



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-00 (LEP 001) | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Emphasis Program for Building Renovation/Rehabilitation and Demolition

REGIONAL IDENTIFIER: Region V

ABSTRACT

- Purpose:** This Instruction continues a Local Emphasis Program (LEP) for safety and health inspections of those construction projects which involve extensive reconstruction, renovation, and rehabilitation on the interior of an existing building, and adds demolition activities that include the razing of the exterior of a structure in any way.
- References:** A) OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
B) OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
- Cancellations:** This Instruction cancels the Local Emphasis Program for Building Renovation/Rehabilitation and Demolition, CPL 04-00 (LEP 001), made effective on October 1, 2017.
- Expiration:** This instruction expires September 30, 2023.
- State Impact:** None
- Action Offices:** Appleton, Naperville, Chicago North, Chicago South, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo Area Offices
- Originating Office:** Chicago South Area Office
- Contact:** Assistant Regional Administrator
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By and Under the Authority of

Ken Nishiyama Atha
Regional Administrator

- 1) **Purpose.** The purpose of this Instruction is to continue a Local Emphasis Program (LEP) for safety and health inspections of those construction projects which will involve extensive reconstruction, renovation, or rehabilitation of the interior of an existing building and also demolition activities that raze the exterior of a structure in any way.
- 2) **Scope.** This Instruction applies to the Appleton, Naperville, Chicago North, Chicago South, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo Area Offices.
- 3) **References.** CPL 02-00-160, August 2, 2016, Field Operations Manual (FOM); OSHA Instruction CPL 04-00-002, November 13, 2018, Procedures for Approval of Local Emphasis Programs (LEP)
- 4) **Expiration.** This Instruction expires September 30, 2023.
- 5) **Action.** The Area Directors for Appleton, Naperville, Chicago North, Chicago South, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo will use the procedures described in Paragraph 7 of this Instruction as the basis for developing and implementing inspection activity at those projects involving extensive rehabilitation, renovation, reconstruction and/or the demolition of existing buildings.
- 6) **Background.** There are a number of buildings in and around the larger cities of the Midwest that are currently undergoing extensive rehabilitation/renovation/reconstruction activities. These buildings typically have been purchased by development firms which then contract various construction companies to reconstruct the interior into residential units or office spaces. The reconstruction process normally involves an extensive amount of interior demolition in order to install new equipment (elevators, stairs, windows, electrical apparatus, etc.) which will satisfy present day building safety codes.

Due to the fact that most of the rehabilitation and renovation activities are being done on the interior of the building, OSHA's ability to conduct inspections on these types of environments has been limited to responding to fatalities, "formal" complaints or referrals. These types of construction projects have not been available through the Construction Inspection Targeting Application. There have been only a limited number of complaints and referrals filed with OSHA considering the number of these types of projects observed. Attempts have been made to use City Building Permits to generate an inspection list. However, for a number of reasons, that approach has proven ineffective. The inspections conducted on these types of projects have identified numerous serious hazards such as: open floor holes, ungrounded electrical installations, unguarded wall openings, and overexposures to airborne contaminants (such as asbestos, silica and lead) while sandblasting or grinding.

In cases where the buildings are in such disrepair or the development firm decides, the building is demolished partially or in its entirety to make way for new construction or future developments. This extensive demolition creates both safety and health hazards to the workers at the site due to the razing of buildings and structures which are in contrast

to routine construction activities. Typical hazards associated with this work include struck by falling objects, struck by machines, falls from upper levels, and exposures to various air contaminants.

Demolition and Site Prep Contractors (NAICS code 238910) have experienced 31 fatalities in Region V between 2006 and 2014. The number of fatalities in the site preparation NAICS code needs to be addressed. Finding a reliable means of targeting demolition projects poses the same obstacles as those of rehabilitation/renovation/reconstruction projects, thus the benefit of adding this work activity to the program. Since its inception, the number of fatality inspections coded with this LEP dropped from 4 (in FY 2014) to 2 (in FY 2015) and zero (none coded with this LEP in FY 2016). But in FY 2017 it increased to one and then three in FY 2018. The continuation of this Local Emphasis Program and the addition of demolition activities support the Strategic Management Plan goal to reduce injuries, illnesses, and fatalities in the construction and demolition industries.

During Fiscal Year 2018, region-wide, a total number of 162 inspections were conducted under this LEP, and 74.6% of the citations issued were for serious violations.

- 7) **Procedures**. The following procedures will be used in targeting and scheduling of inspections conducted under this LEP.
 - a) Due to the infeasibility issues mentioned previously, a list for random selection of these types of construction projects is not available.
 - b) Therefore, inspections conducted under this LEP will be initiated by: CSHO observation, complaints, and referrals from various sources, such as municipal building inspectors, utility officials, etc.
 - c) The targeted sites will consist of those buildings requiring extensive interior demolition to allow for the installation of up-to-date equipment as required by present-day building safety codes and the partial or complete demolition of the exterior of buildings to make way for new construction or future developments.
 - d) Upon CSHO observation or the receipt of a complaint or referral from the various sources referred to in paragraph 7(b), the CSHO will notify the Area Office with the name of the contractor (if available) and the location of the building. The Assistant Area Director 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 only if an imminent danger appears to be present or at the Area Director's discretion.
- 8) **OIS Coding**. Inspections conducted under this LEP will be coded "Programmed Planned" under Initiating Type and "GUTREH" under Local Emphasis Program.

Strategic Plan Activity codes shall be selected in accordance with the hazards cited as a result of the inspection. Also, "RESIDENTIAL CONSTR" or "COMMERCIAL CONSTR" shall be selected based on the end use of the structure being rehabilitated or demolished.

An Additional Code will be entered in order to identify each inspection that includes the partial or complete demolition of the exterior structure. This code will be inserted as follows: Additional Code; Type: A; ID: 20; Value: Demolition.

- 9) **CSHO Protection.** Inspections under this LEP are to be conducted by CSHOs who have received training on the LEP and the hazards of the industry most likely to be encountered. Compliance Officers shall consider the presence of hazardous substances prior to initiating the walk around portion of the inspection, relying on information such as previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring or environmental surveys.

CSHOs shall wear appropriate personal protective equipment, including, but not limited to hard hat, steel toed shoes, safety glasses and reflective vests.

- 10) **Evaluation Procedures.** The Chicago South Area Office will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEP). Evaluations will be submitted annually for the previous Fiscal Year.