



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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<b>DIRECTIVE NUMBER:</b> CPL 2-13-009G	<b>EFFECTIVE DATE:</b> October 1, 2018
<b>SUBJECT:</b> Nebraska Local Emphasis Program – Commercial and Residential Construction Following a Severe Weather Event	
<b>REGIONAL IDENTIFIER:</b> Region VII	

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## ABSTRACT

**Purpose:** This Notice continues a local emphasis program to identify commercial and residential construction worksites.

**Scope:** This Notice applies to construction worksites throughout the Omaha Area Office jurisdiction.

**References:** OSHA Instructions: CPL 02-00-160, Field Operations Manual; CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act; CPL 98-02X, Region-wide Local Emphasis Program (LEP) on Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction; CPL 02-00-155, Inspection Scheduling for Construction; STD 03-11-002, Compliance Guidance for Residential Construction.

**Cancellation:** CPL 2-13-009F

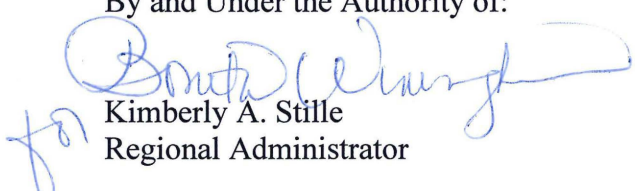
**State Impact:** No Impact

**Action Offices:** Omaha Area Office – Region VII

**Originating Office:** Kansas City Regional Office – Enforcement Programs

**Contact:** Assistant Regional Administrator for Enforcement Programs  
(816) 283-8745

By and Under the Authority of:

  
Kimberly A. Stille  
Regional Administrator

### **Executive Summary**

This Notice continues a local emphasis program to identify commercial and residential construction worksites following a severe weather event.

### **Significant Changes**

This Regional Notice cancels OSHA Regional Notice CPL 2-13-009F, December 4, 2017, LEP on Commercial and Residential Construction Following a Severe Weather Event.

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I. Purpose.

This Notice describes policies and procedures for continuing a Local Emphasis Program (LEP) for programmed safety and health inspections of Nebraska construction worksites.

II. Scope.

This Notice applies to construction worksites within the jurisdictional boundaries of the Omaha Area Office.

III. References.

- A. OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- B. OSHA Instruction CPL 02-00-025 (CPL 2.25I), Scheduling System for Programmed Inspections, January 4, 1995.
- C. OSHA Instruction CPL 02-00-051 (CPL 2-0.51J) Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998, and Appendix A, change dated April 25, 2018, or most recent version.
- D. OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, September 6, 2013.
- E. OSHA Instruction CPL 02-00-160 Field Operations Manual (FOM), August 2, 2016.
- F. OSHA Instruction CPL 02-00-069 (CPL 2.69), Special Emphasis: Trenching and Excavation, September 19, 1985.
- G. OSHA Instruction CPL 03-00-009, OSHA Instruction: NEP - Lead, August 14, 2008.
- H. OSHA Instruction STD 03-11-002, Compliance Guidance for Residential Construction, June 16, 2011.
- I. OSHA Regional Notice CPL 98-02X, Region-wide Local Emphasis Program (LEP) on Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction, November 8, 2017 (or most current version).
- J. OSHA memorandum from James W. Stanley, August 22, 1994, as revised September 20, 1995, titled Focused Inspections in Construction.
- K. Populations of Nebraska Cities as certified by the Nebraska Department of Revenue as of 12/22/2017.
- M. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
- N. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

IV. Cancellation.

This Regional Notice cancels OSHA Regional Notice CPL 2-13-009F, December 4, 2017, LEP on Commercial and Residential Construction Following a Severe Weather Event.

V. Action.

The Regional Administrator and the Area Director for the Omaha Area Office ensures Compliance Safety and Health Officers (CSHOs) adhere to the procedures established in this Notice in the scheduling of programmed inspections.

VI. Expiration Date.

The Notice will expire on September 30, 2019

VII. Background.

Currently, the Omaha Area Office performs construction safety and health inspections primarily based on the following triggers:

- Unprogrammed activity, such as fatalities, complaints, and CSHO self-referrals
- Falls/OHPL/Scaffolding (CPL 98-02X, Region-wide Local Emphasis Program (LEP) on Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction)

Except for the relatively few programmed inspections, the major identifiers for inspections rely on OSHA observing or receiving report of the occurrence of a hazardous condition and OSHA receiving report of an incident.

Following severe weather events that cause structural damage, repair activity and re-construction begin to take place. Extreme examples of this phenomenon can be seen in the construction activity that occurred following the two separate tornados that struck the greater Omaha area June 16, 2017. The first tornado was an (EF2) and the second was an EF1. These storms caused extensive damage to trees, homes, and commercial property. Less extreme events tend to create an increase in smaller projects, i.e., re-roofing and window replacement, following severe weather events such as severe thunderstorms, high winds, and large hail. The greater Omaha area has had several hailstorm events in 2017 and 2016. A hailstorm on May 11, 2016, produced damaging hail, anywhere from dime- and nickel-sized to half-dollar and golf-ball-sized. The storm hit several locations within the city with winds estimated at 40 to 50 mph.

