



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 19-01 (CPL 04-01) | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Regional Emphasis Program on Fall Hazards in Construction

REGIONAL IDENTIFIER: Denver Region VIII

ABSTRACT

- Purpose:** This Notice renews a Regional Emphasis Program (REP) for the programmed inspection of commercial and residential construction operations having potential fall from elevation hazards.
- 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.
- Cancellations:** 18-01 (CPL 04-01) Regional Emphasis Program on Fall Hazards in Construction
- State Impact:** None
- Action Offices:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Office
- Originating Office:** Denver Regional Office
- Contact:** Assistant Regional Administrator for Federal-State Operations
Cesar Chavez Memorial Building
1244 Speer Blvd, Suite 551
Denver, CO 80204
(720) 264-6559

By and Under the Authority of:

Rita Lucero
Acting Regional Administrator, VIII

Executive Summary

Workers employed in the construction industry face many hazards that can lead to serious injury, illness, and death. Fall from height is a major hazard routinely faced by workers in both the commercial and residential construction industry.

The intent of this renewed Regional Emphasis Program is to encourage employers to take steps to address fall hazards, ensure work sites are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

OSHA in Region VIII proposes to accomplish this through outreach and enforcement activities. Outreach activities include seminars and training sessions with stakeholders, electronic information sharing activities through newsletters, and cooperative program agreements with industry associations. Enforcement activities will include, but not be limited to, the inspection of construction work sites with reports or observations of employee exposure to fall hazards to identify and obtain corrections of workplace hazards at all applicable inspection sites.

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- I. **Purpose:** This Notice renews a Regional Emphasis Program (REP) for the programmed inspection of commercial and residential construction operations having potential fall from elevation hazards.
- 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 02-00-160, Field Operations Manual (FOM), August 2, 2016, or the most recent version at the time of the inspection opening conference.
 - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.
 - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
 - E. October 18, 2002, OSHA Memorandum: Annual Evaluation of Local Emphasis Programs.
 - F. Title 29 Code of Federal Regulations, Part 1926.
 - G. December 3, 2014, OSHA Memorandum: Procedures for Local and Regional Emphasis Programs.
 - H. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, April 25, 2018, or the most recent version at date of inspection opening conference.
 - I. Bureau of Labor Statistics (BLS) Fatal Occupational Injury Data, 2016.
 - J. Bureau of Labor Statistics Economic News Release, Census of Fatal Occupational Injuries Summary, 2016.
 - K. Occupational Safety and Health Administration, Region VIII, Fatality Tracking Reports.
- IV. **Cancellations:** 18-01 (CPL 04-01) Regional Emphasis Program on Fall Hazards in Construction

- V. **Expiration:** This REP expires on September 30, 2019.
- VI. **Action Office:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices.
- VII. **Background:** Construction has long been recognized as a high hazard industry. Accidents relating to falls from elevations are one of the leading causes of serious injuries and fatalities.

According to a BLS Economic News Release, Census of Fatal Occupational Injuries Summary, 2015, “falls to a lower level accounted for 81 percent of all fatal falls. Of those cases where the height of the fall was known, more than two-fifths of the fatal falls occurred from a height of 15 feet or lower.” Fatal work injuries from falls, slips, or trips continued a general upward trend that began in 2011, increasing 6 percent to 849 in 2016 and 25 percent overall since 2011. Falls increased more than 25 percent in 2016 for roofers, carpenters, tree trimmers and pruners, and heavy and tractor-trailer truck drivers. The 849 fall fatalities represent 16.4 percent of the total number of fatalities for 2016 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 2016. In 2015 and 2016, falls to lower levels were the number one cause of fatal injuries in the construction industry. Region VIII federal OSHA data from January 1, 2013 through September 26, 2018 documented 45 fall-related fatalities. Falls from elevation continue to be the leading causes of death in construction in Region VIII. Employees working at elevated heights are commonly encountered during our inspection activity at construction sites.

From January 1, 2013 through September 26, 2018 Region VIII conducted 4,925 fall related inspections at construction sites, 3,547 of which resulted in fall related violations being issued, representing a non-compliance rate of 72 percent. The occurrence of falls and fall related injuries justifies the need to continue focusing enforcement resources to address these f hazards.

VIII. 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 non-formal 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 non-formal 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.

IX. 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. 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.
- X. **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, and 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 Report:** No later than October 31, 2019, the Area Offices will provide a report of this REP to the Regional Office. The Regional Office will provide the National Office with one report of this REP. At a minimum, the report should respond to the requirements of CPL 04-00-001, Section D, Appendix A as well as 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