



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-13-006B

EFFECTIVE DATE: October 1, 2014

SUBJECT: Des Moines Area Office Local Emphasis Program (LEP) for
Construction on Federal Properties

REGIONAL IDENTIFIER: Region VII

ABSTRACT

- Purpose:** This notice continues a Local Emphasis Program (LEP) for construction projects located on military bases, Coast Guard installations, national parks, General Services Administration (GSA) sites, and other federal sites in Iowa.
- Scope:** This notice applies to all construction activities at federal agency sites within the jurisdiction of the Des Moines Area Office.
- References:** OSHA Instructions: CPL 02-00-111, CPL 02-00-150, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-00-095
- Expiration:** September 30, 2015
- Action Offices:** Region VII (Des Moines Area Office)
- State Plan Impact:** None
- Originating Office:** Kansas City Regional Office
- Contact:** Enforcement Programs (816) 283-8745

By and Under the Authority of

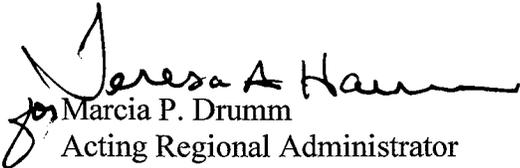

for Marcia P. Drumm
Acting Regional Administrator

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I. Purpose. This notice continues a Local Emphasis Program (LEP) for construction projects located on military bases, Coast Guard installations, national parks, General Services Administration (GSA) sites, and other federal sites as applicable in Iowa.

II. Scope. This notice applies to all construction activities at federal agency sites within the jurisdiction of the Des Moines Area Office.

III. Expiration. This notice expires September 30, 2015, and may be renewed based on the program's evaluation at that time.

IV. References.

A. OSHA Instruction CPL 02-00-111 Citation policy for Paperwork and Written Program Requirement Violations, dated November 27, 1995.

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

C. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), dated November 10, 1999.

D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.

E. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998. (Change effective May 27, 2014, Appendix A, or most recent version.)

F. OSHA Instruction CPL 02-00-095, Enforcement Authority at the Department of Energy's (DOE) Government-Owned, Contractor-Operated (GOCO) sites, dated February 10, 1992.

V. Background. Federal OSHA has coverage in those areas identified as "exclusive federal jurisdiction," such as over all Federal employees, and also in those issues where the Iowa Occupational Safety and Health Administration (IOSHA) has declined or returned coverage, such as U.S. Postal Service workplaces. Federal OSHA also has coverage in private sector maritime employment activities, Federal government-owned, contractor-operated (GOCO) facilities; and bridge construction projects spanning the Mississippi and Missouri Rivers between Iowa and other States.

Federal OSHA has enforcement authority for conducting safety and health inspections within the borders of all federal military reservations within the State of Iowa, to the extent permitted by applicable law. All establishments and reservations of the U.S. Navy, Army, Air Force, Marine Corps, and Coast Guard are included.

Media reports, military construction appropriations and defense authorization requests, the US Army Corp of Engineers Northwestern Division's share of military construction, and FedBidOpps.gov continues to show bids and approval for military construction projects for Iowa military installations through year 2015. Iowa has three major military installations and approximately 120 separate units where construction may occur.

This program will continue to be the only program available to address construction on military and non-military exclusive federal jurisdiction sites in Iowa. In OSHA Region VII, 395 (36%) of the 1,107 fatal and catastrophic Federal enforcement incidents from October 1, 1995 through October 31, 2012 were in the construction industry [Standard Industrial Classification (SIC) codes 15-17]. Of the 395 incidents, 169 (43%) were due to falls; 59 (15%) were due to electrocutions. Overhead powerlines were involved in 45 (76%) of the electrocutions. Given the dangerous nature of construction, this LEP continues to address construction safety enforcement on federal sites.

VI. Program 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 projects will be obtained from FedBidOpps.gov, Federal Contracting Offices, the Army Corps of Engineers and local knowledge of active sites from observation, print, and broadcast media. A master list of projects will be compiled from the information and will be updated biannually.
2. All locations for projects compiled on the master list will be entered into a Microsoft Excel spreadsheet and randomized by using the Excel RANDBETWEEN function. After randomization, the entire master list will be inspected. Locations on the list may be inspected in any order that makes efficient use of resources.
3. Each location scheduled for inspection shall receive a comprehensive inspection as defined by the FOM. In the event the CSHO conducting the comprehensive inspection does not have the experience to adequately address any cross-disciplinary hazards found, then the site shall be subject to a second comprehensive inspection by the other discipline. All construction inspections initiated due to complaints or referrals will be expanded to comprehensive inspections of the entire construction site.
4. New project locations discovered during the biannual update will be added to the master list and the list will be re-randomized prior to use.

Project locations may be deleted from the list due to completion prior to being scheduled for inspection.

5. Inspection lists are based on project sites, and not individual contractors. Therefore, any and all contractors at a site will be inspected.
6. Follow-up and/or monitoring inspections shall be conducted according to criteria established in the FOM.

B. Conduct of Inspections.

1. Prior to the start of any inspection activity, the CSHO shall contact an official in charge of the site and request an escort to active and inactive construction activity on the site.
2. The CSHO shall request that the official not give advance notice of the inspection, and will advise the 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.

VII. OIS Coding. Current instructions for completing the appropriate inspection classification on the inspection shall be applied when recording inspections conducted under the LEP as follows:

- A. When filling out an inspection in OIS, select the Inspection Type tab to fill in the appropriate LEP information. The inspection type for a programmed inspection conducted under this local emphasis program shall be marked “Program Planned” (Initiating Type). Under the Inspection Emphasis Programs title, select from the “Local Emphasis Program” drop box “FEDCON”.
- B. When it is discovered upon arrival at a worksite scheduled for an LEP inspection that the site should have been deleted from the list (e.g., no longer present), the inspection shall be coded under the Scope of Inspection drop box and select “No Inspection” and the reason for no inspection shall be coded in the “Reason no Inspection” drop box.
- C. Any unprogrammed inspections of companies on the list that are generated by complaints or referrals requiring inspection, imminent danger, and fatality/ catastrophe investigations will be coded as normally required under the FOM. In

addition the designation "FEDCON" will be recorded under the "Local Emphasis Program" drop box of the "Inspection Emphasis Program" area.

VIII. Evaluation. No later than October 30, 2015, the Des Moines Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.



for Marcia P. Drumm
Acting Regional Administrator



(Date)

Concurrence of the Regional Solicitor's Office:



(Signature)



(Date)

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