This LEP provides an inspection identification method with a broad range of coverage of inspection sites throughout the state of Nebraska and focuses OSHA's enforcement resources on construction sites in geographical areas following a severe weather event. These efforts assist OSHA in meeting the goals of the Department of Labor's Strategic Plan. In accordance with the Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers." As per CPL 02-00-051, this safety and health hazard targeting program will include establishments with ten or fewer employees.

VIII. Outreach.

The Omaha Area Office will make information packages available, including a copy of the directive, upon request to employers, professional associations, and labor organizations. As an additional resource for achieving compliance, employers are encouraged to utilize the 21(d) Consultation Program.

In addition, the Omaha Area Office continues to provide directive-specific outreach. The affected stakeholders may include construction safety organizations, industry associations



or labor organizations. This outreach may continue after the initiation of inspection activity.

IX. Scheduling.

Omaha Area Office will select construction sites for programmed inspections by:

- A. Monitoring the National Oceanic and Atmospheric Administration (NOAA) -National Weather Service website (<http://www.weather.gov/>) and similar information sources, such as local broadcast and web-based news sources, for severe weather alerts in the state of Nebraska, specifically, when severe weather involves severe thunderstorm, high wind and tornado warnings, as defined on the NOAA website glossary (<http://w1.weather.gov/glossary/>), found in Appendix A of this directive, by the Omaha Area Office.
- B. Check the NOAA website's past weather page (<http://www.nws.noaa.gov/climate/>) or similar information source and verify that the severe weather occurred and met the defined severe weather conditions, in the week following such an alert, by the Omaha Area Office.
- C. Using the Populations of Nebraska Cities as certified by the Nebraska Department of Revenue as of December 22, 2017 ([http://revenue.nebraska.gov/research/local\\_gov\\_data.html](http://revenue.nebraska.gov/research/local_gov_data.html)) to create a list of towns/cities with a population of 3,000 people and greater. (Appendix B), by the Omaha Area Office.
- D. Placing on the inspection cycle list any city, with a population of 3,000 people and greater (See above), in which a severe weather event has occurred. Each weather event constitutes an inspection cycle. Initiate inspections within 6 months of the weather event or they must be removed from the inspection cycle. If a subsequent severe weather event occurs prior to completion of an inspection cycle, complete cycles in accordance with CPL 02-00-025 and CPL 02-00-155.

X. Inspection Procedures.

- A. This LEP focuses on both commercial and residential work sites. When assigned a town or city for inspection, the CSHO can narrow the focus of the search by using local news and law enforcement information concerning the path of the severe weather within the town and will drive the major roads of that town or city searching for active construction sites for purposes of this LEP. Major roads are roads and streets that contain commercial business activity and may have mixed commercial and residential sections.
- B. The CSHO shall initiate an inspection when they observe any hazards or when the CSHO determines the site meets the inspection criteria of any national emphasis program (NEP), such as CPL 02-00-069 (Trenching), CPL 03-00-009 (Lead), or any local emphasis program (LEP), such as CPL 98-02X (Falls). If any conditions observed at the site meets the inspection criteria listed herein, the CSHO shall conduct an inspection.
- C. All inspections conducted under this LEP are comprehensive unless the criteria set in "OSHA memorandum from James W. Stanley, Subject: Guidance to Compliance

Officers for Focused Inspections in the Construction Industry, August 22, 1994, (Rev. (2) 9/20/95)” is met. Conduct inspections as focused whenever the site meets the criteria listed in the previously mentioned memorandum. The CSHO will document all hazardous work exposures as well as review safety and health programs, training records, air monitoring surveys, noise surveys, etc., as applicable. If health hazards are identified (such as noise, silica, hexavalent chromium, etc.) and cannot be adequately addressed by the inspecting CSHO, make a referral to adequately address the health hazards identified.

- D. If adequate programs exist and the CSHO identifies no hazards, the CSHO will consider the inspection in-compliance.
- E. Remove from the list when the town or city is completed.

X. Deletion Criteria.

Inspections at selected jobsites will not commence if one or more of the following conditions exist:

- A. The jobsite has had a comprehensive safety inspection within the four months.
- H. An employer on a jobsite is currently a participant in the OSHA Voluntary Protection Program (VPP), unless a serious hazard or imminent danger relative to that employer is observed.
- C. The jobsite is a construction site and all work is inside the structure on the premises of an occupied residence. (Note: Initiate inspections at all worksites where activities such as re-roofing, guttering, trenching and other outside construction projects viewed from public access. These sites may require entry onto the owner’s property but not inside their residence).

XI. Recording in OIS.

CSHOs shall code forms for all enforcement activities (inspections, complaints, and referrals) and compliance assistance conducted under this LEP with the LEP code, as follows:

- A. The “Inspection Type” tab on the OIS Inspection web-form (formerly OSHA-1) for all inspections conducted under this LEP shall be marked “Program Planned” (Initiating Type) and “Inspection Emphasis Programs” record “STORMCON” in the appropriate LEP field.
- H. Code all consultation activities in OIS as “STORMCON” in the appropriate LEP field. The overarching rationale for conducting this outreach should be due to storm activity recovery and repair operations.

