



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2018-01

EFFECTIVE DATE: 6/13/2017

SUBJECT: Regional Emphasis Program- Fall Hazards in Construction

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose: This regional notice continues the Regional Emphasis Program for Fall Hazards in Construction.

References: CPL 02-00-160, Field Operations Manual (FOM), 8/2/2016.
CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), 11/10/1999.
CPL 02-00-0025, Scheduling System for Programmed Inspections, 01/04/1995.
CPL 02-00-051 Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998.

Cancellations: This Notice cancels the Regional Emphasis Program for Fall Hazards in Construction, 2017-01(CPL 2)

Expiration: This notice expires September 30, 2018.
EXCEPTION: Any inspection begun prior to September 30, 2018 may continue until its conclusion.

State Impact: None

Action Offices: All Area Offices in Region II

Originating Office: Office of Regional Administrator

Contact: Office of Regional Administrator (212) 337-2378
201 Varick Street, Rm.670
New York, NY 10014

By and Under the Authority of

Robert D. Kulick
Regional Administrator

- I. Purpose: This regional notice implements a Regional Emphasis Program (REP) for fall hazards in construction. This REP is designed to increase inspection activity at construction sites where potential fall hazards exist. It is difficult under routine planning guidelines to identify these sites and address these hazards because of the short term of this work and transient nature of these companies who perform the work.
- II. Scope: This notice applies to all Area Offices in Region II
- III. Expiration: This notice expires September 30, 2018.
EXCEPTION: Any inspection begun prior to September 30, 2018 may continue until its conclusion.
- IV. Background: Falls from elevations are one of the leading causes of serious injuries and fatalities in construction. Bureau of Labor Statistics reports that for 2015, there was a final number of 937 fatalities in construction, 39% of which were related to falls, slips and trips. In FY 2016, there were approximately 34 work related fatalities in construction investigated in Region II, 22 of which were from falls in construction. OSHA has revised many of its fall protection standards, specifically Subpart M in 1994 and Subpart L in 1996. This REP aims to increase the regulated community's awareness of and compliance with fall protection standards currently in effect in order to reduce fall protection injuries and fatalities.

An inspection targeting system which encompasses identification of sites at the beginning of an inspection year or cycle is not practical. Hazards related to falls on construction sites are normally transient and of limited duration. This limits the practicability of targeting the site in advance. This REP creates a more effective targeting procedure.

Implementation of this REP supports the DOL Strategic Plan objective to "Secure safe and healthy worksites, particularly in high risk industries.

- V. Action: The Area Director shall ensure that the procedure outlined in the notice is followed during the effective period of this notice. This notice is not to conflict with inspection priorities as established in the Field Operations Manual (FOM).

When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with the current procedures for handling such refusals.

- VI. Procedures: The following procedures will be used in targeting, scheduling and tracking of inspections conducted under this REP.

Inspections conducted under this REP would be initiated by several means: CSHO observation, formal and non-formal complaints and referrals from outside sources.

All work sites where fall hazards are observed by compliance officers will be selected for inspection under this REP.

These sites shall include, but shall not be limited to:

1. Structural steel erection activities for all employees except for connectors and employees working in controlled decking zones (CDZs) where the use of fall protection systems is not apparent and where potential falls hazards exist greater than 15 feet;
2. Structural steel erection activities for connectors and employees working in CDZs where the use of fall protection systems is not apparent and where potential falls hazards exist greater than 30 feet;
3. Sites where scaffolds are observed without adequate guardrail systems and/or personal fall arrest systems in use for potential fall hazards greater than 10 feet;
4. Aerial lifts are observed without adequate guardrail systems or personal fall arrest systems in use for potential fall hazards;
5. Sites where open sided floors or floor openings are observed and potential exposure to fall hazards exists;
6. Roofs where no fall protection systems are in use for potential fall hazards.
7. Other activities which constitute potential fall hazards and no protective systems are in use, such as sign installation and maintenance, water towers, sites where suspension scaffolds are in use, and other activities where employees are working from elevations or work platforms without fall protection.

