OSHA REGIONAL NOTICE

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

DIRECTIVE NUMBER: CPL 2 02-00-014 **EFFECTIVE DATE:** October 1, 2014

SUBJECT: Regional Emphasis Program for Construction

REGIONAL IDENTIFIER: Region VI

ABSTRACT

Purpose: This Notice establishes a Regional Emphasis Program (REP) for the Construction Industry within SIC 15XX – 17XX/NAICS236XXX.

Scope: This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.

References:
OSHA Instruction CPL 04-00-001 (CPL 2-0.102A)
OSHA Instruction CPL 02-00-150
OSHA Instruction CPL 02-00-025 (CPL 2.25I)
OSHA Instruction CPL 02-00-051 (CPL 2-0.51J)
OSHA Instruction CPL 02-00-155
OSHA Instruction CSP 03-02-002
Region VI Regional Instruction CPL 2 dated October 1, 2013, Demolition Activities
Region VI Regional Instruction CPL 2 dated October 1, 2013, Cranes in Construction
Region VI Regional Instruction CPL 2 dated October 1, 2013, Workzone Safety and Health
Construction web pages found at www.osha.gov

Cancellations: Region VI Regional Notice CPL 2 02-00-014 dated October 1, 2013, Regional Emphasis Program for Construction.

State Impact: Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, and Texas will provide outreach, consultation services, and training to affected employers as requested.

Action Offices:
Region VI Area and District Offices
Region VI Consultation Project Offices
Dallas Regional Office

Information Offices: New Mexico Occupational Health and Safety Bureau

Originating Office: Dallas Regional Office

Contact: Assistant Regional Administrator for
Enforcement Programs
525 Griffin St., Room 602
Dallas, TX 75202
972-850-4177

By and Under the Authority of

John M. Hermanson
Regional Administrator

TABLE OF CONTENTS

Abstract.....Cover Page

I. Purpose.....4

II. Scope.....4

III. References.....4

IV. Expiration.....4

V. Background.....4

VI. Enforcement.....5

VII. Recording in OIS and IMIS.....7

VIII. Outreach.....8

IX. Partnerships and Alliances.....8

X. Evaluation.....9

I. **Purpose.** The purpose of this Notice is to establish an enforcement initiative to prevent deaths among workers in the construction industry, (SIC15XX –17XX/NAICS 236XXX), focusing on the hazards of fall from elevations, caught-in or between, struck-by and electrocution.

This Notice does not supersede the National Emphasis Programs (NEP) for Trenching and Excavations, Lead and Silica.

II. **Scope.** This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.

III. **References.**

A. OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), Procedures for Approval of Local Emphasis Programs ("LEPs"), November 10, 1999 or current update.

B. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011 or current update.

C. OSHA Instruction CPL 02-00-025 (CPL 2.25I), Scheduling System for Programmed Inspections, January 4, 1995 or current update.

D. OSHA Instruction CPL 02-00-051 (CPL 02-00.051), February 23, 2005, Enforcement Exemptions and Limitations Under the Appropriations Act or current update.

E. OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, September 6, 2013 or current update.

F. OSHA Instruction CSP 03-02-002, OSHA Strategic Partnership Program for Worker Safety and Health, February 10, 2005 or current update.

G. Region VI Regional Instruction CPL 2 dated October 1, 2013, Demolition Activities

H. Region VI Regional Instruction CPL 2 dated October 1, 2013, Cranes in Construction

I. Region VI Regional Instruction CPL 2 dated October 1, 2013, Workzone Safety and Health

J. Construction web pages found at www.osha.gov

IV. **Expiration.** This Notice expires September 30, 2015, but may be renewed as necessary.

V. **Background.**

In FY13 construction related fatalities coded under this emphasis program accounted for twelve (12%) percent of all fatalities in the five states comprising Region 6. The leading causes of death during this period were falls from elevation, struck-by, caught-in between and electrocution. Construction work activities associated with the fatalities include, but are

not limited to, work on elevated surfaces, work from scaffolding, work from aerial equipment, work from ladders, work conducted during demolition activities, construction of residential structures, construction of commercial and industrial structures, work conducted in an trench/excavation, work to construct, service or repair overhead power lines, work conducted on or near streets, roads, highways, bridges and overpasses for the purpose of building, maintaining or repairing.

OSHA initiated this program to reduce the fatality events throughout the industry and to solicit the cooperation of the industry to achieve better and continuously effective safety and health programs.

OSHA will employ a number of tools to address this issue, including enforcement, outreach, training, onsite consultation, partnerships, alliances, and the Voluntary Protection Program (VPP).

The provisions of OSHA Instruction CPL 02-00-051 (CPL 2-1.51J), Enforcement Exemptions and Limitations under the Appropriations Act, Section XI, and Enforcement Guidance for Small Employers shall apply where appropriate.

VI. Enforcement.

A. Hazards. Fall from elevations, caught -in or between, struck-by, crushed-by and electrocution will be addressed because past inspection evidence indicates these hazards are the leading cause of death within the construction industry.

B. This Notice is provided because of the immediate need to address unsafe working conditions in the construction industry that contribute to workplace fatalities and, more importantly, to minimize or entirely eliminate them.

The specific targeted industries are Building Construction- SIC Code 15XX or NAICS Code 236XXX, Heavy Construction - SIC Code 16XX or NAICS Codes 237XXX, and Construction-Special Trade Contractors - SIC Code 17XX or NAICS Code 238XXX.

