



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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| DIRECTIVE NUMBER: 14-04 (CPL 04) | EFFECTIVE DATE: December 23, 2014 |
| SUBJECT: Local Emphasis Program for Construction Fall Hazards in Idaho | |
| REGIONAL IDENTIFIER: Region 10 | |

ABSTRACT

- Purpose:** This Notice renews a Local Emphasis Program (LEP) for construction operations having potential fall hazards.
- Scope:** This Notice applies to the Boise Area Office.
- References:**
- OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), Chapter 2, April 22, 2011.
 - OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
 - OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs," November 13, 2014.
 - OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs," December 3, 2014.
- Cancellation:** OSHA Regional Notice 13-23 (CPL 04), November 26, 2013.
- Expiration Date:** This Notice will expire December 31, 2015, but may be renewed.
- State Plan Impact:** None.

Significant Changes: None.

Action Offices: Boise Area Office and Office of Federal and State Operations.

Originating Office: Office of Federal and State Operations

Contact: David J. Baker
Acting Assistant Regional Administrator
Office of Federal and State Operations

By and Under the Authority of:

KEN NISHIYAMA ATHA
Acting Regional Administrator

EXECUTIVE SUMMARY

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

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I. Purpose. This Notice renews a Local Emphasis Program (LEP) for construction operations having potential fall hazards.

II. Scope. This Notice applies Idaho wide.

III. Action Offices. Boise Area Office and Office of Federal and State Operations.

IV. State Plan Impact. None.

V. Cancellation. OSHA Regional Notice 13-23 (CPL 04), November 26, 2013.

VI. References.

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

- B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
- C. OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs,” November 13, 2014.
- D. OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs,” December 3, 2014.

VII. Background.

This LEP supports the DOL 2014-2018 Strategic Plan, Strategic Objective 2.1, to secure safe and healthy workplaces, particularly in high-risk industries. This LEP will also address OSHA’s performance measure OSHA – HPPG-01, Construction fatality rate decrease for baseline. Construction operations in the state of Idaho and nationwide have historically had a high incidence rate of serious injury. The leading cause of serious injury and death on construction sites is due to falls. According to the Bureau of Labor Statistics (BLS) data for 2013, 145 fatalities occurred in the building construction industry (NAICS 236) nationwide. This included 92 fatalities in residential construction and 50 fatalities in non-residential building construction. Sixty of the fatalities were the result of slips, trips and falls.

Two fatalities in FY 2013 and one fatality in FY 2014 were investigated by the Boise Area Office under this LEP. There were no fatalities in the construction industry in 2010, 2011 and 2012 in Idaho. State injury and illness data for Idaho are not available.

VIII. Procedures.

A. Outreach Program.

This LEP has been in place for over 15 years and outreach is a continual effort through programs such as Safety Fests and meetings with local industry organizations. The Boise Area Office will provide updated information to employers on topics such as the OSHA standards that apply to construction, how to implement a safety and health program, and details about the LEP. Information will be disseminated via the Boise Area Office electronic newsletter to employers and industry representatives.

B. Compliance Officer Training.

All compliance personnel shall be instructed on this procedure. Compliance personnel shall be instructed to report (where practical) observed fall hazards. Every observation of such operations shall be handled as follows:

C. Unprogrammed Inspections.

Inspections shall be carried out at randomly identified construction sites according to the policies and procedures in the Field Operations Manual (FOM). Inspection programming and targeting are not utilized to identify inspection sites under this LEP. Regardless of whether or not a violation is observed, when a compliance officer sights or receives any notice of a construction operation with potential falls from elevations (including non-formal complaints, other government agency referrals and reports from members of the public), the compliance officer shall document conditions as required by the FOM.

All construction operations having potential fall hazards brought to the attention of the area office shall be inspected (resources permitting) as follows:

1. Referrals shall be inspected in accordance with the FOM. If the exposed employee is not considered to be in imminent danger, the area director or supervisor shall assign for immediate inspection unless available resources will not allow for immediate inspection. These inspections will be conducted within 7 working days.
2. Non-formal complaints shall be evaluated by the area director or supervisor prior to assignment. If the employer has a favorable history which would tend to contradict the non-formal complaint filed, the complaint will be handled in accordance with current non-formal complaint guidelines. If resources are reasonably available, the area director or supervisor will assign a compliance officer to drive by the location of the alleged fall hazard. If the fall hazard is observed by the compliance officer, he/she will conduct an inspection as outlined in this Notice. If the hazard is not observed, the complaint will be handled in accordance with current non-formal complaint guidelines.

- D. An inspection assigned under this LEP does not necessarily need to be inspected by the person making the original observation.
- E. Inspections will not be initiated as a specific search to find fall hazards. Inspections will be initiated when a job is noticed during normal travels by the compliance officer, other referrals, or non-formal complaints.
- F. Documentation of the events leading up to the observation of the reporting of the potential fall hazard(s) shall be maintained by the area office in case of denial of entry.
- G. The compliance officer initially observing a serious fall hazard in plain view shall contact the area office supervisor or area director for a decision as to whether an inspection is required. However, if it is not convenient to contact the area director or supervisor at the time, an inspection shall be conducted and the supervisor informed as soon as practicable after the inspection is completed.

- H. The scope of the inspections conducted under this LEP shall normally be limited to the fall hazards and to serious hazards in the other three primary focus areas which are observed in plain view (i.e., electrical hazards, crushing hazards and trenching hazards, as specified in the trenching NEP).

IX. OIS Coding.

Inspections conducted under this LEP will be identified in the OSHA Information System (OIS) as follows:

- A. Inspection record forms will be coded as follows:
 - 1. Inspection Type: Mark as referral, complaint or accident if *unprogrammed*, or mark as Programmed Planned if *programmed*.
 - 2. Local Emphasis Program: Mark as FALL.
- B. Unprogrammed Activity Forms: Optional Information, LEP, mark as FALL.
- C. Compliance Activity Forms: Outreach activities more than 30 minutes in length will be recorded as a compliance assistance activity. Local Emphasis shall be coded as "FALL." The following strategic plan codes may be selected, as appropriate: Small Business, Amputations, Immigrant, and Youth.

X. Evaluation.

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.

- A. 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.
- B. 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.