



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 23/11 (CPL 04)

SUBJECT: Local Emphasis Program for Construction

REGION: Atlanta - Region IV

SIGNATURE DATE: April 17, 2023

EFFECTIVE DATE: April 18, 2023

ABSTRACT

- Purpose:** This instruction renews the policies and procedures to be followed when conducting programmed construction safety and health inspections.
- Scope:** This instruction applies to inspections by federal OSHA of construction sites under federal jurisdiction in Kentucky, North Carolina, South Carolina, and Tennessee.
- References:** [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
[OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 13, 2018
[OSHA Instruction CPL 02-00-164, Field Operations Manual \(FOM\)](#), April 14, 2020
- Cancellations:** CPL 19/11, April 189, 20198. This Instruction updates and replaces an earlier version.
- State Impact:** State Plan Programs are strongly encouraged to adopt this program.
- Action Offices:** Nashville and Raleigh Area Offices.
- Originating Office:** Atlanta Regional Office
- Contact:** Assistant Regional Administrator for Enforcement Programs

By and Under the Authority of

KURT A. PETERMEYER
Regional Administrator

Executive Summary

Construction is a high hazard industry identified in OSHA's Strategic Plan as one where the agency is focusing nationwide attention in order to reduce occupational injuries and illnesses. 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 Kentucky, North Carolina, South Carolina, and Tennessee, where the safety and health programs operated by the four states cover the majority of construction activity. The local emphasis program described in this directive prescribes an alternate method for identifying and scheduling construction sites in OSHA's limited areas of jurisdiction in those four states.

Significant Changes

None. Continuation of LEP only.

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I. Purpose.

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

II. Scope.

This instruction applies to the Nashville and Raleigh Area Offices.

III. References.

- a. [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
- b. [OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 13, 2018
- c. [OSHA Instruction CPL 02-00-164, Field Operations Manual \(FOM\)](#), April 14, 2020
- d. [OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction](#), September 6, 2013
- e. [Guidance to Compliance Officers for Focused Inspections in the Construction Industry](#), September 20, 1995

IV. Cancellations.

- A. This replaces the previous LEP (CPL 19/11).

V. Expiration.

This instruction will expire four years from the effective date, unless extended.

VI. Action Offices.

- A. Responsible Office.

Atlanta Regional Office – Enforcement Programs.

- B. Action Office.

Nashville and Raleigh Area Offices.

VII. Federal Program Change.

None.

VIII. Significant Changes.

None.

IX. Background

OSHA's coverage of construction work sites in the states of Kentucky, North Carolina, South Carolina, and Tennessee is limited to activities performed on federal installations and 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 FY22, the state plan offices conducted 115 inspections under the LEP. More than 45% of the inspections resulted in violations under the REP. More than 45% of the inspections resulted in serious violations. According to BLS in 2021, there were 1,015 fatalities in Construction; 393 of which were related to slips, trips, and falls. Additionally, there were 75 fatalities related to exposure to electricity and 78 related to employees being struck by an object or equipment.

X. Procedures

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

A. 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 (Appendices A, B, and C) rather than employers.
2. Cycles, prepared in random number order, of one (1) to five (5) work sites will be generated from the master inspection lists included in Appendices A, B, and C, where construction activities are expected.

B. Inspection.

1. Construction work sites will be inspected only once during the inspection cycle. Each employer will be inspected only once during a cycle, except for unprogrammed activities such as complaints, reportable accidents, follow-ups, or if the employer has operations in more than one location at the work site or on the target list (Appendices).
2. All work sites on a cycle shall be inspected prior to the initiation of a new cycle.
3. Prior to the start of any inspection activity, the area director, or designated CSHO, may contact the appropriate federal/state safety and health manager or other knowledgeable source to determine where construction operations are being performed and to coordinate the conduct of inspections.
4. For work sites that 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.

5. Specific sites will not be carried over to the next cycle under normal circumstances. If carryover is deemed necessary, the procedures contained in OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, shall be followed.

C. Deletions.

Appendices/List

1. An establishment shall be deleted from the master inspection lists whenever one of the criteria for deletion contained in CPL 02-00-155 becomes applicable. For example, an establishment may be out of business or inactive.
2. The area director has the option of deleting a location contained in the Appendices if/when it is determined through previous inspection activity that it is unlikely that there will be construction activity at the site to make the most effective use of available resources.

Cycle

1. The area office shall make no deletions from the inspection cycle except for where the area director documents at least one of the following:
 - a. There is little or no activity at a work site.
 - b. A substantially complete inspection has been conducted as a result of unprogrammed activities.
 - c. The work site has been approved for exemption from inspection through consultation or for participation in the voluntary protection program.

XI. Recording in OIS

The Inspection Forms for all inspections conducted in establishments that are covered by this program shall be coded as local emphasis program inspections and marked "FEDCONST."

