



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

**DIRECTIVE NUMBER:** San Francisco Regional  
Instruction CPL 04-00-02

**EFFECTIVE DATE:** October 1, 2018

**SUBJECT:** Regional Emphasis Program for Programmed Construction Inspections

**REGIONAL IDENTIFIER:** Region IX

## ABSTRACT

**Purpose:** This instruction renews policies and strategies to be followed when making programmed safety and health regional emphasis inspections of construction sites, including marine construction sites.

**References:** See paragraph III.

**Cancellation:** This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-02, dated October 1, 2017.

**Significant Changes:** None.

**Action Offices:** Office of Enforcement Programs  
All Area Offices  
Office of Cooperative and State Programs

**Originating Office:** Office of Enforcement Programs

**Contact:** Paul Leary  
Assistant Regional Administrator, Enforcement Programs

By and Under the Authority of

BARBARA YEE GOTO  
Regional Administrator

## Executive Summary

This instruction renews policies and strategies to be followed when making programmed safety and health regional emphasis inspections of construction sites, including marine construction sites.

BLS data reveals construction employment as one of the most hazardous occupations in the United States. For 2017, the total recordable non-fatal injury and illness case rate for construction was 3.1 per 100 full-time workers, compared to 2.8 for all private industry. The construction industry had a fatal injury rate of 9.5 per 100,000 full-time workers in 2017, compared to 3.7 for all private industry.

Due to the hazardous nature of construction employment, OSHA has identified this industry as high-hazard in the FY 2019 Operating Plan.

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**I. Purpose:**

This instruction renews policies and strategies to be followed when making programmed safety and health regional emphasis inspections of construction sites, including marine construction sites. The intent of this instruction is to reduce employee exposure to hazardous conditions, and to prevent injuries and illnesses and fatalities in this high-hazard industry.

**II. Scope:**

This instruction applies to all Area Offices in Region IX.

**III. References:**

- A. OSHA Instruction CPL 02-00-160, August 2, 2016, Field Operations Manual
- B. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
- C. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Current Appropriations Act (Appendix A updated annually)
- D. OSHA Instruction CPL 04-00-002, November 13, 2018, Procedures for the Approval of Local Emphasis Programs (LEPs)
- E. Memorandum dated December 3, 2014 on Procedures for Local and Regional Emphasis Programs.
- F. Memorandum dated November 12, 2014, on Establishment-Targeting Lists for Emphasis Programs.
- G. OSHA Instruction CPL 02-00-155, September 6, 2013, Inspection Scheduling for Construction

**IV. Cancellation:**

Region IX Enforcement Programs CPL 04-00-02, dated October 1, 2017.

**V. Expiration:**

This REP will expire no later than five years from the date of implementation, unless renewed.

**VI. Action:**

OSHA compliance personnel will ensure the procedures contained in this instruction are followed in scheduling and conducting inspections under the REP.

**VII. Definitions:**

- A. Programmed Inspections: Inspections of worksites which have been based upon objective or neutral selection criteria are programmed. The worksites are selected according to national scheduling plans for safety and health and special or local emphasis programs.
- B. Unprogrammed Inspections: Inspections scheduled in response to alleged hazardous working conditions that have been identified at a specific worksite are unprogrammed. These types of inspections result from imminent danger situations, fatalities/catastrophes, complaints, and referrals. They also include follow-up and monitoring inspections.

**VIII. Background:**

- A. BLS data reveals construction employment as one of the most hazardous occupations in the United States. In 2017, the total recordable injury and illness case rate for the private sector was 2.8 per 100 full-time workers, compared to 3.1 for construction. The fatal case rate per 100,000 full-time workers in 2017 was 3.7 for all industry sectors, and 9.5 for construction.
- B. Due to the hazardous nature of construction employment, OSHA has identified this industry as high-hazard in the FY 2019 Operating Plan.
- C. Construction is particularly hazardous and difficult to schedule due to the temporary nature of the worksites.

