



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 17-08 (CPL-04) | **EFFECTIVE DATE:** December 31, 2017

SUBJECT: Local Emphasis Program for Construction

REGIONAL IDENTIFIER: Region 10

ABSTRACT

- Purpose:** This Notice renews the policies and procedures to be followed when conducting programmed construction safety and health inspections.
- Scope:** This Notice applies in Alaska, Oregon and Washington to inspections by federal OSHA of construction sites under federal jurisdiction.
- References:**
- OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, dated November 10, 1999.
 - OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), dated August 2, 2016.
 - OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs", dated November 13, 2014.
 - OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs", dated December 3, 2014.
- Cancellation:** OSHA Regional Notice 16-07 (CPL-04) dated December 31, 2016
- Expiration Date:** This Notice will expire December 31, 2018, but may be renewed.
- State Plan Impact:** None.
- Significant Changes:** None.

Action Offices: Anchorage, Bellevue, and Portland Area Offices and the Office of Enforcement Programs.

Originating Office: Office of Enforcement Programs

Contact: Rosemarie Olney
Assistant Regional Administrator
Office of Enforcement Programs

By and Under the Authority of:

Eric S. Harbin
Regional Administrator

EXECUTIVE SUMMARY

This Notice provides the framework for a local emphasis program to reduce and/or eliminate hazards associated with construction activities performed on 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 land in Alaska, Oregon and Washington.

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- I. Purpose.** This Notice renews the policies and procedures to be followed when conducting programmed construction safety and health inspections.
- II. Scope.** This Notice applies to the Anchorage, Bellevue, and Portland Area Offices.
- III. Action Offices.** Anchorage, Bellevue, and Portland Area Offices and the Office of Enforcement Programs.

IV. References.

OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, dated November 10, 1999.

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V. Cancellation. OSHA Regional Notice 16-07 (CPL 04), dated December 31, 2016

VI. Expiration. This Notice will expire December 31, 2018, but may be renewed.

VII. Background.

This LEP supports the DOL 2014-2018 Strategic Plan, Strategic Objective 2.1, to secure safe and health workplaces, particularly in high-risk industries. This LEP will also address OSHA’s performance measures: OSHA-PG-01: Construction Fatality rate decrease from baseline (Rate is deaths per 100,000 workers); OSHA-PG-03: Federal Agency total case rate for injuries and illnesses; OSHA-PG-04: Federal Agency lost time case rate for injuries and illnesses.

OSHA's coverage of construction work sites in the state of Washington is limited to activities performed on 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 Oregon, OSHA has jurisdiction on military installations, navigable waterways, Crater Lake National Park, and on all private and tribal employers on reservations and trust lands. OSHA's coverage of construction work sites in the state of Alaska is limited to navigable waterways, off-shore oil rigs, artificial islands and activities performed at Denali National Park, and Metlakatla Indian Community, Annette Island Reserve, Alaska.

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 Washington, Oregon, and Alaska, where the majority of construction activity is covered by the safety and health programs operated by the three states.

There were no fatalities investigated under this LEP in FY 2014, FY 2015 or FY2016; however, there was one construction-related fatality in jurisdictions covered by this LEP in FY 2017. Construction contractors working on Federal installations are exposed to the same hazards and sustain the same injuries as construction contractors working in the private sector, and this LEP allows the area offices to address these hazards.

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

- A. Outreach Program. This LEP has been in place for 12 years and outreach is a continual effort through programs such as federal safety meetings and meetings with local industry organizations. The Area Offices will provide updated information to federal agencies on topics such as the OSHA standards that apply to federal agencies, how to implement a safety and health program, and details about the LEP.
- B. Inspection 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 rather than employers.
 2. A list of geographic areas, where construction activities are expected, shall be prepared and arranged in a randomly ordered cycle.
 3. Construction areas will be inspected only once during the inspection cycle. Each employer will be inspected only once during the cycle, except for unprogrammed activity such as complaints, accidents, follow-ups, or if the employer has operations in more than one location on the target list.
 4. All sites on the random list shall be inspected in the order listed, unless efficient use of area office resources justifies a selection out of order. The current cycle appears in Appendix A for Bellevue, Appendix B for Portland and Appendix C for Anchorage.
 5. Prior to the start of any inspection activity, the area director, or designated CSHO, shall 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.
 6. The area office shall make no deletions from the inspection list except for where the area director documents that:
 - a. There is little or no activity at a work site.
 - b. A substantially complete inspection has been conducted as a result of an unprogrammed activity, i.e., complaint.

- c. The work site has been approved for exemption from inspection through consultation or for participation in the voluntary protection program.
- 7. For geographic areas which 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. Any known "auxiliary" sites under the control of an inspected facility may be inspected. New installations will be added at this time.
- 8. Specific sites will not be carried over to the next cycle under normal circumstances. If carryover is deemed necessary, the procedures in the FOM shall be followed.

IX. OIS Coding.

- A. Inspection record forms will be coded as follows:
 - 1. Local Emphasis Program: Mark as FEDCONST.
 - 2. Unprogrammed Activity forms: Mark as FEDCONST.
 - 3. Record compliance assistance contacts with employers that are more than 30 minutes in length in OIS compliance assistance activity form.

X. Evaluation Procedures.

- A. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.
- B. The Area Director will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.
- C. The Office of Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.

Appendix A

Bellevue Construction Inspection Cycle

1. Joint Base Lewis McChord
2. Fairchild Air Force Base
3. Yakima Training Center (Army)
4. Washington State Ferry Terminals (marine construction)
5. Naval Submarine Base, Bangor
6. Naval Station, Everett
7. Whidbey Island Naval Air Station
8. Puget Sound Naval Shipyard
9. Naval Undersea Warfare Engineering Station
10. U.S. Coast Guard Installations
11. U.S. Army Corps of Engineers (marine construction)
12. Fort Vancouver
13. Olympic National Park
14. North Cascades National Park
15. Mt. Rainier National Park

Appendix B

Portland Construction Inspection Cycle

1. All Indian Reservations
2. Oregon Coast
3. Columbia River
4. U.S. Military Reservations
5. Willamette River
6. Crater Lake National Park

Appendix C

Anchorage Construction Inspection Cycle

1. Denali National Park
2. Annette Island Reserve
3. Cape Lisburne Long Range Missile Base – U.S. Air Force
4. Eareckson Air Station (Shemya Island)
5. Fort Greeley Missile Defense, Delta Junction, Alaska
6. U.S. Coast Guard Base Support Unit, Kodiak, Alaska
7. U.S. Coast Guard Base Ketchikan, Alaska
8. U.S. Coast Guard Air Station, Sitka, Alaska
9. U.S. Coast Guard 17th District Command, Juneau, Alaska