



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL-04-00-002I

EFFECTIVE DATE: October 1, 2019

SUBJECT: Region Wide Local Emphasis Program – Fall Hazards

ABSTRACT

- Purpose:** This directive renews a region-wide local emphasis program (LEP), OSHA Regional Instruction CPL 04-00-002, effective January 7, 2004, entitled Local Emphasis Program for Fall Hazards. It is intended to reduce the incidence of fatal and serious injuries resulting from falls to a lower level, in both general industry and construction.
- Scope:** OSHA – Region 1
- References:** CPL 02-00-163, September 13, 2019; Field Operations Manual (FOM) or successor guidance.
CPL 02-00-51 Enforcement Exemptions and Limitations under the Appropriation Act, May 28, 1998, (including annually updated Appendix A).
- Cancellations:** OSHA Regional Notice CPL-04-00-002H, Local Emphasis Program for Fall Hazards, October 1, 2018.
- State Impact:** None
- Action Offices:** All area offices, Region I.
- Originating Office:** Boston Regional Office
- Contact:** Ameer Bhatt, Assistant Regional Administrator
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By and Under the Authority of

Galen Blanton
Regional Administrator

Executive Summary

This notice renews an earlier OSHA Regional Notice CPL 04-00-002, Local Emphasis Program for Fall Hazards, which provided a comprehensive framework of guidance and direction to ensure effective targeting, enforcement and outreach regarding fall hazards in Region I, New England.

Significant Changes

The LEP review process changed from a one-year program, reviewed annually before renewal (by Regional Notice) to a five-year program (by Regional Instruction), reviewed at the mid-point and completion of the LEP.

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I. Purpose.

This directive renews the fall protection local emphasis program (LEP), which established a region-wide program to reduce the number of fall hazards and related injuries in general industry and construction. This notice also describes inspection policies and procedures to be followed by OSHA compliance staff when conducting inspections under this LEP.

This local emphasis program consists primarily of three broad elements. One element pertains to alternative site targeting, which will rely heavily on referrals, especially referrals from OSHA compliance officers. Another element concerns a greater emphasis on fall hazards in general industry during planned inspections scheduled using the current targeting plan for general industry. The third element consists of various outreach activities intended to raise the awareness of employers and employees of common fall hazards, abatement approaches, and compliance responsibilities.

II. Scope.

This instruction applies to all federal area offices of the Occupational Safety and Health Administration (OSHA) in Region 1 (New England).

III. References.

- A. OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), September 19, 2019 or successor guidance.
- B. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
- C. OSHA's National Fall Prevention Campaign, <http://www.osha.gov/stopfalls/index.html>
- D. Title 29, Code of Federal Regulations, Part 1910 and 1926.
- E. Massachusetts Department of Public Health, Fatal Occupational Injuries in Massachusetts 2008- 2013, published March 2017, p. 2, MA DPH FOI.

IV. Action.

Area directors shall ensure that compliance officers are familiar with the contents of this instruction, and that the inspection procedures described by this directive are followed.

- V. **Effective Date.** This renewal is effective on October 1, 2019.
- VI. **Expiration.** Unless extended by the Regional Administrator, this local emphasis program will expire on September 30, 2024.
- VII. **Background:** Falls are the leading cause of death in construction as well as non-construction industries. Workers in construction may be exposed to fall hazards while working from ladders, scaffolds, roofs, communications towers, or any other elevated workspace. In 2017, according to data from the Bureau of Labor Statistics (BLS), there were 386 fall fatalities out of 971 total fatalities in construction. There were also 501 fall fatalities out of 4,176 total fatalities in the non-construction industries. Falls remain the leading cause of work-related fatalities in construction, accounting for around one third of the total number of fatalities in this industry.

OSHA's Boston Regional office maintains data on fatalities for Region 1 (Federal OSHA sites in New England). Falls from elevation to a lower level are a leading cause of workplace fatalities in Region 1. During a five-year period ending September 30, 2018, 76 workers suffered fatal falls in the workplace covered by the Occupational Safety and Health Administration. With the implementation of the fall hazard local emphasis program within Region 1, there has been a steady decline in fatalities attributed to falls; from 22 in 1998 to 10 in 2015, 13 in 2016, 22 in 2017, 21 in 2018, and 13 (preliminary) in 2019.

The Massachusetts Department of Public Health has prepared a report on fatal injuries in Massachusetts 2008-2013. The date is reported March 2017. Falling to a lower level was the single leading fatal event in Massachusetts, claiming 75 lives (21%) during the six-year period. 47 of the 75 fatal events were in the construction industry. The majority of the fatal events were from a height of 20 feet or less. (MA DPH FOI).

In construction, fall exposures often occur when employees are working within or on incomplete structures in the process of being built, or from scaffolds, aerial lifts, ladders and other work surfaces that are frequently moved or altered during the course of construction. Roofing, ladder and scaffold fatalities made up 74 percent of the total fall fatalities in FY 2018.