**IX. Procedures:**

- A. Unprogrammed Inspections
  - 1. Unprogrammed construction inspections will be inspected in the following priority:
    - a. Imminent Danger Situations
    - b. Fatality/Catastrophe Investigations
    - c. Complaint/Referral Investigations

2. Self-referrals will be conducted only with prior notification of the Area Director or Team Leader, unless an imminent danger situation is observed. The AD will be notified of the imminent danger situation as soon as possible.
3. Based on observed site conditions, a determination of whether to expand the inspection will be made by the CSHO.

B. Programmed Inspections

1. This instruction will be used for scheduling all programmed construction inspections in Region IX.
2. 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 worksites rather than employers. Note: Scheduling of construction equipment yards will be under general schedule lists.
3. It is anticipated that each Area Office will schedule construction inspections in each fiscal year, based on staff and travel budget availability.
4. Worksite/Project Identification: Once per quarter, the Area Directors will identify construction worksites/projects in the Area Office's jurisdiction. OSHA will use the best available sources including: commerce directories, commercial telephone listings, local permits, contractual schedules with Dodge Reports, University of Tennessee reports, the C-Target scheduling system, and local knowledge. OSHA may augment this identification process with field surveys.

C-Target lists should be run monthly, but the sites identified may not be imminently active. ADs should incorporate these sites into the quarterly lists as appropriate, based on expected levels of activity for these projects.

5. Worksite/Project Selection and Scheduling
  - a. At the beginning of each quarter, each Area Director will determine how many construction inspections are planned during the quarter. The number of programmed inspections will depend on factors such as program priorities, staff availability, and travel budget.
  - b. The Area Director will create a randomly numbered list of all available worksites. Worksites shall be randomly ordered using

the RANDBETWEEN function in Excel. ADs may also send their lists to EP for randomization.

- c. If the number of sites determined is the same or greater than the number of worksites/projects on the scheduling list, all worksites on the list will be scheduled for inspection during that quarter.
  - d. If the number of sites available exceeds the number determined, the AD will create a scheduling cycle by choosing a number of worksites from the top of the randomized list that will match the number of construction inspections planned for that quarter.
  - e. Once the cycle has been selected, the AD may schedule inspections in any order depending on personnel and travel budget availability.
  - f. Construction worksites identified will be inspected only once during each quarter, except for unprogrammed activity such as imminent danger situation, accidents, complaints, referrals, and follow-up inspections.
  - g. It is important that the number of worksites requested by the AD is subsequently inspected. If a large number remain uninspected, the AD should either increase their resource commitment or lower the requested number of worksites in the next quarter.
  - h. All quarterly lists and cycles, including additions and deletions, shall be filed electronically on the regional shared drive and retained for three years.
6. Deletions from the Programmed Inspection Lists: Deletions from the worksites/projects list will be made in the following circumstances, and shall be documented on the master list in the shared drive:
- a. There is little or no activity at a worksite.
  - b. During the current quarter, a substantially complete inspection has been conducted as a result of an unprogrammed activity (i.e., complaint).
  - c. The worksite/project has been approved for exemption from inspection through consultation or participation in the voluntary protection program.



C. Inspection Limitations

1. All Inspections:

- a. When an on-site employer is inspected and there are items at that worksite that are under contest, or with an abatement date that is still open, those items shall be excluded from the scope of the inspection, unless monitoring of abatement is required (e.g., pursuant to a settlement agreement), or a potential imminent danger is involved. However, all other contractors without an open contested case at the site shall be inspected.
- b. When the general contractor has invited on-site consultation, and the consultant is on-site, no inspection shall be conducted, unless a fatality, follow-up, imminent danger, complaint, or referral inspection is to be conducted. These inspections shall be limited to the subject items.
- c. After the NAICS code for an employer is obtained, compare the number with the NAICS codes listed in Appendix A to CPL 02-00-051, Enforcement Exemptions and Limitations Under the Current Appropriations Act. In some cases, an employer with 10 or fewer employees may be exempt from an OSHA programmed safety inspection.

