health

of follow-up inspections performed

of employees below action level or PEL as a result of OSHA inspection

of reductions of employee exposures to lead, cadmium and noise

of employees trained on health hazards (i.e., haz com, lead, cadmium)

of employers who implemented lead programs, including blood leads

of reductions to blood leads

Follow-up – Safety

of machine guarding violations abated

of electrical violations abated

of lockout/tagout programs implemented

of employees trained on LO/TO, PPE, powered industrial trucks, etc.

Outreach

of outreach sessions in which this LEP was addressed

of attendees at outreach sessions

Other standards cited - welding, asbestos/lead monitoring, PPE, respiratory protection and flagger

Follow-ups pending into next FY

Area Office recommendation on continuation of LEP