C. Scheduling of Inspections.

1. The Area Director will instruct trained CSHOs to be alert of construction hazards throughout the Area Office's jurisdiction. Inspections will take place in instances where the Compliance Officer observes hazards covered by this notice.

2. Before initiating enforcement activities, the CSHO will determine if an inspection is prohibited by the Enforcement Exemptions and Limitations under the Appropriations Act.

3. Exemptions. If an employer and/or contractor are a Voluntary Protection Program (VPP) employer or have passed an annual OSHA verification inspection, the terms of the VPP and/or partnership agreement will be followed.

If "plain view" hazards, outlined by this REP, are observed by a CSHO a limited scope inspection will be conducted to address the "plain view" hazards (including appropriate records review). A verification inspection will not be conducted until the Area Director has been consulted.

A list of current partnership sites within the area office jurisdiction will be maintained and made available for CSHO review.

D. Scope of REP Inspection. Inspections under this emphasis program will be limited to the hazards which are in plain view including those which caused the CSHO to identify the worksite. If the CSHO's evaluation indicates that a more comprehensive inspection should be completed at the worksite, they will request authority to expand the inspection from the Area Director or the Assistant Area Director. CSHOs will make appropriate entries into their case file regarding the scope of the inspection. Apparent potential health hazards, such as but not limited to, silica, lead, noise, and other recognized health hazards will be evaluated. If necessary, a health referral will be made.

The CSHO will evaluate all on-site employers through inspection, observation, photographs, video footage, measurements, and interviews of management and employees.

E. Citations. Citations for violations shall be issued in accordance with the FOM, Chapters V, VI, and VII.

F. Interface with Unprogrammed Activity. Reports of imminent danger, fatalities, catastrophes, complaints, and referrals shall be scheduled as unprogrammed inspections, and shall be inspected in accordance with the applicable provisions of the FOM.

G. Inspection Resources. Only trained Compliance Officers with experience in the construction industry shall be assigned to conduct inspections under this REP. All OSHA personnel participating in this REP must be familiar with the policies and procedures described in this notice.

I. CSHO Personal Protective Equipment (PPE). CSHOs will use personal protective equipment suitable for the targeted industry. PPE will include, at a minimum, a hard hat, safety glasses with side shields, safety shoes/boots (with metatarsal guards as necessary), hearing protection, and high visibility apparel/vest.

H. Relationship to Other Programs. Area Offices will continue to schedule worksites for inspection from the Construction Inspection Targeting System that maximize the best utilization of area office resources. These inspections will be conducted according to the FOM and the OSHA Instruction for Inspection Scheduling for Construction

VII. Recording in OIS and IMIS.

A. Enforcement Inspections: Enforcement inspections completed under this initiative will be coded:

In OIS in the Inspection Type sub tab:

1. Initiating Type will be coded "Programmed Planned" with the following exception. Any inspections conducted as a result of a complaint, referral, or fatality/catastrophe will be coded as the appropriate "unprogrammed" activity.

2. Local Emphasis Program will be coded **CONSTR6** for all programmed and unprogrammed inspections.

3. Strategic Plan Activity will be coded with any strategic plan codes applicable to the current inspection.

4. Additional Codes will be coded with any applicable additional codes and with the following codes specific to the construction activity covered by the inspection:

Type	ID	Value
R	19	FALL6
R	19	STRUCK6
R	19	CAUGHT6
R	19	ELECT6

B. Enforcement Interventions: Enforcement Interventions completed under this initiative, including partnerships, alliances, Voluntary Protection Programs, and other interventions, will be coded:

In OIS in the Task sub tab, Task Details, Emphasis Areas as follows:

1. Local Emphasis Programs will be coded **CONSTR6**.

2. Strategic Emphasis Areas will be coded with any strategic plan codes applicable to the current inspection.

3. Other Emphasis Areas will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

C. Consultation Visits: Consultation Visits completed under this initiative will be coded:

1. In IMIS on the Request Form CONS-20:

   a. Local Emphasis will be coded **CONSTR6**.

b. Field 18 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

2. In IMIS on the Visit Form CONS-30:

a. Local Emphasis will be coded **CONSTR6**.

b. Field 22 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

D. Consultation Interventions: Consultation Interventions completed under this initiative will be coded:

In IMIS on the Consultation Intervention Form CONS-66:

1. Local Emphasis will be coded **CONSTR6**.

2. Field 15 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

E. Area Offices, Consultation Projects, and the Regional Office shall periodically check their OIS and/or IMIS databases to verify accuracy of the data for the initiative.

VIII. Outreach.

All LEPS must contain an outreach component that must be executed prior to the initiation of the enforcement program. The method of outreach is at the Area Directors discretion and can consist of one or more of the following components.

1. Broadcast mail-outs or program information
2. Stakeholder meetings
3. Targeted training sessions
4. Presentations to the affected group(s)

The outreach component selected should be conducted prior to the start of the enforcement inspection portion of the LEP. The timing of this should be sufficient to insure that employers have been provided fair notice of the program and opportunities to achieve voluntary compliance. These outreach efforts should be coordinated with or include the OSHCON program for that area.

IX. Partnerships and Alliances.

In the event outreach efforts result in the interest in developing an alliance or partnership the Area Director will insure that these efforts conform to current National and Regional Policy.

X. **Evaluation.** An evaluation of this program will be submitted by the Area Director to the Regional Office no later than October 15, 2014. Elements to be considered in the evaluation are contained in OSHA Instruction CPL 04-00-001.