



# OSHA Regional Instruction

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

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**DIRECTIVE NUMBER:** 21-11 (CPL 04) | **EFFECTIVE DATE:** December 31, 2021

**SUBJECT:** Local Emphasis Program for Construction

**REGIONAL IDENTIFIER:** Region 10

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## ABSTRACT

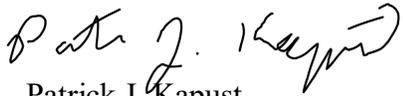
- Purpose:** This instruction renews the policies and procedures to follow when conducting programmed construction safety and health inspections under federal OSHA jurisdiction.
- Scope:** This instruction applies in Alaska, Oregon and Washington to inspections by federal OSHA of construction sites under federal jurisdiction.
- References:**
- OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
  - OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), dated April 4, 2020.
  - OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs”, dated November 13, 2014.
  - OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs”, dated December 3, 2014.
- Cancellation:** OSHA Regional Instruction 19-08 (CPL-04) dated December 31, 2018
- Expiration Date:** This instruction will expire December 31, 2026, but may be renewed.
- State Plan Impact:** None.
- Significant Changes:** None.

**Action Offices:** Anchorage, Washington, and Portland Area Offices and the Office of Enforcement Programs.

**Originating Office:** Office of Enforcement Programs

**Contact:** Assistant Regional Administrator  
Office of Enforcement Programs

By and Under the Authority of:



Patrick J. Kapust  
Acting Regional Administrator

## Executive Summary

This instruction renews the framework for a local emphasis program to reduce and/or eliminate hazards associated with construction activities performed on federally-owned lands, including certain military installations and national parks, construction operations on navigable waterways within the three-mile limit, and tribally-owned establishments and employers who are enrolled tribal members working on reservations or on trust land in Alaska, Oregon and Washington.

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**I. Purpose.**

This instruction renews the policies and procedures to be followed when conducting programmed construction safety and health inspections under federal OSHA jurisdiction.

**II. Scope.**

This instruction applies to the Anchorage, Washington, and Portland Area Offices.

**III. Action Offices.**

Anchorage, Washington, and Portland Area Offices and the Office of Enforcement Programs.

**IV. References:**

OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), dated April 4, 2020.

OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs”, dated November 13, 2014.

OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs”, dated December 3, 2014.

**V. Cancellation.**

OSHA Regional Notice 19-08 (CPL 04), dated December 31, 2018.

**VI. Expiration.**

This instruction will expire December 31, 2026, but may be renewed.

**VII. Background.**

This LEP supports the Occupational Safety and Health Administration (OSHA) Fiscal Year (FY) 2022 Agency Management Plan (AMP), Agency Theme 1, Assure Safe and Healthful Workplaces, to secure safe and health workplaces, particularly in high-risk industries. This LEP also supports OSHA’s Fiscal Year 2022 AMP, Agency Theme 3, Protecting the Most Vulnerable Workers in High Hazard Industries, Strategy 1: Refine Enforcement Tools and Strategies to Target the Most Hazardous Industries including the construction industry.

OSHA's coverage of construction work sites in the state of Washington is limited to activities performed on federally owned lands, including certain military installations and national parks, construction operations on navigable waterways within the three-mile limit, and tribally owned establishments and employers who are enrolled tribal members working on reservations or on trust lands. In Oregon, OSHA has jurisdiction on military installations, navigable waterways, Crater Lake National Park, and on all private and tribal employers on reservations and trust lands. OSHA's coverage of construction work sites in the state of Alaska is limited to navigable waterways, offshore oil rigs, artificial islands and activities performed at Denali National Park, and Metlakatla Indian Community, Annette Island Reserve, Alaska.

Programmed inspections in construction are generally scheduled based on construction project information from Dodge reports or other industry and project information, or on hazard specific national or local emphasis programs. However, the use of these tools has not proven practical for the OSHA area offices in Washington, Oregon, and Alaska, where the majority of construction activity is covered by the safety and health programs operated by the three states.

Construction contractors working on Federal installations are exposed to the same hazards and sustain the same injuries as construction contractors working in the private sector, and this LEP allows the area offices to address these hazards. Construction is an essential, diverse, and dynamic industry employing almost eleven million people, but it also continues to be one of the most hazardous in the U.S. In 2019, the occupational fatality rate in construction was 9.7 deaths per 100,000 workers, more than two and one-half times the fatality rate for all private industry (3.8). Almost 20% of the 5,333 occupational deaths reported in 2019 were in construction. More than 60% of these fatalities can be related to four hazards: falls (39.3%), struck-by objects (8.4%), electrocution (7.4%) and caught in/between (5.5%). Together, these are known as the Focus Four Hazards.

There were 85 inspections conducted in FY 21 with 12% of the inspections having SWR violations. The area offices received abatement certification or documentations for these violations to ensure the hazards were eliminated.

## **VIII. Program Procedures.**

The following procedures shall be followed when scheduling and inspecting work sites under this program.

### **A. Outreach Program**

This LEP has been in place for several years and outreach is a continual effort through programs such as federal safety meetings and meetings with local industry organizations. The Area Offices will provide updated information to federal agencies on topics such as the OSHA standards that apply to federal agencies, how to implement a safety and health program, and details about the LEP.

## B. Inspection Scheduling

1. Due to the mobility of employers in the construction industry, the transitory nature of construction sites and the fact that sites often involve more than one employer, inspections shall be scheduled from a list of work sites rather than employers.
2. A list of geographic areas, where construction activities are expected, shall be prepared and arranged in a randomly ordered cycle.
3. Construction areas will be inspected only once during the inspection cycle. Each employer will be inspected only once during the cycle, except for unprogrammed activity such as complaints, incidents, follow-ups, or if the employer has operations in more than one location on the target list.
4. All sites on the random list shall be inspected in the order listed, unless efficient use of area office resources justifies a selection out of order.
5. Prior to the start of any inspection activity, the Area Director, or designated CSHO, shall contact the appropriate federal/state safety and health managers or other knowledgeable source to determine where construction operations are being performed and to coordinate the conduct of inspections.
6. The area office shall make no deletions from the inspection list except for where the Area Director documents that:
  - a. There is little or no activity at a work site.
  - b. A substantially complete inspection has been conducted as a result of an unprogrammed activity, i.e., complaint.
  - c. The work site has been approved for exemption from inspection through consultation or for participation in the Voluntary Protection Program.
7. For geographic areas, which are determined to have a large number of construction projects occurring simultaneously, the Area Director has the option of subdividing a location into zones to make the most effective use of available resources. Any known "auxiliary" sites under the control of an inspected facility may be inspected. New installations will be added at this time.
8. Specific sites will not be carried over to the next cycle under normal circumstances. If carryover is deemed necessary, the procedures in the FOM shall be followed.

**IX. OIS Coding.**

Inspections conducted under this program shall be coded as “Programmed Planned” with the LEP designation “FEDCONST.” Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) shall be classified as “Unprogrammed” and coded under this local emphasis program designation of “FEDCONST”.

**X. Evaluation Procedures.**

- 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 Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator for at the midpoint, and at the completion of the program.