



OSHA REGIONAL INSTRUCTION

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

DIRECTIVE NUMBER: 2019-07 (CPL 04) | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Regional Emphasis Program for Demolition Activities and Gut Rehabilitation

REGIONAL IDENTIFIER: Philadelphia Region III

ABSTRACT

- Purpose:** This Instruction continues a regional emphasis program (REP) for the inspection of demolition activities that occur during the destruction and renovation of any fixed building or structure and to assist employers in the reduction of serious and fatal injuries to affected employees.
- Scope:** This Instruction applies to all worksites located within the jurisdiction of the Region III, Philadelphia, Charleston, Wilkes-Barre, Erie, Allentown, Baltimore/Washington, Harrisburg, and Pittsburgh Area Offices.
- References:** [CPL 02-00-160, Field Operations Manual \(FOM\) \(August 2, 2016\)](#); [CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs \(LEPs\) \(11/13/2018\)](#); [CPL 02-00-025, Scheduling System for Programmed Inspections \(January 4, 2016\)](#); [CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act \(May 28, 1998\)](#)
- Cancellations:** Philadelphia Regional Notice: CPL 2018-07 (CPL 04), dated October 1, 2017. This Instruction replaces and updates an earlier version.
- State Impact:** None.
- Action Offices:** Philadelphia, Charleston, Wilkes-Barre, Erie, Baltimore/Washington, Allentown, Harrisburg, Pittsburgh Area Offices
- Originating Office:** Philadelphia Regional Office
- Contact:** Michael J. Rivera, Deputy Regional Administrator
The Curtis Center, Suite 740 West
170 S. Independence Mall
Philadelphia, PA 19106-3309

By and Under the Authority of

Richard Mendelson
Regional Administrator

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- I. Purpose: This Instruction continues a regional emphasis program (REP) for programmed safety and health inspections of construction sites involved in Demolition Activities and Gut Rehabilitation work in accordance with the Field Operations Manual (FOM), Chapter 2, Section VI.E and CPL 02-00-025, Scheduling System for Programmed Inspections;
- II. Scope: This Instruction applies to the Philadelphia, Charleston, Wilkes-Barre, Erie, Baltimore/Washington, Allentown, Harrisburg, and Pittsburgh Area Offices. All inspections conducted under this directive will be conducted in accordance with the FOM.
- III. References: [CPL 02-00-160, Field Operations Manual \(FOM\) \(August 2, 2016\)](#); [CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs \(LEPs\) \(11/13/2018\)](#); [CPL 02-00-025, Scheduling System for Programmed Inspections \(January 4, 2016\)](#); [CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act \(May 28, 1998\)](#)
- IV. Expiration: This Instruction expires on September 30, 2023.
- V. Action: The Area Director shall ensure that the procedure outlined in the Instruction is followed during the effective period of this notice. This Instruction is not to conflict with the inspection priorities as established in the FOM.

When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with the current procedures for handling such refusals.

OSHA compliance personnel shall ensure that the procedures contained in this notice are followed when conducting this REP.

- VI. Background: Workers employed by construction firms that are involved in Gut Rehabilitation and Demolition work are being exposed to serious safety hazards on a daily basis. The most serious injuries usually result from either a partial or total unplanned collapse of the structure. Additional hazards historically found on demolition sites can include electrical hazards, floor holes and openings, improper personal protective equipment, improper scaffolding, and hazard communication violations. Many of the buildings targeted for demolition are very old, in poor repair, have suffered fire damage, and are structurally weak from exposure to the elements. OIS and IMIS data for Federal OSHA shows that 121 violations have been issued for Subpart T Demolition of OSHA Standard 29 CFR 1926.850 through 1926.860 in FY 2018. Tragically, there have been 136 worker fatalities inspected by Federal and State OSHAs between FY 2003 and FY 2018 that involved demolition activities.

The “Gut Rehab” process usually requires that crucial support structures be removed. The work calls for the complete “Gutting” of the inside of the building, leaving only the outside facade. The building is then completely rebuilt on the inside by installing new floor and ceiling joists, plumbing, masonry, electrical wiring, etc. Because of the extensive rehabilitation of these buildings many trades are engaged in these projects. Frequently buildings determined to be beyond redemption are targeted by city and municipal governments for total dismantling, razing, destroying or wrecking. Crucial decisions relating to demolition work practices and procedures are performed without the benefit of an engineering survey as to determine how to avoid the unplanned collapse of any portion of the structure or any parts thereof required by 29 CFR 1926.850(a). Many employers fail to perform the required engineering survey because of the cost involved and often time the structural stability of buildings has been compromised to the

point of being in imminent danger of collapse which poses a threat to the public as well as to the safety and health of workers. Those employees involved in Gut Rehabilitation and Demolition work are also potentially exposed to a myriad of health risks which may include but is not limited to lead, asbestos, silica and other airborne contaminants. Previous OSHA inspection data has documented exposures to these and other contaminants during Gut Rehabilitation, Demolition and other similar construction activities.