2. Unprogrammed Inspections: Limit the inspection to the items in the complaint, referral, or other unprogrammed issue, unless the compliance officer determines a cause to expand the inspection. Expansion of the inspection must receive concurrence of the Area Director.

3. Programmed Inspections – Focus of Inspections:

- a. Although programmed inspections may be comprehensive, primary inspection efforts should be placed on significant hazards that are likely to cause death or serious injury. Typically this includes fall hazards, electrical hazards that would lead to electrocution, trenching hazards, crushing, or vehicular hazards.
- b. Employers with defined safety and health programs will qualify for and be coded as a “focused” inspection. Refer to Section X of this REP.

4. As appropriate, when a CSHO identifies a site where employees are not exposed to hazards, the CSHO shall provide the employer’s on-site representatives with appropriate training and outreach materials which

address potential hazards at construction sites. This action shall be entered in OIS as a Compliance Assistance activity.

D. Construction Companies that Provide Employee Housing:

Temporary labor barracks associated with the construction worksite/project will be referred for separate scheduling, unless otherwise directed by the AD.

E. Re-inspection:

1. Any company at any worksite that has been inspected based on this REP may be subject to re-inspection.
  - a. Re-inspection may be based on unprogrammed events such as fatalities, catastrophes, complaints, referrals, and follow-up inspections. Inspections in these categories will be scheduled for inspection in accordance with existing procedures outlined in the Field Operations Manual, OSHA Instruction CPL 02-00-160.
  - b. Re-inspection may also occur on a quarterly basis because the mechanism of identifying worksites/ projects within an AO jurisdiction is repeated. Therefore, if a worksite/project is still active, the location may be subject to another inspection.
  - c. Re-inspection may also occur based on the need to verify abatement per the Abatement Verification Standard (29 CFR 1903.19).

X. Coding:

In addition to recording information and entering data in OIS in accordance with all other relevant instructions and directives, for all construction inspections (programmed and unprogrammed) the following specific coding instructions apply:

A. Inspection Type: Regional Emphasis Program code = **PROGCON**

*NOTE:* Please remember to code ALL inspections done in the construction industry with the PROGCON code in the REP field, whether or not these inspections are done as programmed inspections under the Regional Emphasis Program. All programmed and unprogrammed inspections of construction sites should be coded in this way to facilitate data retrieval.

For inspections conducted under this REP, or unprogrammed construction inspections, the PROGCON code shall be entered as the primary emphasis code. Other applicable REP or NEP codes may be entered as non-primary codes.

B. Additional Codes:

**R 05 [Location]**

A specific location should also be entered in the optional information field. See Appendix A for a list of locations (note: the location should be entered exactly as it is listed in Appendix A; if no location is applicable for an inspection, do not create an R 05 location entry for that OSHA-1).

C. Programmed vs. Unprogrammed:

Sites which have been previously added to a scheduling list will be coded as programmed inspections. Self-referrals will be coded as unprogrammed activities. Referrals of current activity from other entities (base safety offices, tribal safety managers, etc.) will be coded as unprogrammed; notifications from these entities of upcoming projects will be added to the scheduling lists and coded as programmed.

**XI. Evaluation:**

- A. At the midpoint of the effective period of this REP (two and a half years from the implementation date) and at the end of the effective period, evaluation reports will be completed that shall include the following elements:
1. The goal of the program.
  2. A determination of how effective the program was in meeting its goal.
  3. Data and information to support the conclusions stated in the goal, including enforcement statistics.
  4. Statement of whether the program should be continued, accompanied by a brief rationale.
  5. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program could be approved.
  6. Any other comments or recommendations, including findings which might have an impact on how OSHA or the industry does business.
- B. This evaluation shall be submitted to the Regional Administrator for review, at which time a decision will be made to continue, amend, renew or discontinue the REP.

