ABSTRACT

Purpose: This Notice establishes a Regional Emphasis Program (REP) for the programmed inspection of commercial and residential construction operations having potential fall from elevation hazards in accordance with the provisions of OSHA Instruction CPL 04-00-001 dated November 10, 1999.

Scope: This Notice applies to commercial and residential construction operations with potential fall hazards located within the jurisdiction of each Area Office in Region VIII.

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

State Impact: None

Action Offices: Billings, Bismarck, Denver and Englewood Area Office

Originating Office: Denver Regional Office

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By and Under the Authority of:

Gregory J. Baxter,
Regional Administrator, VIII
Executive Summary

This Notice establishes an enforcement program focusing on fall hazards in construction to eliminate employee exposures to fall hazards from elevations associated with commercial and residential construction activities.
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I. **Purpose:** This Notice establishes a Regional Emphasis Program (REP) for the programmed inspection of commercial and residential construction operations having potential fall from elevation hazards in accordance with the provisions of OSHA Instruction CPL 04-00-001 dated November 10, 1999.

II. **Scope:** This Notice applies to commercial and residential construction operations with potential fall hazards located within the jurisdiction of federal OSHA Area Offices in Region VIII.

III. **References:**

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

B. OSHA Instruction CPL 02-00-25, Scheduling System for Programmed Inspections, January 4, 1995.

C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, May 27, 2014, or most current version at time of opening conference.

D. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011, or most current version at time of opening conference.

E. OSHA Instruction CPL 02-00-069, Special Emphasis Program (SEP)/National Emphasis Program (NEP): Trenching and Excavation, September 19, 1985.

F. August 22, 1994, (Rev. (2) 9/20/95), OSHA Memorandum, Subject: Guidance to Compliance Officers for Focused Inspections in the Construction Industry.

G. October 18, 2002, OSHA Memorandum: Annual Evaluations of Local Emphasis Programs.


IV. **Expiration:** This REP expires on September 30, 2015.

V. **Action Office:** Billings, Bismarck, Denver and Englewood Area Offices.

VI. **Background:** On August 22, 1994, OSHA implemented a policy to focus construction inspections on the hazards that are related to the four leading causes of death that make up 90% of all construction fatalities: falls from elevations, struck by, caught in-between,
and electrical shock (Reference E). The policy on inspection guidance for focused inspections states, "This memorandum is intended to be supplemented regionally by training and, if appropriate, through Regional emphasis programs."

According to BLS Census of Fatal Occupational Injuries, in 2012, the U.S. experienced 526 deaths from falls. These fall fatalities represent 12 percent of the total number of fatalities for 2012 and were the third leading cause of fatalities nationwide. Fatalities related to falls have been the second leading cause of fatal injuries from 1992 to 2012. In the construction industry specifically, falls were the number one cause of fatal injuries in 2012. Fatal injuries to roofers in the construction industry rose to 70 in 2012, representing a 17% increase. Region VIII federal OSHA data for FY2012 through August 8, 2014, documented 22 fall-related fatalities. Falls from elevation continue to be the leading causes of death in construction. The occurrence of these fatalities justifies the need to continue focusing enforcement resources to address these falls from elevation hazards.

VII. Inspection Scheduling and Selection of Sites:

A. All compliance personnel shall be instructed to be observant of both commercial and residential construction operations having potential fall from elevation hazards. Whenever a Compliance Safety and Health Officer (CSHO) observes or receives any other notice of a construction operation with potential fall from elevation hazards (including nonformal complaints, other government agency referrals, media referrals and reports from members of the public) the CSHO shall:

1. Make note of the state and condition of the work operation insofar as it is known, including any apparent serious hazards.

2. Note the name and address or location of the worksite and the contractor performing the operation, if known.

3. Contact the Area Office team leader for a decision as to whether an inspection is required pursuant to this REP.

B. All construction operations having potential fall from elevation hazards brought to the attention of the Area Office shall be inspected as follows:

1. If the worksite has been inspected within the last 30 days, the results of the inspection shall be considered along with the current observations of the CSHO.

   a. If the previous inspection fully addressed fall protection hazards, the team leader shall authorize an inspection only if apparent serious fall hazards are observed at the site.

   b. If the previous inspection did not fully address fall protection hazards, the team leader shall authorize an inspection.
2. If the worksite has not been inspected within the last 30 days, an inspection shall be conducted unless it is apparent that the site is in compliance with all OSHA standards governing such operations.