XII. Evaluation

An evaluation of the program will be conducted midway through and at the completion of the effective period that includes:

1. The goal of the program.
2. Data and information used to support the continuation or cancellation of the program. Data may include enforcement statistics, serious hazards identified and abated, the number of employees removed from hazards, and any impact on covered, non-inspected employers.
3. Statement and rationale of whether the program should be continued.
4. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program.
5. Any other comments or recommendations, including findings, which might have an impact on how the industry conducts business.
6. Data associated with outreach sessions in which this emphasis program is addressed.
7. At the time of the evaluation, the Area Director will determine if there are sites that need to be added and/or deleted and revise the appendices.

Appendix A
South Carolina Construction Master List

- 1.** Charleston Air Force Base
- 2.** Charleston Naval Base
- 3.** Charleston Naval Shipyard
- 4.** Charleston Naval Weapons Station
- 5.** Charleston Naval Weapons Station Annex
- 6.** Coast Guard Station Charleston
- 7.** Fort Jackson
- 8.** McEntire National Guard Airbase
- 9.** Naval Brig – Charleston
- 10.** Naval Hospital – Beaufort
- 11.** Naval Hospital – Charleston
- 12.** North Air Field
- 13.** Parris Island
- 14.** Polaris Station – Charleston
- 15.** Shaw Air Force Base
- 16.** U.S. Marine Corps Air Station

Appendix B
Nashville/Kentucky Construction Master Inspection List

1. Arnold Air Force Base – Tullahoma, TN
2. Blue Grass Army Depot – Richmond, KY
3. Fort Campbell Army Base – Clarksville, TN
4. Fort Knox Army Base – Radcliff, KY
5. Holston Army Ammunition Plant (Army) – Kingsport, TN
6. Milan Army Ammunition Plants (Army) – Milan, TN
7. U.S. Army Corps of Engineers – Center Hill Dam, TN
8. U.S. Army Corps of Engineers – Kentucky Lock, KY
9. U.S. Army Corps of Engineers – Wolfe Creek Dam, KY
10. U.S. Army Corps of Engineers - Sites to be added, as identified.
11. Great Smoky Mountains National Park – Gatlinburg, TN
12. Mammoth Cave National Park – Mammoth Cave, KY
13. Millington Naval Air Station – Millington, TN
14. Tennessee Valley Authority (Combustion Turbine) – Brownsville, TN
15. Tennessee Valley Authority (Combustion Turbine) – Gleason, TN
16. Tennessee Valley Authority (Combustion Turbine) – Lagoon Creek, TN
17. Tennessee Valley Authority (Allen Fossil Plant) – TN
18. Tennessee Valley Authority (Bull Run Fossil Plant) - TN
19. Tennessee Valley Authority (Brownsville Fossil Plant) – TN
20. Tennessee Valley Authority (Cumberland Fossil Plant) – TN
21. Tennessee Valley Authority (Gallatin Fossil Plant) - TN
22. Tennessee Valley Authority (Gleason Fossil Plant) - TN

- 23.** Tennessee Valley Authority (John Sevier Fossil Plant) – TN
- 24.** Tennessee Valley Authority (Johnsonville Fossil Plant) – TN
- 25.** Tennessee Valley Authority (Kingston Fossil Plant) – TN
- 26.** Tennessee Valley Authority (Lagoon Creek Fossil Plant) – TN
- 27.** Tennessee Valley Authority (Marshall Fossil Plant) – KY
- 28.** Tennessee Valley Authority (Paradise Fossil Plant) – KY
- 29.** Tennessee Valley Authority (Shawnee Fossil Plant) – KY
- 30.** Tennessee Valley Authority (Sequoyah Nuclear Plant) – TN
- 31.** Tennessee Valley Authority (Watts Bar Nuclear Plant) - TN
- 32.** Tennessee Valley Authority (Raccoon Mtn Pumped Storage Plant) - TN
- 33.** Alvin C. York VA Medical Center – Murfreesboro, TN
- 34.** James H. Quillen VA Medical Center - Johnson City, TN
- 35.** Lexington VA Medical Center – Cooper Division – Lexington, KY
- 36.** Lexington VA Medical Center – Leestown Division – Lexington, KY
- 37.** Memphis VA Medical Center – Memphis, TN
- 38.** Nashville VA Medical Center – Nashville, TN
- 39.** Robley Rex VA Medical Center – Louisville, KY

Appendix C
North Carolina Construction Master Inspection List

- 1.** Camp Lejeune Marine Corps Base
- 2.** Cherokee Reservation
- 3.** Cherry Point MCAS
- 4.** Fort Bragg Army Base
- 5.** Pope Air Force Base
- 6.** Seymour Johnson Air Force Base
- 7.** Veterans Administration Hospital, Salisbury
- 8.** Veterans Administration Hospital, Asheville
- 9.** Veterans Administration Hospital Fayetteville
- 10.** Air Station New River