



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 20-01 (04-01) | **EFFECTIVE DATE:** October 1, 2019

SUBJECT: Regional Emphasis Program on Fall Hazards in Construction

REGIONAL IDENTIFIER: Denver Region VIII

ABSTRACT

- Purpose:** This Instruction renews a Regional Emphasis Program (REP) for the programmed inspection of commercial and residential construction operations having potential fall from elevation hazards.
- Scope:** This Instruction applies to commercial and residential construction operations with potential fall hazards located within the jurisdiction of each Area Office in Region VIII.
- Reference:** OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
- Cancellations:** This Instruction cancels Regional Notice 19-01 (CPL 04-01), October 1, 2018, Regional Emphasis Program on Fall Hazards in Construction
- State Impact:** None
- Action Offices:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Office
- Originating Office:** Denver Regional Office
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By and Under the Authority of:

Rita Lucero
Acting Regional Administrator, VIII

Executive Summary

Workers employed in the construction industry face many hazards that can lead to serious injury, illness, and death. Fall from height is a major hazard routinely faced by workers in both the commercial and residential construction industry.

The intent of this renewed Regional Emphasis Program is to encourage employers to take steps to address fall hazards, ensure work sites are evaluated to determine if the employer is in compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

OSHA in Region VIII proposes to accomplish this through outreach and enforcement activities. Outreach activities include seminars and training sessions with stakeholders, electronic information sharing activities through newsletters, and cooperative program agreements with industry associations. Enforcement activities will include, but not be limited to, the inspection of construction work sites with reports or observations of employee exposure to fall hazards to identify and obtain corrections of workplace hazards at all applicable inspection sites.

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- I. **Purpose:** This Instruction renews a Regional Emphasis Program (REP) for the programmed inspection of commercial and residential construction operations having potential fall from elevation hazards.
- II. **Scope:** This Instruction applies to commercial and residential construction operations with potential fall hazards located within the jurisdiction of federal OSHA Area Offices in Region VIII.
- III. **Expiration:** This Instruction expires on September 30, 2024.
- IV. **Action:** OSHA Region VIII compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.
- V. **References:**
 - A. OSHA Instruction CPL 02-00-163, *Field Operations Manual (FOM)*, September 13, 2019, or the most recent version at the time of the inspection opening conference.
 - B. OSHA Instruction CPL 04-00-002, *Procedures for Approval of Local Emphasis Program (LEPs)*, November 13, 2018.
 - C. OSHA Instruction CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.
 - D. Title 29 Code of Federal Regulations, Part 1926.
 - E. OSHA Instruction CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A*, December 18, 2018, or the most recent version at date of inspection opening conference.
 - F. Bureau of Labor Statistics (BLS) Fatal Occupational Injury Data, 2017.
 - G. Bureau of Labor Statistics Economic News Release, *Census of Fatal Occupational Injuries Summary*, 2017.
 - H. OSHA Information System, Trending/Statistics Report, October 1, 2013 to September 16, 2019.
- VI. **Cancellation:** This Instruction cancels Regional Notice 19-01 (CPL 04-01), October 1, 2018, Regional Emphasis Program on Fall Hazards in Construction.
- VII. **Action Office:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices.
- VIII. **Background:** Construction has long been recognized as a high hazard industry and is one of the industries targeted in OSHA's Five Year Strategic Plan. Accidents relating to falls

from elevations are one of the leading causes of serious injuries and fatalities.

According to a BLS Economic News Release, Census of Fatal Occupational Injuries Summary, 2017, “Fatal falls were at their highest level in the 26-year history of the Census of Fatal Occupational Injuries (CFOI) accounting for 887 (17 percent) worker deaths.” Thirty percent of these fall related deaths occurred at heights from six to fifteen feet. Employees working at elevated heights are commonly encountered during our inspection activity at construction sites. Fatalities related to falls have been the second leading cause of fatal injuries from 1992 to 2017. In 2017, falls to lower levels were the number one cause of fatal injuries in the construction industry. Region VIII federal OSHA data for FY2012 through August 17, 2017, documented 45 fall-related fatalities. Falls from elevation continue to be the leading causes of death in construction in Region VIII.

From October 1, 2013 to September 16, 2019, Region VIII conducted 5,083 fall related inspections at construction sites, 3,645 of which resulted in fall related violations being issued, representing a non-compliance rate of nearly 72 percent. The occurrence of these fatalities justifies the need to continue focusing enforcement resources to address these falls from elevation hazards.