C. Whenever OSHA receives notice by any means (including formal or nonformal complaints, other government agency referrals, media referrals and reports from members of the public), of a construction operation, especially a residential construction operation, that is alleged to have a potential fall from elevation hazard (or of an incident involving a fall at a construction operation), such notice shall be directed to a Team Leader for evaluation and action in accordance with Sections VII.A and B above. If an inspection assignment is made, then the inspection shall be conducted as described in the relevant chapters of the Field Operations Manual (FOM) and Section VIII, below. Complaints or referrals that do not involve construction related potential fall hazards shall be handled in accordance with the Field Operations Manual.

D. The Area Director (AD) may develop a supplemental plan as an addendum to this REP to focus resources on areas of high construction activity for the purpose of identifying fall from elevation hazard sites within that area as far as reasonably possible. Any such supplemental plan will set forth the reasons for selecting the area(s) to be focused on, and such reasons to be based upon objective data justifying the selection.

VIII. Inspection Procedures:

A. Documentation of the events leading up to the observation or the reporting of the potential fall from elevation hazard worksite shall be maintained by the Area Office in case of denial of entry.

B. If the CSHO initially observing the work operation involving a potential fall from elevation hazard sees an apparently serious hazard in plain view, and if it is not convenient to contact the Team Leader at this time, a programmed inspection shall be conducted and the Team Leader informed as soon as practicable after the inspection is completed.

C. The scope of the inspections conducted under this REP shall normally be limited to the fall from elevation hazards and to serious hazards in the other three primary focus areas, i.e., electrical hazards, struck by hazards and caught in/between hazards such as trenching (as specified in NEP on Trenching and Excavation and Focused Inspections in Construction Guidance Memorandum, August 22, 1994, Revision 2, 9/20/95). If additional serious hazards are observed or brought to the attention of the CSHO during the inspection, the CSHO may expand the inspection to address these hazards.
IX. **Outreach:** Each Area Office has conducted and continues to provide outreach on fall hazards in the construction industry. Outreach has been in the form of speeches, training seminars, newsletters to groups identified by the Compliance Assistance Specialist (CAS) and CSHOs.

X. **Partnerships:** Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, OSHA Strategic Partnerships for Worker Safety and Health.

XI. **OIS Coding:** The following OSHA Information System coding requirements address only the coding changes or additions necessary for inspections conducted under this REP:

A. The OIS Inspection Form for inspections initiated pursuant to OSHA compliance personnel observing potential fall hazards shall be coded as “FALL” in the **Local Emphasis Program** block. Mark the inspection as “Programmed Planned” in the **Initiating Type** block.

B. The OIS Inspection Form for inspections initiated pursuant to a complaint, outside referral, imminent danger and/or fatality/catastrophe involving potential fall hazards shall be coded in the **Initiating Type** block as “Unprogrammed.”

C. The OIS Inspection Form for Inspections initiated using a targeted list shall be coded in the **Initiating Type** block as “Programmed”. If such inspection involves potential fall hazards in construction, then the designation “FALL” shall be coded in the **Local Emphasis Program** block.

D. Inspection initiatives included as addendums to this REP may also include special OIS codes.

XII. **Program Evaluation:** No later than October 31, 2015, the Area Offices will provide an evaluation of this REP to the Regional Office. The Regional Office will provide the National Office with one evaluation of this REP. At a minimum, the evaluation should respond to the requirements of CPL 04-00-001, Section D, Appendix A and Directorate of Enforcement Programs memorandum dated October 18, 2002 for Annual Evaluations of Local Emphasis Programs (LEPs).

**DISTRIBUTION:**
- Directorate of Enforcement Programs
- Directorate of Construction
- Regional Office of the Solicitor