



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR **Occupational Safety and Health Administration**

<b>DIRECTIVE NUMBER:</b> 18-01 (CPL 04)	<b>EFFECTIVE DATE:</b> October 1, 2018
<b>SUBJECT:</b> Regional Emphasis Program for Fall Hazards in Construction	
<b>REGIONAL IDENTIFIER:</b> Region X	

## ABSTRACT

<b>Purpose:</b>	This Notice establishes a Regional Emphasis Program (REP) for construction operations having potential fall hazards.
<b>Scope:</b>	This Notice applies to all Region X Area Offices.
<b>References:</b>	<p>OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM) dated August 2, 2016</p> <p>OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, dated November 10, 1999</p> <p>OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs", dated November 12, 2014</p> <p>OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs", dated December 3, 2014</p> <p>OSHA Instruction STD 03-11-002 Compliance Guidance for Residential Construction, dated June 16, 2011</p>
<b>Cancellation:</b>	None
<b>State Plan Impact:</b>	None
<b>Action Offices:</b>	Region X Area Offices and Office of Enforcement Programs
<b>Originating Office:</b>	Office of Enforcement Programs, Region X

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By and Under the Authority of:

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## EXECUTIVE SUMMARY

Workers employed in the construction industry face many hazards from falls that can lead to serious injury or death. Falls are the leading cause of death in construction. Construction work activities associated with the fatalities include, but are not limited to, work on elevated surfaces, work from scaffolding, work from aerial equipment, work from ladders, work conducted during demolition activities, construction of residential structures, construction of commercial and industrial structures, work conducted in a trench/excavation, work to construct, service, or repair overhead power lines, and work conducted on or near streets, roads, highways, bridges and overpasses for the purpose of building, maintaining or repairing them. Workers in construction may be exposed to fall hazards while working from ladders, scaffolds, roofs, communication towers, steel erection, or any other elevated workspace.

The intent of this Regional Emphasis Program is to encourage employers to take steps to address these hazards, ensure worksites are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing workers' potential injuries and deaths.

OSHA in Region X proposes to accomplish this through outreach and enforcement activities. Outreach activities will include letters to employers, training sessions with stakeholders, electronic information-sharing activities, public service announcements, and news release broadcasts. Enforcement activities will begin not earlier than three months after outreach is initiated and will include, but not be limited to, the inspection and review of construction activities that may include fall hazards; working conditions; injury and illness records; safety and health programs; and other potentially hazardous construction activities, to identify and obtain correction of workplace hazards at all applicable inspection sites.

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- I. **Purpose.** This Notice establishes a Regional Emphasis Program (REP), within the jurisdiction of Region X, to identify fall hazards and to prevent injuries and fatalities among workers in the construction industries.
- II. **Action Offices.** All Region X Area Offices and Office of Enforcement Programs.
- III. **State Plan Impact.** None.
- IV. **Cancellation.** None.
- V. **Background.** This REP supports the DOL 2014-2018 Strategic Plan, Strategic Objective 2.1, to secure safe and healthy workplaces, particularly in high-risk industries. This REP will also address OSHA's FY 2017 performance measures to decrease the fatality rates in construction (OSHA-PG-01). Construction work activities associated with the fatalities include, but are not limited to, work on elevated surfaces, work from scaffolding, work from aerial equipment, work from ladders, work conducted during demolition activities, construction of residential structures, construction of commercial and industrial structures, work conducted in a trench/excavation, work to construct, service, or repair overhead power lines, and work conducted on or near streets, roads, highways, bridges and overpasses for the purpose of building, maintaining or repairing them. Falls are the leading cause of death in construction. Workers in construction may be exposed to fall hazards while working from ladders, scaffolds, roofs, communication towers, steel erection or any other elevated workspace. In 2014, according to data from BLS, there were 349 fall fatalities (345 falls to lower level) out of 899 total fatalities in construction. Nationwide, there were 49,210 falls to lower level that resulted in one or more days away from work, including 9,940 falls to lower level in the construction industry. Twenty-three fatalities in the construction industry occurred in the four states within Region X between calendar years 2013 and 2017. This data was obtained from the BLS Fatal Occupational Injuries (CFOI) data for calendar years 2013, 2014 and 2015 and the OIS data for calendar years 2016 and 2017 to date.
- VI. **Procedures.**
- A. **Outreach Program.** The Regional Office and each Area Office have conducted and will continue to provide outreach on fall hazards in the construction industry for a period of at least 90 days before initiating enforcement under this LEP. Many forms of outreach will be conducted such as:
- Through forums such as governor's safety and health conferences and Safety Fests, the Area Offices will provide updated information to employers on topics such as the OSHA standards that apply; how to implement a safety and health program; and details about the REP.

- The Area Offices will also discuss the Safe and Sound initiative during presentations or while attending professional conferences.
  - Information will be disseminated via the Boise Area Office electronic newsletter to employers and industry representatives.
  - All Area Offices will highlight this REP in their Annual Fall Stand Down activities.
  - The Region X labor liaison, Area Directors, and the Boise compliance assistance specialist will highlight the REP during their events with employers, professional associations and unions.
  - When OSHA representatives attend speaking events, this REP will be discussed when appropriate. Inspection activity under this REP will not start until 90 days after the effective date of this Notice to allow an outreach period.
- B. Compliance Officer Training. All compliance personnel shall be instructed on this procedure. Compliance personnel shall be instructed to report observed fall hazards to the Area Director.
- C. Inspection Procedures. Inspections shall be carried out at sites according to the policies and procedures in the Field Operations Manual (FOM). Inspections may be initiated when in-plain-view fall hazards are noticed during normal travels by the compliance officer (CSHO referral) or when formal complaints/non-formal complaints or other referrals are received. Inspection programming and scheduling lists are not utilized to identify inspection sites under this REP. When a compliance officer observes or receives any notice of a construction operation with fall hazards from elevations (including formal complaints/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. 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.

Construction operations having observable fall hazards brought to the attention of the area office shall be inspected as follows:

1. Formal complaints and referrals shall be inspected in accordance with the FOM. These inspections will be conducted within 5 working days.
2. Other complaints may be evaluated by the Area Director or supervisor prior to assignment and Area Directors may use their discretion whether or not to conduct an inspection or investigation.

3. An inspection assigned under this REP does not necessarily need to be inspected by the person making the original observation.
4. Documentation of the events leading up to the observation of the reporting of the fall hazard(s) shall be maintained by the Area Office in case of denial of entry.
5. The compliance officer initially observing a 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 the compliance officer cannot reach 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. The compliance officer may open an inspection when he/she observes employee exposures to fall hazards.
6. The scope of the inspections conducted under this REP 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, caught in or struck by hazards, and trenching hazards, as specified in the trenching NEP). Procedures in the FOM will be followed if the scopes of the inspections are to be expanded.

## **VII. OIS Coding.**

- A. Inspection record forms will be coded as follows:
  1. Inspection Type: Mark as referral, complaint or accident if unprogrammed.
  2. Local Emphasis Program: Mark as FALL.
- B. Unprogrammed Activity Forms: Optional Information, REP, and mark as FALL.
- C. Compliance Activity Forms: Outreach activities more than 30 minutes in length will be recorded as a compliance assistance activity. Regional/Local Emphasis shall be coded as FALL.

## **VIII. Evaluation.**

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

- B. The Office of Enforcement Programs (OEP) 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.