ABSTRACT

Purpose: This Notice establishes a local emphasis program to reduce and/or eliminate hazards associated with residential construction.

Scope: This Notice applies to residential construction operations throughout the state of Idaho.

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

OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.


OSHA Memorandum for Regional Administrators, Subject: “Guidance to Compliance Officers for Focused Inspections in the Construction Industry,” September 20, 1995, Revision.

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

Cancellation: OSHA Regional Notice 13-21 (CPL 04), November 26, 2013.

Expiration Date: This Notice will expire December 31, 2014, but may be renewed.
State Impact: None.

Significant Changes: None.


Originating Office: Office of Federal and State Operations

Contact: Steve Gossman
         Assistant Regional Administrator
         Office of Federal and State Operations

By and Under the Authority of:

David L. Mahlum
Acting Regional Administrator
EXECUTIVE SUMMARY

This Notice provides the framework for a local emphasis program to reduce and/or eliminate hazards associated with residential construction in the state of Idaho.

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I. Purpose. This Notice establishes a local emphasis program to reduce and/or eliminate hazards associated with residential construction.

II. Scope. This Notice applies to the Boise Area Office.


IV. State Plan Impact. None.

V. References.

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

B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.

D. OSHA Memorandum for Regional Administrators, Subject: “Guidance to Compliance Officers for Focused Inspections in the Construction Industry,” September 20, 1995, Revision.

E. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), Chapter 2, April 22, 2011.

VI. Definitions

A. Residential Construction. According to STD 03-11-002, “Residential Construction” is defined by the end-use of the building in question and must be a home or dwelling. In addition, the building in question must be constructed using traditional wood frame construction materials and methods. This includes the construction of otherwise covered residences if there is limited use of structural steel in a predominantly wood-framed home, such as a steel I-beam to support wood framing. According to STD 03-11-002, “traditional wood frame construction materials and methods” will be characterized by:

   Framing materials: Wood (or equivalent cold-formed sheet metal stud) framing, not steel or concrete; wooden floor joists and roof structures.

   Exterior wall structure: Wood (or equivalent cold-formed sheet metal stud) framing or masonry brick or block.

   Methods: Traditional wood frame construction techniques.

B. Residential Construction Site – For purposes of this LEP, a residential construction site is defined as a location where construction activities are under the control of a general contractor, construction manager, or a specific builder.

VII. Background. Bureau of Labor Statistics (BLS) data from 2001 show that the residential construction industry experienced injury and illness rates similar to those of the commercial construction industry. The total lost workday case rates for residential and non-residential construction were identical at 3.5; the rates of lost workday cases with days away from work were slightly higher (2.8) in residential construction compared to non-residential construction (2.5).

In FY 2003, there were three fatal accidents in Idaho involving residential contractors. During the course of investigating these accidents, OSHA discovered a lack of effective safety and health programs and limited knowledge of OSHA’s standards. Due to the relatively low dollar value of residential construction projects in comparison to non-residential construction, the latter are not normally targeted for inspections.
VIII. Program Procedures. Inspections shall be carried out at randomly selected residential construction sites according to the policies and procedures in the Field Operations Manual (FOM). In addition, the following procedures will apply:

A. **Compliance Officer Training** – As new information is received that affects this local emphasis program, CSHOs and the Idaho Safety and Health Consultation program will have received training in the LEP procedures and in other topics such as hazard control in the residential construction industry.

B. **Unprogrammed Inspections** – Referrals, complaints or fatalities/catastrophes will be handled by the Boise Area Office in accordance with established agency policies and procedures. The scope of unprogrammed inspections in residential construction shall be in accordance with paragraph VIII. D. of this Notice.

C. **Programmed Inspections** – Programmed inspections conducted under this LEP will be scheduled and conducted as follows:

1. Each month, a list of residential construction sites will be developed using local resources such as Idaho construction and business periodicals and building permit notifications. The number of selected sites may be adjusted based on factors such as available resources and seasonal variations in the number of construction projects.

2. Boise Area Office compliance staff shall attempt to inspect all of the sites within 30 days of obtaining the UTenn list. If a site is inactive or if a CSHO has not attempted to inspect a site within 60 days of obtaining the list, then the uninspected sites will be eliminated from the list.

3. Once a particular residential construction site has been inspected, it shall not be scheduled again for at least six months, unless the inspection is initiated by a complaint, referral or fatality/catastrophe.

D. **Inspection Scope**

1. The scope of all inspections conducted under this LEP will be limited to the hazards most likely to cause serious injury, including:

   a. Falls from elevations (e.g., floors, platforms, roofs).

   b. Struck by (e.g., falling objects, vehicles).

   c. Caught in/between (e.g., cave-ins, unguarded machinery and equipment).

   d. Electrical shock (e.g., overhead power lines, power tools and cords, outlets, temporary wiring).
e. Lack of personal protective equipment such as hard hats and eye protection.

f. Amputation hazards (e.g., table saws, miter saws and circular saws).

2. Other hazards may be addressed if potentially serious violations are observed during the inspection.

3. Sites that meet the criteria for a focused inspection will be inspected in accordance with the guidance in OSHA Memorandum for Regional Administrators, Subject: “Guidance to Compliance Officers for Focused Inspections in the Construction Industry,” September 20, 1995, Revision.

IX. Program Evaluation

A. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.

B. The Area Director will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.

C. The Office of Federal and State Operations (FSO) shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.

X. OIS Coding. Inspections, unprogrammed activities and compliance assistance activities (more than 30 minutes in length) will be coded as follows:

1. For OSHA activities in residential construction:
   a. Inspection Type: Mark as referral, complaint or accident if unprogrammed, or mark as Programmed Planned if programmed.
   b. Local Emphasis Program: Mark as RESCON.
   c. Additional Codes: Mark as N 16 SINGFAM for inspections of single family residences, or N 16 RESCON for residential construction inspections of multi-family structures. The following strategic plan codes may be selected, as appropriate: Small Business, Amputations, Immigrant, and Youth.
2. For OSHA activities in residential construction at multi-family structures that are outside the scope of this LEP (i.e., structures that have more than six units, or apartment complexes that include multiple buildings with six or fewer units):

a. Inspection Type: Mark as referral, complaint or accident if unprogrammed, or mark as Programmed Planned if programmed.

b. Local Emphasis Program: Leave blank.

c. Additional Codes: Mark as N 16 RESCON. The following strategic plan codes may be selected, as appropriate: Small Business, Amputations, Immigrant, and Youth.