OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR — Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 16/01 (CPL 04)	**EFFECTIVE DATE:** October 5, 2015
SUBJECT: Regional Emphasis Program (REP) -- Falls in Construction	
REGIONAL IDENTIFIER: REGION IV	

ABSTRACT

Purpose: This notice renews a Regional Emphasis Program (REP) for programmed safety inspections of construction establishments with employees exposed to fall hazards. This REP would potentially affect all construction trades.

References:

A. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.

B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LPs), and Appendix A, Program Evaluation Items for Local Emphasis Programs (LEPs).

C. OSHA Instruction CPL 02-00-150, Field Operations Manual.

Cancellation: Atlanta Regional Notice : CPL 15/01, dated October 1, 2014. This Notice replaces and updates an earlier version.

State Impact: None

Action Offices All area offices

Originating Office: Atlanta Regional Office

Contact: Billie Kizer, Assistant Regional Administrator Atlanta Regional Office, Office of Enforcement Programs, 678-237-0400

By and Under the Authority of:

KURT PETERMEYER
Regional Administrator

I. **Purpose:**

To renew a Regional Emphasis Program to address fall hazards in Construction.

II. **Scope:**

This REP applies to all Federal Offices in Region IV.

III. **Expiration:**

This notice expires within one year of its effective date, unless extended.

IV. **Background:**

The U.S. Department of Labor's Bureau of Labor Statistics (BLS) reported that falls to a lower level accounted for 574 fatalities in 2013, with 284 of them occurring in the construction industry. Construction falls through a surface or existing opening accounted for 48 of the 69 fatal injuries.

For FY14, in the eight states covered by Region IV, 42 fatality investigations involving fatal falls were conducted. In the 2332 inspections conducted under the Fall REP, 1626 fall protection violations and 1383 scaffolding violations were identified. Additionally, 641 ladder/stairway violations and 48 steel erection violations were identified.

Falls to a lower level continue to constitute the most prevalent cause of fatalities in construction in Region IV.

V. **Program Procedures:**

A. Compliance Safety and Health Officers (CSHOs) shall, while traveling during the course of their work-day, be watchful for construction employees working at elevations, which upon observation, may be considered to be hazardous to the employees' safety. The compliance officer seeing such exposures shall attempt to contact the area office to obtain authorization from the Area Director or Assistant Area Director to begin an immediate inspection/ intervention or, in cases where the CSHO is unable to begin an immediate intervention, to notify the area office of the CSHO's observations. Approval to start an inspection/ intervention will normally be granted to the CSHO provided that this activity does not conflict with higher priority inspection activity, and provided that the CSHO has the necessary expertise, equipment, and supplies to conduct the intervention.

B. If the CSHO has no readily available means to contact the area office, or is otherwise unable to reach area office personnel who can authorize the inspection/ intervention, the CSHO will begin an immediate limited scope inspection/ intervention provided this activity will not interfere with higher priority inspections or assignments. In these cases, the CSHO will give highest priority to preventing further employee exposure to the fall hazards observed. The CSHO shall notify the AD or AAD of the inspection/ intervention as soon as possible.

C. Whenever an inspection is begun under this LEP on the basis of a CSHO sighting, the CSHO will include in the case file narrative a description of the circumstances which resulted in discovery of the employee exposure that was the basis of the inspection. The case file narrative shall also indicate if area office authorization for the inspection was obtained prior to the start of the inspection, or an explanation why this authorization was not obtained or sought. If only intervention activities occur during the site visit, the CSHO shall document those facts in a narrative.

VI. Action:

A. **Scope** - The scope of inspections scheduled under this REP will be in accordance with the FOM.

B. **Complaints** - If a complaint is received during the site visit, regarding construction employees working at elevations, without fall protection, at heights that may present a hazard and it can be determined the work is ongoing; a complaint inspection will be initiated.

C. **Refusal of Entry** - If an employer refuses entry on a scheduled REP inspection or intervention initiated in accordance with this instruction, a warrant shall be sought in accordance with procedures for handling such refusals.

D. **Penalties** - Area Directors will utilize the discretion allowed in the Field Operations Manual (FOM).

E. **Intervention** - Site entry, as authorized by this REP, to determine employee exposures to workplace hazards. If upon entry, a determination is made that no actual hazards exist, the CSHO shall present site employer representatives with training and outreach materials which specifically address fall hazards at construction sites.

VII. Recording in OIS:

Current instructions for completing the appropriate inspection classification boxes shall be applied when recording inspections conducted under the LEP as follows:

A. In the Inspection Form, under the Inspection Type Tab, select "Fall" from the LEP drop down menu for proper coding. CSHO self-referrals are to be recorded as programmed inspections. Complaints, referrals from sources such as police departments or fire departments, fatality/catastrophe, and

follow-up inspections shall be appropriately recorded as unprogrammed inspection activity, marked "Local Emphasis Program" and coded "FALL".

B. When it is discovered upon arrival at a worksite scheduled for an REP inspection that there are no employees working at heights that may present a fall hazard, or are utilizing proper fall protection, the Inspection Form shall be coded "no inspection".

VIII. Outreach:

Each Area Director will ensure that outreach activities are conducted to reach as many stakeholders as possible. Outreach is for the purpose of informing interested parties of the existence, purpose and objectives of this local emphasis program, as well as to promote employer and employee awareness of fall hazards.

IX. Evaluation

The Area Director of each area office covered by this REP will prepare a brief description of the inspections and interventions conducted; a summary of results of the inspections and interventions; and an evaluation of the entire program, based in part on OSHA Instruction CPL 04-00-001, Appendix A. The evaluation must be submitted to the Regional Administrator by October 31 of each year. The evaluation must, at a minimum, address the REP's role in meeting goals of OSHA's Strategic Plan, such as:

- Change in the number of construction fatalities related to falls on a fiscal year basis.
- The number of outreach sessions conducted by OSHA concerning fall hazards.
- The number of partnerships established dealing with construction fall hazards.
- Other enforcement statistics should include at a minimum:
    - Number of inspections.
    - Number of interventions.
    - Number of in-compliance inspections.
    - Number of "no inspection" cases.
    - Number of violations related to specific targeted hazards.
    - Percent of violations cited serious.
    - Percent of violations cited repeat.
    - Percent of violations cited willful.
    - Penalties assessed.
    - Percent of citations contested.
    - Number of significant cases.
    - Average violations per inspection.

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