Implementation of this regional emphasis program supports the Department's [FY 2018-2022 Strategic Plan](#) goal to reduce injuries, illnesses, and fatalities.

- VII. Inspection Scheduling: Inspections conducted under this program shall be scheduled pursuant to the following criteria:
- A. An inspection targeting system which encompasses identification of sites at the beginning of the quarter and the random selection of sites is not practical. Hazards related to demolition and gut rehabilitation are normally transient and of limited duration. This limits the practicality of targeting sites in advance. Therefore, inspections conducted under this REP would be initiated by several means: CSHO observance, non-formal complaints and referrals from outside sources. The Area Director shall determine, as part of the annual plan, the projected number of inspections to be conducted under this REP during the fiscal year.
 - B. All demolition and gut rehabilitation work sites observed by compliance officers will be selected for inspection under this REP. When a demolition or gut rehabilitation work site is noted during travel, the CSHO will notify the supervisor with the name of the contractor (if known) and the location of the site. The supervisor will determine if the site has been inspected within the last 30 days. If the site has not been inspected within the last 30 days, permission will be given to inspect the site. If the site has been inspected within the last 30 days, an inspection will be authorized at the Area Director's discretion. The CSHO will remain at the site to observe the abatement procedures and/or to assist with abatement methods.
 - C. A large number of demolition and gut rehabilitation hazards are reported via referrals and complaints, both of a formal and a non-formal nature. Formal complaints of demolition and gut rehabilitation hazards on construction sites will continue to be scheduled before programmed inspections. Non-formal complaints and referrals which would normally be handled by letters will be handled in accordance with paragraph B. Inspection history and the scope of the inspection will be handled in the same manner.
 - D. The number of inspections conducted under this REP will be deducted from the number of total planned inspections.
 - E. The scope of the inspection shall be comprehensive.
- VIII. Inspection Procedures:
- 1. Citations: Violations will be cited according to the FOM, (CPL 02-00-160) and other guidance documents.

2. Compliance Officers: Inspections under this REP are to be conducted by a Safety Compliance Officer. Health referrals may be necessary based on worksite observations.

IX. Outreach:

During the course of this REP the Area Director will ensure a robust outreach program will continue during the enforcement phase of the program. Outreach activities were conducted during a 90 day period before the enforcement element of the REP was initiated. Outreach activities were directed to reach as many stake holders in the Area Office jurisdiction as is practicable. The purpose of the outreach was to inform interested parties of the existence, purpose and objectives of this local (regional) emphasis program as well as promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach was at the Area Director's discretion and consisted of one or more of the following components:

1. Broadcast mail-outs or program information to stakeholders and affected groups.
2. Conduct informational meetings to stakeholders and affected groups.
3. Targeted training sessions to specific groups appropriate to the industry.
4. Media press release or e-blast to stakeholders and affected groups.
5. Encourage employers to utilize OSHA's free consultative program.
6. Prepare linguistically appropriate outreach materials.

X. Recording in OIS: Current instructions for completing the appropriate inspection classification as found in the OIS manual shall be applied when recording inspections conducted under this REP as follows:

- A. For any programmed inspection covered under the Local Emphasis Program for Demolition or Rehabilitation construction sites marked "planned" and "Local Emphasis Program". The coding for this REP in OIS will be "**DEMO3**".
- B. REP Combined with Unprogrammed Inspections: For all unprogrammed inspections conducted in conjunction with this REP inspection under this initiative, the Inspection must be marked as "unprogrammed" with the appropriate unprogrammed activity identified. In addition, the "LEP" box is to be checked and the value "DEMO3" selected.
- C. REP Combined with other Emphasis Program Inspections: For all programmed inspections such as other NEPs/LEPs conducted in conjunction with an REP inspection under this initiative, the Inspection must be marked as "programmed planned". In addition, the "LEP" box is to be checked and the value "DEMO3" recorded along with all NEP and LEP OIS codes applicable to the inspection.

- XI. Evaluation: The Area Office will submit to the Regional Administrator a written evaluation at the midpoint (30 months) and completion (60 months) of this LEP in the format specified by OSHA Instruction [CPL 04-00-002 Procedures for the Approval of Local Emphasis Programs \(LEPs\) \(11/13/18\)](#).