**XII. Outreach:**

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the REP when conducting outreach sessions and meetings. Hazards, work practices, and machinery associated with the construction industry and covered by this REP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this REP will be provided to interested parties upon request.

## Appendix A: Locations

The following list contains specific locations to be used in the OSHA-1 Optional Information field (Field 42). Be sure to enter each location as shown in this Appendix, using all capital letters, to allow for consistent data retrieval:

### Indian Lands

AGUA CALIENTE BAND OF CAHUILLA INDIANS	COYOTE VALLEY RESERVATION
AK CHIN INDIAN COMMUNITY	CUYAPAIPE BAND OF MISSION INDIANS
ALTURAS RANCHERIA	DRY CREEK RANCHERIA
AUBURN INDIAN COMMUNITY	DUCKWATER SHOSHONE TRIBE
AUGUSTINE RESERVATION	ELEM INDIAN COLONY
BARONA BAND OF MISSION INDIANS	ELK VALLEY RANCHERIA
BATTLE MOUNTAIN BAND COUNCIL	ELKO BAND COUNCIL
BEAR RIVER BAND OF THE ROHNERVILLE RANCHERIA	ELY SHOSHONE TRIBE
BEPTOH PAIUTE RESERVATION	ENTERPRISE RANCHERIA
BERRY CREEK RANCHERIA	EWIAAPAAYP INDIAN BAND
BIG LAGOON RANCHERIA	FALLON BUSINESS COUNCIL
BIG PINE RESERVATION	FORT BIDWELL
BIG SANDY RANCHERIA	FORT INDEPENDENCE RESERVATION
BIG VALLEY RANCHERIA	FORT MCDERMITT TRIBAL COUNCIL
BISHOP RESERVATION	FORT MCDOWELL YAVAPAI NATION
BLUE LAKE RANCHERIA	FORT MOHAVE RESERVATION
BRIDGEPORT INDIAN COLONY	GILA RIVER INDIAN COMMUNITY
BUENA VISTA RANCHERIA	GRATON RANCHERIA
CABAZON RESERVATION	GREENVILLE RANCHERIA
CAHUILLA BAND OF MISSION INDIANS	GRINDSTONE CREEK RANCHERIA
CALIFORNIA VALLEY MIWOK TRIBE	GUIDIVILLE RANCHERIA
CAMPO BAND OF MISSION INDIANS	HAVASUPAI TRIBE
CEDARVILLE RANCHERIA	HOOPA VALLEY RESERVATION
CHEMEHUEVI RESERVATION	HOPI TRIBE
CHICKEN RANCH RANCHERIA	HOPLAND RANCHERIA
CLOVERDALE RANCHERIA	HUALAPAI TRIBE
COCOPAH TRIBE	INAJA-COSMIT RESERVATION
COLD SPRINGS RANCHERIA	IONE BAND OF MIWOK INDIANS
COLORADO RIVER TRIBE	JACKSON RANCHERIA
COLUSA RANCHERIA	JAMUL INDIAN VILLAGE
CORTINA RANCHERIA	KAIBAB BAND OF PAIUTE INDIANS
	KARUK TRIBE OF CALIFORNIA
	LAJOLLA LUISENO INDIANS RESERVATION