When a job site with fall hazards is noted during travel, the CSHO will notify the supervisor with the name of the contractor (if known) and the location of the site. These inspections will normally be limited to fall hazards. These inspections may be expanded to comprehensive inspections in accordance with the guidelines established in the FOM. The CSHO will remain at the site to observe the abatement procedures and/or to assist with abatement methods.

A large number of fall hazards are reported via referrals and formal and non-formal complaints. Formal complaints of fall hazards on construction sites will continue to be scheduled before programmed inspections. Non-formal complaints and referrals which would normally be handled by letters will be evaluated to identify if the alleged conditions include criteria listed in paragraph VI.B. above. As per the FOM, if the information in the complaint or referral concerns an establishment and an alleged hazard covered by a local, regional, or national emphasis program and there are reasonable grounds to believe that a violation or hazard exists, the Area Office is authorized to conduct an inspection.

Each Area Office shall ensure that they have an adequate number of staff trained to address fall protection issues. The training shall include identification of the hazard, methods of abatement, regulations and guidance documents addressing fall hazards, OSHA directives, and letters of interpretation.

VII. OIS Coding:

- A. In the Inspection Report, for any programmed inspection, under the Inspection Field, in the Inspection Types tab, the initiating type will be marked as “programmed planned” and in the Inspection Emphasis Programs Field under Regional Emphasis Program select “FALL”.
- B. In the Inspection Report, for any unprogrammed inspection (i.e. Accidents, Complaints, Referrals from outside Agencies, Fatalities/Catastrophes), conducted in conjunction with this REP, under the Inspection Field, in the Inspection Types tab, the initiating type will be marked with the appropriate unplanned activity and in the Inspection Emphasis Programs Field under Regional Emphasis Program select “FALL”.
- C. In the Inspection Report, for all programmed inspections such as other NEP/REP/LEP’s conducted in conjunction with an REP inspection under this initiative, under the Inspection Field, in the Inspection Types tab, the initiating type will be marked “program planned” and in the Inspection Emphasis Programs Field select all NEP/REP OIS codes applicable to the inspection.
- D. Complaints and referrals from outside sources, such as employees, Fire Department, Buildings Department are coded as unprogrammed inspections on the Inspection Report. Referrals made as a result of CSHO observation are coded programmed inspections on the Inspection Report.
- E. For any unprogrammed inspection under this REP, in the Unprogrammed Activity Report, in the Program Info Field, under REP, select “Fall”.

VIII. Outreach

During the course of this renewal REP/LEP the Area Director will continue to ensure that the ongoing outreach program will remain in effect during the enforcement phase of the program. Outreach activities will continue to be directed to reach as many stake holders in the Area Office’s jurisdiction as is practicable. Stakeholder such as members of the ASSE, AIHA, Unions, and Chambers of Commerce, will be notified and the purpose of the outreach will be to inform interested parties of the existence, purpose and objectives of this emphasis program as well as promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach is at the Area Director’s discretion and can consist of one or more of the following components:

1. Broadcast mail-outs or program information.
2. Stakeholder meetings.

3. Targeted training sessions.
4. Presentations to the affected group(s).
5. Media press release or e-blast

IX. Program Evaluation:

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. Each Region II Office participating in the REP will prepare a written evaluation of this REP in the format specified by OSHA Instruction CPL 04-00-001. The evaluation must respond to the questions outlined in Appendix A of the Instruction. Evaluations will be submitted to EP no later than September 15, 2018. The evaluation will include a recommendation for the continuation or elimination of this program. In addition, the evaluation will include the following evaluation factors:
 1. The goal of the program and the Area Office's opinion of how effective the program was in meeting its goals.
 2. Data and information used to support the conclusions stated above such as enforcement statistics, serious hazards eliminated, any impact on covered, non-inspected employers, and the number of employees affected by enforcement activities covered by the LEP. Data to be evaluated may also include:
 - a. Number and percentage of serious, repeat, 5(a)(1) and willful violations cited
 - b. Number and type of violations issued directly related to hazards targeted by the REP
 - c. Number of fatality inspections
 - d. Number of visits coded as "No Inspection"
 - e. Number and type of referrals made to other agencies
 - f. Number of outreach activities conducted
 - g. Number of employers contacted through outreach
 - h. Number of individuals affected through outreach