



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2 02-00-021 | **EFFECTIVE DATE:** October 1, 2016

SUBJECT: Regional Emphasis Program for Cranes used in Construction

REGIONAL IDENTIFIER: Region VI

ABSTRACT

- Purpose:** This Notice establishes a Regional Emphasis Program (REP) for safety inspections of workplaces where employees are exposed to the operation of a crane in the construction industry.
- Scope:** This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.
- References:** OSHA Instruction CPL 04-00-001 (CPL 2-0.102A)
OSHA Instruction CPL 02-00-160
OSHA Instruction CPL 02-00-025 (CPL 2.25I)
OSHA Instruction CPL 02-00-051 (CPL 2-0.51J)
OSHA Instruction CPL 02-00-155
OSHA Instruction CSP 03-02-003
OSHA Instruction CPL 02-01.038
OSHA Directive STD 03-12-001 - STD 3-12.1A
Construction web pages found at www.osha.gov
- Cancellations:** Region VI Regional Notice CPL 2 02-00-021 dated October 1, 2015, Regional Emphasis Program for Cranes Used in Construction.
- State Impact:** Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, and Texas will provide outreach, consultation services, and training to affected employers as requested.
- Action Offices:** Region VI Area and District Offices
Region VI Consultation Project Offices
Dallas Regional Office
- Information Offices:** New Mexico Occupational Health and Safety Bureau
- Originating Office:** Dallas Regional Office

Contact:

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By and Under the Authority of

KELLY C. KNIGHTON, CSP
Regional Administrator

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- I. **Purpose.** The purpose of this Notice is to establish an enforcement initiative for the inspection of cranes used in construction with the goal of reducing serious and fatal injuries to employees working on and around cranes.
- II. **Scope.** This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.
- III. **References.**
- A. OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), Procedures for Approval of Local Emphasis Programs (LEP), November 10, 1999, or current update.
 - B. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016, or current update.
 - C. OSHA Instruction CPL 02-00-025 (CPL 2.25I), Scheduling System for Programmed Inspections, January 4, 1995, or current update.
 - D. OSHA Instruction CPL 02-00-051 (CPL 2-0.51J), Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, or current update.
 - E. OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, September 6, 2013, or current update.
 - F. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013, or current update.
 - G. OSHA INSTRUCTION CPL 02-01.038 (CPL 2-1.38), Enforcement of the Electrical Power Generation, Transmission and Distribution Standard, dated June 18, 2003.
 - H. STD 03-12-001 - STD 3-12.1A - 29 CFR 1926.550(a) (15) (i) Clearance between Electrical Power Lines and Cranes May 9, 1980.
 - I. Construction web pages found at www.osha.gov
- IV. **Expiration.** This Notice expires September 30, 2018, but may be renewed as necessary.
- V. **Background.**
- During the 3-year period from January 2013 through December 2015, the four federally-operated states in Region VI (Texas, Oklahoma, Arkansas and Louisiana) conducted 429 inspections under this emphasis program. Fourteen (14) of those were fatal accidents. In FY16 Region VI investigated 4 fatalities involving cranes on construction sites. As many crane activities on construction sites can be observed from the public way, and some of the associated hazards often can be identified by OSHA compliance officers, major improvements can be achieved through a regional emphasis program that focuses on the hazards associated with the operation of all types of cranes used in construction.
- This emphasis program is intended to supplement existing OSHA targeting programs, focusing additional resources as necessary to monitor job sites, promote voluntary

compliance and promote awareness of safety and health hazards during construction activities involving cranes.

OSHA will employ a number of tools to address this issue, including enforcement, outreach, training, onsite consultation, partnerships, alliances, and the Voluntary Protection Program (VPP).

The provisions of OSHA Instruction CPL 02-00-051 (CPL 2-1.51J), Enforcement Exemptions and Limitations under the Appropriations Act, Section XI, and Enforcement Guidance for Small Employers shall apply where appropriate.

VI. Enforcement.

- A. Hazards. The purpose of this REP is to address the hazards associated with cranes, which includes but is not limited to: struck by, electrocutions, crane tip-over, caught in or between, and falls. Past inspection evidence indicates these hazards are the leading cause of death where cranes are used in the construction industry.
- B. This Notice is provided because of the immediate need to address unsafe working conditions during the use of cranes that contribute to workplace fatalities, and more importantly, to minimize or entirely eliminate them.
- C. Scheduling of Inspections.

- 1. The Area Director will instruct CSHOs to be alert for cranes that are being operated on construction sites during their travels throughout the Area Office's jurisdiction. Upon finding such a work place the CSHO will communicate with the Area Director or Supervisor to determine whether the identified crane has been inspected within the last 45 days and whether the owner/operator of the crane has been inspected four (4) or more times under this REP within the last 90 days. If either the crane **or** four (4) or more cranes owned/operated by the same employer have been inspected within the above time frames, then the Area Director or Supervisor will direct the CSHO not to conduct an inspection.

Otherwise, the CSHO will conduct a limited scope inspection of the crane, its operation (including appropriate records review), and the workers who are working within the zone of danger of the crane. If other "plain view" hazards are observed on the construction site, the CSHO will include them in the limited scope inspection

- 2. Verification inspections which are planned under partnership agreements will not be conducted during inspections that are initiated under this emphasis program.
- 3. Before initiating enforcement activities, the CSHO will determine if an inspection is prohibited by the Enforcement Exemptions and Limitations under the Appropriations Act.