LAPOSTA BAND OF MISSION INDIANS	QUECHAN TRIBE
LAS VEGAS TRIBE	RAMONA BAND OF MISSION INDIANS
LAYTONVILLE RANCHERIA	REDDING RANCHERIA
LONE PINE RESERVATION	REDWOOD VALLEY RANCHERIA
LOS COYOTES RESERVATION	RENO SPARKS TRIBAL COUNCIL
LOVELOCK TRIBAL COUNCIL	RESIGHINI RANCHERIA
LOWER LAKE RANCHERIA	RINCON BAND OF MISSION INDIANS
LYTTON RANCHERIA	ROBINSON RANCHERIA
MANCHESTER-POINT ARENA RANCHERIA	ROUND VALLEY RANCHERIA
MANZANITA BAND OF MISSION INDIANS	RUMSEY RANCHERIA
MECHOOPDA INDIAN TRIBE OF THE CHICO RANCHERIA	SALT RIVER PIMA – MARICOPA INDIAN COMMUNITY
MESA GRANDE BAND OF MISSION INDIANS	SAN CARLOS APACHE TRIBE
MIDDLETOWN RANCHERIA	SAN JUAN SOUTHERN PAIUTE TRIBE
MOAPA BUSINESS COUNCIL	SAN MANUEL BAND OF MISSION INDIANS
MOORTOWN RANCHERIA	SAN PASQUAL BAND OF DIEGUENO INDIANS
MORONGO BAND OF MISSION INDIANS	SANTA ROSA BAND OF MISSION INDIANS
NAVAJO GENERATING STATION	SANTA ROSA RANCHERIA
NAVAJO NATION – CHINILE	SANTA YNEZ BAND OF MISSION INDIANS
NAVAJO NATION – KAIBETO	SANTA YSABEL BAND OF MISSION INDIANS
NAVAJO NATION – KAYENTA	SCOTTS VALLEY RANCHERIA
NAVAJO NATION – LEUPP	SHEEP RANCH RANCHERIA
NAVAJO NATION - MANNY FARMS	SHERWOOD VALLEY RANCHERIA
NAVAJO NATION – NEW LANDS	SHINGLE SPRINGS RANCHERIA
NAVAJO NATION – TUBA CITY	SHOSHONE PAIUTE BUSINESS COUNCIL
NAVAJO NATION – WINDOW ROCK/FORT DEFIANCE	SMITH RIVER RANCHERIA
NAVAJO NATION – OTHER	SOBOBA BAND OF LUISENO INDIANS
NORTH FORK RANCHERIA	SOUTH FORK BAND COUNCIL
PALA BAND OF MISSION INDIANS	STEWARTS POINT RANCHERIA
PASCUA YAQUI TRIBE	SUMMIT LAKE PAIUTE COUNCIL
PASKENTA BAND OF NOMELAKI INDIANS	SUSANVILLE RANCHERIA
PAUMA/YUIMA BAND OF MISSION INDIANS	SYCUAN RESERVATION
PECHANGA BAND OF LUISENO INDIANS	TABLE BLUFF RESERVATION
PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS	TABLE MOUNTAIN RANCHERIA
PINOLEVILLE RANCHERIA	TE-MOAK TRIBE OF WESTERN SHOSHONE
PIT RIVER TRIBE	TIMBI-SHA SHOSHONE TRIBE
POTTER VALLEY RANCHERIA	TOHONO O ODHAM NATION (please do not use the ‘ in this tribe’s name, OIS will not accept it)
PRESIDIO TRUST CORPORATION	TONTO APACHE TRIBE
PYRAMID LAKE TRIBAL COUNCIL	TORREZ-MARTINEZ DESERT CAHUILLA RESERVATION
QUARTZ VALLEY RESERVATION	

TRINIDAD RANCHERIA  
TULE RIVER RESERVATION  
TUOLOMNE RANCHERIA  
TWENTYNINE PALMS BAND OF MISSION INDIANS  
UPPER LAKE RANCHERIA  
VIEJAS (BARON LONG) RESERVATION  
WALKER RIVER TRIBAL COUNCIL  
WASHOE TRIBAL COUNCIL  
WELLS BAND COUNCIL  
WHITE MOUNTAIN TRIBE  
WINNEMUCCA TRIBAL COUNCIL  
YAVAPAI-APACHE INDIAN COMMUNITY  
YAVAPAI-PRESCOTT COMMUNITY  
YERINGTON PAIUTE COUNCIL  
YOMBA TRIBAL COUNCIL  
YUROK RESERVATION

