



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 14-02 (CPL 04)	EFFECTIVE DATE: December 23, 2014
SUBJECT: Local Emphasis Program for Residential Construction	
REGIONAL IDENTIFIER: Region 10	

ABSTRACT

- Purpose:** This Notice renews 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 Instruction STD 03-11-002, *Compliance Guidance for Residential Construction*, June 16, 2011.
 - 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.
 - 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 13-21 (CPL 04), December 4, 2013.

Expiration Date: This Notice will expire December 31, 2015, but may be renewed.

State Impact: None.

Significant Changes: None.

Action Offices: Boise Area Office and the 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 residential construction in the state of Idaho.

TABLE OF CONTENTS

I.	PURPOSE.....	3
II.	SCOPE.....	3
III.	ACTION OFFICES	3
IV.	STATE PLAN IMPACT.....	3
V.	CANCELLATION.....	3
VI.	REFERENCES	3
VII.	DEFINITIONS.....	4
VIII.	BACKGROUND	5
IX.	PROGRAM PROCEDURES.....	5
X.	PROGRAM EVALUATION.....	6
XI.	OIS CODING	7

- I. Purpose.** This Notice renews a local emphasis program to reduce and/or eliminate hazards associated with residential construction.
- II. Scope.** This Notice applies to the Boise Area Office.
- III. Action Offices.** Boise Area Office and the Office of Federal and State Operations.
- IV. State Plan Impact.** None.
- V. Cancellation.** OSHA Regional Notice 13-21 (CPL 04), December 4, 2013.
- VI. 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.

- C. OSHA Instruction STD 03-11-002, *Compliance Guidance for Residential Construction*, June 16, 2011.
- 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.
- F. OSHA Memorandum for Regional Administrators, Subject: “*Establishment Targeting Lists for Emphasis Programs*,” November 13, 2014.
- G. OSHA Memorandum for Regional Administrators, Subject: “*Procedures for Local and Regional Emphasis Programs*,” December 3, 2014.

VII. **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.

VIII. 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. Bureau of Labor Statistics (BLS) data from 2013 show that the residential construction industry experienced injury and illness rates higher than those of the non-residential building construction industry. The total recordable case rate (TRC) for residential construction (NAICS 2361) was 4.0 and days away restricted and transfer rate (DART) was 2.6. The TRC rate for non-residential construction (NAICS 2362) was 2.7 and DART rate was 1.5. In 2013, BLS reported 92 fatalities in residential construction. Of the 92 fatalities, 23 occurred at single family home sites, five occurred at multi-family home sites and 45 occurred at residential remodeling sites. Also, 41 of the 92 fatalities (45 percent) were the result of a slips, trips or falls.

In FY 2014, there were no fatal accidents in Idaho involving residential contractors. Two employers received willful violations related to fall hazards in residential construction.

This LEP uses a two-pronged approach whereby: (1) information is provided to residential contractors through outreach and education, and (2) unprogrammed inspections are conducted as the result of referrals to the area office and CSHO referrals.

IX. 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). Enforcement inspections will commence immediately after the effective date of this directive. In addition, the following procedures will apply:

A. Outreach Program.

This LEP has been in place for ten 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 residential 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.

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

C. Unprogrammed Inspections.

Inspections are conducted as a result of unprogrammed activities such as referrals, complaints or fatalities/catastrophes and 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. E. of this Notice.

D. Programmed Inspections.

Inspection programming and targeting are not utilized to identify inspection sites under this LEP.

E. 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.

X. 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.

XI. OIS Coding.

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

- A. For OSHA activities in residential construction:
 - 1. Inspection Type: Mark as referral, complaint or accident if *unprogrammed*.
 - 2. Local Emphasis Program: Mark as RESCON.
 - 3. 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.
- B. 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):
 - 1. Inspection Type: Mark as referral, complaint or accident if *unprogrammed*.
 - 2. Local Emphasis Program: Leave blank.
 - 3. Additional Codes: Mark as N 16 RESCON. The following strategic plan codes may be selected, as appropriate: Small Business, Amputations, Immigrant, and Youth.