IX. Inspection Scheduling and Selection of Sites:

- A. All compliance personnel shall be instructed to be observant of both commercial and residential construction operations having potential fall from elevation hazards. Whenever a Compliance Safety and Health Officer (CSHO) observes or receives any other notice of a construction operation with potential fall from elevation hazards (including non-formal complaints, other government agency referrals, media referrals and reports from members of the public) the CSHO shall:
1. Make note of the state and condition of the work operation insofar as it is known, including any apparent serious hazards.
 2. Note the name and address or location of the worksite and the contractor performing the operation, if known.
 3. Contact the Area Office team leader for a decision as to whether an inspection is required pursuant to this REP.
- B. All construction operations having potential fall from elevation hazards brought to the attention of the Area Office shall be inspected as follows:
1. If the worksite has been inspected within the last 30 days, the results of the inspection shall be considered along with the current observations of the CSHO.
 - a. If the previous inspection fully addressed fall protection hazards, the

team leader shall authorize an inspection only if apparent serious fall hazards are observed at the site.

- b. If the previous inspection did not fully address fall protection hazards, the team leader shall authorize an inspection.
2. If the worksite has not been inspected within the last 30 days, an inspection shall be conducted unless it is apparent that the site is in compliance with all OSHA standards governing such operations.
- C. Whenever OSHA receives notice by any means (including formal or non-formal complaints, other government agency referrals, media referrals and reports from members of the public), of a construction operation, especially a residential construction operation, that is alleged to have a potential fall from elevation hazard (or of an incident involving a fall at a construction operation), such notice shall be directed to a Team Leader for evaluation and action in accordance with Sections VII.A and B above. If an inspection assignment is made, then the inspection shall be conducted as described in the relevant chapters of the Field Operations Manual (FOM) and Section VIII, below. Complaints or referrals that do not involve construction related potential fall hazards shall be handled in accordance with the Field Operations Manual.
- D. The Area Director (AD) may develop a supplemental plan as an addendum to this REP to focus resources on areas of high construction activity for the purpose of identifying fall from elevation hazard sites within that area as far as reasonably possible. Any such supplemental plan will set forth the reasons for selecting the area(s) to be focused on, and such reasons to be based upon objective data justifying the selection.

X. Inspection Procedures:

- A. Documentation of the events leading up to the observation or the reporting of the potential fall from elevation hazard worksite shall be maintained by the Area Office in case of denial of entry.
- B. If the CSHO initially observing the work operation involving a potential fall from elevation hazard sees an apparently serious hazard in plain view, and if it is not convenient to contact the Team Leader at this time, a programmed inspection shall be conducted and the Team Leader informed as soon as practicable after the inspection is completed.
- C. The scope of the inspections conducted under this REP shall normally be limited to the fall from elevation hazards. If additional serious hazards are observed or brought to the attention of the CSHO during the inspection, the CSHO may expand the inspection to address these hazards.

- XI. Outreach:** Each Area Office has conducted and continues to provide outreach on fall hazards in the construction industry. Outreach has been in the form of speeches, training seminars, and newsletters to groups identified by the Compliance Assistance Specialist (CAS) and CSHOs.
- XI. OIS Coding:** The following OSHA Information System coding requirements address only the coding changes or additions necessary for inspections conducted under this REP:
- A. The OIS Inspection Form for inspections initiated pursuant to OSHA compliance personnel observing potential fall hazards shall be coded as “FALL” in the *Local Emphasis Program* block. Mark the inspection as “Programmed Planned” in the *Initiating Type* block.
 - B. The OIS Inspection Form for inspections initiated pursuant to a complaint, outside referral, imminent danger and/or fatality/catastrophe involving potential fall hazards shall be coded in the *Initiating Type* block as “Unprogrammed.”
 - C. The OIS Inspection Form for Inspections initiated using a targeted list shall be coded in the *Initiating Type* block as “Programmed”. If such inspection involves potential fall hazards in construction, then the designation “FALL” shall be coded in the *Local Emphasis Program* block.
 - D. Inspection initiatives included as addendums to this REP may also include special OIS codes.
- XII. Program Report:** No later than midway through the life of the program the Area Offices will provide a report of this REP to the Regional Office.

DISTRIBUTION: Directorate of Enforcement Programs
Directorate of Construction
Regional Office of the Solicitor