**Military Facilities**

US AIR FORCE, ANDERSEN AFB	US NAVY, NAVAL AIR STATION, OLF
US AIR FORCE, BEALE AFB	IMPERIAL BEACH
US AIR FORCE, EDWARDS AFB	US NAVY, NAVAL BASE GUAM
US AIR FORCE, FORT MACARTHUR AFS	US NAVY, NAVAL BASE VENTURA
US AIR FORCE, LOS ANGELES AFB	COUNTY - PORT HUENEME
US AIR FORCE, MARCH ARB	US NAVY, NAVAL BASE VENTURA
US AIR FORCE, McCLELLAN AFB	COUNTY - NAVAL AIR MISSILE TEST
US AIR FORCE, TRAVIS AFB	CENTER, POINT MUGU
US AIR FORCE, VANDENBERG AFB	US NAVY, NAVAL BASE VENTURA
US ARMY, CAMP HAAN	COUNTY - SAN NICOLAS ISLAND
US ARMY, CAMP PARKS	US NAVY, NAVAL DEGASSING STATION,
US ARMY, CAMP ROBERTS	POINT LOMA
US ARMY, CAMP SAN LUIS OBISPO	US NAVY, NAVAL OCEAN CENTER-NAB,
US ARMY, FORT HUACHUCA	CORONADO
US ARMY, FORT HUNTER LIGGETT	US NAVY, NAVAL STATION, SAN DIEGO
US ARMY, FORT IRWIN	US NAVY, NAVAL SUBMARINE BASE,
US ARMY, JOINT FORCES TRAINING BASE	POINT LOMA
US ARMY, NATIONAL GUARD MARANA	US NAVY, NAVAL SUPPLY CENTER, POINT
US ARMY, PRESIDIO OF MONTEREY	LOMA ANNEX
US MARINE CORPS, AIR STATION	US NAVY, NAVAL SUPPLY CENTER, SAN
MIRAMAR	DIEGO
US MARINE CORPS, CAMP PENDLETON	US NAVY, NAVAL WEAPONS CENTER,
US MARINE CORPS, MARINE CORPS	CHINA LAKE
LOGISTICS BASE, NEBO	US NAVY, NAVAL WEAPONS CENTER,
US MARINE CORPS, MARINE CORPS	SEAL BEACH, FALLBROOK ANNEX
LOGISTICS BASE, YERMO	US NAVY, NAVAL WEAPONS STATION,
US MARINE CORPS, MARINE CORPS	CONCORD
RECRUIT DEPOT, SAN DIEGO	US NAVY, POSTGRADUATE SCHOOL
US NAVY, NAVAL AIR STATION, NORTH	US NAVY, SAN CLEMENTE ISLAND
ISLAND	



**Other Locations with Exclusive or Partial Federal Jurisdiction**

HAWAII MARITIME CONSTRUCTION PROJECTS

GOLDEN GATE NATIONAL RECREATION AREA

(unspecified locations in GGNRA)

GOLDEN GATE NATIONAL RECREATION AREA, ALCATRAZ

GOLDEN GATE NATIONAL RECREATION AREA, FORT MASON

GOLDEN GATE NATIONAL RECREATION AREA, PRESIDIO

METROPOLITAN TRANSPORTATION COMMISSION

(bridge and transportation projects in the 9 county San Francisco Bay Area)

NASA AMES MOFFETT FIELD

NATIONAL PARK SERVICE, CABRILLO NATIONAL MONUMENT

NATIONAL PARK SERVICE, HALEAKALA NATIONAL PARK

NATIONAL PARK SERVICE, HAWAII VOLCANOES NATIONAL PARK

NATIONAL PARK SERVICE, JOSHUA TREE NATIONAL PARK

NATIONAL PARK SERVICE, KINGS CANYON NATIONAL PARK

NATIONAL PARK SERVICE, LASSEN VOLCANIC NATIONAL PARK

NATIONAL PARK SERVICE, SEQUOIA NATIONAL PARK

NATIONAL PARK SERVICE, YOSEMITE NATIONAL PARK

PORT OF LONG BEACH

PORT OF SAN DIEGO