XII. Evaluation.

No later than October 30 of each year that this program remains in effect, the Omaha Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

*Kimberly A. Stille*

Kimberly A. Stille  
Regional Administrator

*9/26/2018*

Date

*Edward H. Van Winkle*

Office of the Solicitor Concurrence

*09/25/2018*

Date

Distribution:

Regional Solicitor  
Directorate of Enforcement Programs  
Regional Administrator  
Deputy Regional Administrator  
Assistant Regional Administrators  
Area Directors  
Supervisory Investigator  
Field Review Program Coordinator



## Appendix A

### **Severe Thunderstorm Warning -**

This is issued when either a severe thunderstorm is indicated by the WSR-88D radar or a spotter reports a thunderstorm producing hail one inch or larger in diameter and/or winds equal or exceed 58 miles an hour; therefore, people in the affected area should seek safe shelter immediately. Severe thunderstorms can produce tornadoes with little or no advance warning. Lightning frequency is not a criteria for issuing a severe thunderstorm warning. They are usually issued for a duration of one hour. They can be issued without a Severe Thunderstorm Watch being already in effect.

Like a Tornado Warning, the Severe Thunderstorm Warning is issued by your National Weather Service Forecast Office (NWFO). Severe Thunderstorm Warnings will include where the storm was located, what towns will be affected by the severe thunderstorm, and the primary threat associated with the severe thunderstorm warning. If the severe thunderstorm will affect the nearshore or coastal waters, it will be issued as the combined product--Severe Thunderstorm Warning and Special Marine Warning. If the severe thunderstorm is also causing torrential rains, this warning may also be combined with a Flash Flood Warning. If there is an ampersand (&) symbol at the bottom of the warning, it indicates that the warning was issued as a result of a severe weather report.

After it has been issued, the affected NWFO will follow it up periodically with Severe Weather Statements. These statements will contain updated information on the severe thunderstorm and they will also let the public know when the warning is no longer in effect.

### **Tornado Warning -**

This is issued when a tornado is indicated by the WSR-88D radar or sighted by spotters; therefore, people in the affected area should seek safe shelter immediately. They can be issued without a Tornado Watch being already in effect. They are usually issued for a duration of around 30 minutes.

A Tornado Warning is issued by your local National Weather Service office (NWFO). It will include where the tornado was located and what towns will be in its path. If the tornado will affect the nearshore or coastal waters, it will be issued as the combined product--Tornado Warning and Special Marine Warning. If the thunderstorm which is causing the tornado is also producing torrential rains, this warning may also be combined with a Flash Flood Warning. If there is an ampersand (&) symbol at the bottom of the warning, it indicates that the warning was issued as a result of a severe weather report.

After it has been issued, the affected NWFO will followed it up periodically with Severe Weather Statements. These statements will contain updated information on the tornado and they will also let the public know when warning is no longer in effect.

**High Wind Warning** - This product is issued by the National Weather Service when high wind speeds may pose a hazard or is life threatening.

## Appendix B

City	County	Population
<b>Total</b>		<b>1,439,874</b>
Omaha	Douglas	450,144
Lincoln	Lancaster	258,614
Bellevue	Sarpy	51,159
Grand Island	Hall	48,654
Kearney	Buffalo	30,921
Fremont	Dodge	26,397
Hastings	Adams	25,224
North Platte	Lincoln	24,733
Norfolk	Madison	24,210
Columbus	Platte	22,111
Papillion	Sarpy	20,083
LaVista	Sarpy	16,638
Scottsbluff	Scotts Bluff	15,039
South Sioux	Dakota	13,353
Beatrice	Gage	12,669
Lexington	Dawson	10,250
Gering	Scotts Bluff	8,500
Alliance	Box Butte	8,491
Blair	Washington	7,990
York	York	7,768
McCook	Red Willow	7,698
Nebraska City	Otoe	7,289
Seward	Seward	6,964
Crete	Saline	6,960
Sidney	Cheyenne	6,757
Plattsmouth	Cass	6,505
Schuyler	Colfax	6,213
Ralston	Douglas	5,943
Chadron	Dawes	5,851
Wayne	Wayne	5,666
Holdrege	Phelps	5,495
Gretna	Sarpy	4,905
Ogallala	Keith	4,737
Wahoo	Saunders	4,510

NOTICE: This is an OSHA ARCHIVE Document, and may no longer represent OSHA policy.

Aurora	Hamilton	4,479
Falls City	Richardson	4,325
Cozad	Dawson	3,977
Fairbury	Jefferson	3,942
O'Neill	Holt	3,705
Gothenburg	Dawson	3,574
Broken Bow	Custer	3,559
Auburn	Nemaha	3,460
West Point	Cuming	3,368
Waverly	Lancaster	3,277

This document is presented here as historical content, for research and review purposes only.