- 4 Interface with other inspection activity: follow-ups, referrals, complaints, fatalities and catastrophes arising out of this industry will still be inspected under procedures outlined in the FOM.

NOTE: The number of programmed REP inspections remaining will be reduced by one for each un-programmed inspection conducted.

5. Whenever an inspection is begun under this REP, the CSHO will include in the case file narrative a description of the circumstances which resulted in the discovery of the work activity that was the basis of the inspection.
6. Exemptions. If an employer and/or contractor are a VPP employer or have passed an annual OSHA verification inspection, the terms of the VPP and/or partnership agreement will be followed.

A list of current partnership sites within the area office jurisdiction will be maintained and made available for CSHO review.

- D. Scope of REP Inspection. Inspections under this emphasis program will be limited to the crane, its operation (including appropriate records review), the workers who are working within the zone of danger of the crane, and any hazards that are in plain view including those that may have caused the CSHO to identify the worksite. If the CSHO's evaluation indicates that a more comprehensive inspection should be completed at the worksite, they will request authority to expand the inspection from the Area Director or the Assistant Area Director. CSHOs will make appropriate entries into their case file regarding the scope of the inspection.

The CSHO will evaluate employers who have employees working within the danger zone of the crane through inspection, observation, photographs, video footage, measurements, and interviews of management and employees.

- E. Citations. Citations for violations shall be issued in accordance with the FOM, Chapters V, VI, and VII.
- F. Interface with Unprogrammed Activity. Reports of imminent danger, fatalities, catastrophes, complaints, and referrals shall be scheduled as unprogrammed inspections, and shall be inspected in accordance with the applicable provisions of the FOM.
- G. Inspection Resources. Only qualified Compliance Officers shall be assigned to conduct inspections under this REP. All OSHA personnel participating in this REP must be familiar with the policies and procedures described in this notice.
- H. CSHO Personal Protective Equipment (PPE). CSHOs will use personal protective equipment suitable for the targeted industry. PPE will include, at a minimum, a hard hat, safety glasses with side shields, safety shoes/boots (with metatarsal guards as necessary), hearing protection, and high visibility apparel/vest.
- I. Relationship to Other Programs. Area Offices will continue to schedule worksites for inspection from the Construction Inspection Targeting System that maximize the

best utilization of area office resources. These inspections will be conducted according to the FOM and the OSHA Instruction for Inspection Scheduling for Construction

VII. Recording in OIS.

- A. Enforcement Inspections: Enforcement inspections completed under this initiative will be coded:

In OIS in the Inspection Type sub tab:

1. Initiating Type will be coded “Programmed Planned” with the following exception. Any inspections conducted as a result of a complaint, referral, or fatality/catastrophe will be coded as the appropriate “unprogrammed” activity.
2. Local Emphasis Program will be coded **CRANE** for all programmed and unprogrammed inspections.
3. Strategic Plan Activity will be coded with any strategic plan codes applicable to the current inspection.
4. Additional Codes will be coded with any applicable additional codes and with the following codes specific to the construction activity covered by the inspection:

<u>Type</u>	<u>ID</u>	<u>Value</u>
R	19	FALL6
R	19	STRUCK6
R	19	CAUGHT6
R	19	ELECT6

- B. Enforcement Interventions: Enforcement Interventions completed under this initiative, including partnerships, alliances, VPP, and other interventions will be coded:

In OIS in the Task sub tab, Task Details, Emphasis Areas as follows:

1. Local Emphasis Programs will be coded **CRANE**.
2. Strategic Emphasis Areas will be coded with any strategic plan codes applicable to the current inspection.
3. Other Emphasis Areas will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

- C. Consultation Visits: Consultation Visits completed under this initiative will be coded:

1. In OIS on the Request Form CONS-20:
 - a. Local Emphasis will be coded **CRANE**.
 - b. Field 18 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.
2. In OIS on the Visit Form CONS-30:
 - a. Local Emphasis will be coded **CRANE**.
 - b. Field 22 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

D. Consultation Interventions: Consultation Interventions completed under this initiative will be coded:

In OIS on the Consultation Intervention Form CONS-66:

1. Local Emphasis will be coded **CRANE**.
 2. Field 15 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.
- E. Area Offices, Consultation Projects, and the Regional Office shall periodically check their OIS databases to verify accuracy of the data for the initiative.

VIII. Outreach.

All LEPS must contain an outreach component that must be executed prior to the initiation of the enforcement program. 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)

The outreach component selected should be conducted prior to the start of the enforcement inspection portion of the LEP. The timing of this should be sufficient to ensure that employers have been provided fair notice of the program and opportunities to achieve voluntary compliance. These outreach efforts should be coordinated with or include the consultation program for that area.

IX. Partnerships and Alliances.

In the event outreach efforts result in the interest in developing an alliance or partnership the Area Director will ensure that these efforts conform to current National and Regional Policy.

- X. **Evaluation.** An evaluation of this program will be submitted by the Area Director to the Regional Office no later than October 15, for each fiscal year the REP is in effect. Elements to be considered in the evaluation are contained in OSHA Instruction CPL 04-00-001.