In general, industry, employee exposures to fall hazards often occur when employees work on open-sided floors or platforms, or when they use portable ladders or aerial lifts. Fall hazards in general industry are especially common when employees are performing maintenance activities which require that they work on roof-mounted equipment, or when they climb up onto the equipment being maintained. Employee exposures to fall hazards in general industry during maintenance operations typically involve brief, but reoccurring exposures, which usually can be anticipated and prevented by employers.

VIII. Program Procedures.

- A. Compliance Safety and Health Officers (CSHOs) shall, while traveling during the course of their workday, be watchful for employees, working at elevations that appear to be unprotected from the hazard of falling to the lower level. Compliance officers seeing such exposures shall attempt to contact the area office either to

obtain supervisory authorization to begin an immediate inspection; or, in cases where the CSHO is unable to begin an immediate inspection, to notify the area office of the CSHO's observations. Supervisory approval to start the inspection will normally be granted to the CSHO provided that this inspection activity does not conflict with higher priority inspection activity, and provided that the CSHO has the necessary expertise and equipment to conduct the inspection.

- B. If the CSHO has no readily available means to contact the area office (i.e., no cellular phone service), or is otherwise unable to reach area office personnel who can authorize the inspection, the CSHO will begin an immediate limited scope inspection provided this activity will not interfere with higher priority inspections or assignments. In these cases, the CSHO will give highest priority to preventing further employee exposure to the fall hazards observed.
- C. Whenever an inspection is begun under this LEP on the basis of a CSHO self-referral, the CSHO will include in the case file narrative, a description of the circumstances, which resulted in discovery of the employee exposure that was the basis of the referral. The case file narrative shall also indicate if supervisory authorization for the inspection was obtained prior to the start of the inspection, or an explanation why this authorization was not obtained or sought.
- D. The scope of inspections scheduled under this LEP will be in accordance with the Field Operations Manual.
- E. During all programmed safety and health inspections (such as national, regional, or local emphasis programs), and during all unprogrammed inspections (accidents, complaints, and referrals) involving alleged fall hazards, CSHOs will include the following activities as part of their inspections:
 - 1. In addition to looking for walking/working surfaces where guardrails, handrails, and floor opening covers are needed, CSHOs will attempt to determine, by reviewing the establishment's injury/illness logs, and through interviews of employees and employer representatives, if employees have been exposed to fall hazards during production or maintenance operations.
- F. When a complaint alleging a fall hazard is received at the area office, which previously would have been handled in accordance with the phone/fax procedures for off-site interventions, under this LEP, the area director has the option, resources permitting, of scheduling an inspection to investigate the complaint.
- G. At the end of each LEP inspection, the CSHO will provide the employer with informational materials concerning fall hazards. Appendix A of this notice is a copy of a letter to employers that is to be included with the informational materials. If, in the judgment of the inspecting CSHO, no potential fall hazards were identified, nor expected at the establishment, either because of the nature of the employer's business, or because the employer already has in place effective fall prevention

measures, there is no need for the CSHO to distribute the informational materials, nor engage in any other compliance assistance activities.

IX. Recording in OIS.

Current instructions for completing the inspection and investigation forms and dropdown fields shall be followed when recording inspections under this LEP. Additionally, the following instructions will be followed to ensure inspections and compliance assistance activities done as part of this LEP are properly recorded.

- A. The OIS for any inspection scheduled under this LEP shall be marked "Planned" in the "initiating type" dropdown menu. Record the word "FALL" in the "Local Emphasis Program" dropdown field.
- B. Complaints and referrals from sources such as police departments or fire departments, and inspections scheduled in response to reports of fatalities or a catastrophe shall be appropriately coded as "Unprogrammed." Also, unprogrammed inspections shall be coded "FALL" under the "Local Emphasis program" dropdown field.

X. Outreach.

Each area director will continue to conduct outreach activities intended to reach as many stakeholders in the area office jurisdiction as is practicable. Outreach activities will be for the purpose of informing interested parties of the existence, purpose and objectives of this local emphasis program, as well as to promote employer and employee awareness of fall hazards and acceptable methods for preventing falls to lower levels, and for prevention of injuries resulting from fall hazards. It is expected that outreach activities will continue throughout the duration of this LEP. Initial outreach activities were completed by May 31, 1999, at which time, enforcement activities began. OSHA's Fall Prevention Campaign will continue a nationwide outreach campaign to raise awareness among workers and employers about the hazards of falls from ladders, scaffolds and roofs. In addition, OSHA has partnered with the National Institute for Occupational Safety and Health and National Occupational Research Agenda (NORA) - Construction Sector on this nationwide outreach campaign to raise awareness among workers and employers about common fall hazards in construction, and how falls from ladders.

XI. Program Evaluation.

The Regional Office will complete a program report at the midpoint and completion of the LEP. The midpoint assessment will take place no later than September 30, 2022. The midpoint and final program report will include quantitative and qualitative measures, including recommendations regarding the continuation of this LEP. In addition to activity and impact measures, the report will include the following:

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- Number of employees and/or establishments impacted by outreach activities;
- Number of employees removed from exposure;
- Number of hazards abated; and
- Annual number and rate of fall related fatalities compared to the previous year's statistics (if available).