



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2 02-00-024B

SUBJECT: Regional Emphasis Program for Fall Hazards in Non-Construction Industries

REGION: VI

EFFECTIVE DATE: January 1, 2023

ABSTRACT

- Purpose:** This Notice renews a Regional Emphasis Program (REP) for the fall hazards in non-construction industries (With the exception of NAICS 23XXXX).
- 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 04-00-002 OSHA
Instruction CPL 02-00-164 OSHA
Instruction CPL 02-00-025 OSHA
Instruction CPL 02-00-051 OSHA
Instruction CSP 03-02-003
Fall Protection web pages found at www.osha.gov
BLS 2021 Census of Fatal Occupational Injuries
- Cancellations:** Region VI Regional Notice CPL 2 02-00-024A dated October 1, 2019, Regional Emphasis Program for Fall Hazards in General Industry.
- 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: Assistant Regional Administrator for
Enforcement Programs
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By and Under the Authority of

ERIC S. HARBIN
Regional Administrator

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I. **Purpose.** The purpose of this Notice is to renew an enforcement initiative to prevent deaths among workers in all non-construction industries focusing on the hazards of falls from elevations.

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 04-00-002, Procedures for Approval of Local Emphasis Programs (“LEPs”), November 13, 2018, or current update.
- B. OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020, or current update.
- C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995, or current update.
- D. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, or current update.
- E. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013, or current update.
- F. General Industry Walking Working Surfaces and Personal Fall Protection Systems Final Rule found at www.osha.gov
- G. U.S. Bureau of Labor Statistics, 2021 Census of Fatal Occupational Injuries

IV. **Expiration.** This Notice expires December 31, 2026 but may be renewed as necessary.

V. **Background.**

The Bureau of Labor Statistics (BLS) 2021 Census of Fatal Occupational Injuries (CFOI) indicated that 850 workers died nationwide as a result of falls to a lower level. The Bureau of Labor Statistics (BLS) report indicates that during calendar year 2021, 480 workers not working in construction suffered fatal injuries as a result of a fall event. Employees in non- construction industries are exposed to falls from ladders, scaffolding, aerial equipment, trees, drilling rigs, roofs, storage vessels and racks, elevated work platforms, and other elevated walking/working surfaces. Many of these activities are visible from public right- of-way (i.e., in plain view).

Region VI initiated this program to reduce fatality events throughout the non-construction industries and to solicit the cooperation of the non-construction industries to achieve better and continuously effective safety and health programs.

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. Falls from elevations have been, and continue to be, one of the major causes of workplace fatalities in non-construction industries.
- B. This Notice is provided because of the immediate need to address unsafe working conditions in non-construction industries that contribute to workplace fatalities and, more importantly, to minimize or entirely eliminate them.

The targeted industries are all SIC Codes or NAICS Codes with the exception of NAICS 23XXXX (construction).

C. Scheduling of Inspections.

- 1. The Area Director will instruct trained CSHOs to be alert for employees exposed to fall hazards in non-construction industries throughout the Area Office's jurisdiction. Inspections will take place in instances where the Compliance Officer observes employees in plain view and exposed to fall hazards.
- 2. Before initiating enforcement activities, the CSHO will determine if an inspection is prohibited by the Enforcement Exemptions and Limitations under the Appropriations Act.
- 3. Exemptions. If an employer and/or contractor are a Voluntary Protection Program (VPP) employer or have passed an annual OSHA verification inspection, the terms of the VPP and/or partnership agreement will be followed.

If employees in plain view and exposed to fall hazards are observed by a CSHO, a limited scope inspection will be conducted to address the "plain view" hazards (including appropriate records review).

A verification inspection will not be conducted until the Area Director has been consulted.

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 hazards which are in plain view including those which 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. In determining whether to approve the expansion, the Area Director or Assistant Area Director will follow the FOM and current agency policy. CSHO's will make appropriate entries into their case file regarding the scope of the inspection. Plain view health hazards, such as but not limited to, silica, lead, noise, and other recognized health hazards will be evaluated. If necessary, a health referral will be made.

The CSHO will evaluate, as appropriate, all on-site employers 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.
- 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 trained Compliance Officers with experience in fall protection requirements 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 under other non-construction industry targeting plans [e.g., national emphasis programs NEPs] that maximize the best utilization of area office resources. These inspections will be conducted according to the FOM and the instructions for the applicable emphasis programs.

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 **GIFALL** 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.

- B. Enforcement Interventions: Enforcement Interventions completed under this initiative, including partnerships, alliances, Voluntary Protection Programs, 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 **GIFALL**.
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 general industry 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 **GIFALL**.

- b. Field 18 will include any applicable additional codes and the codes specific to the general industry activity covered by the inspection per VII.A.4.

2. In OIS on the Visit Form CONS-30:

- a. Local Emphasis will be coded **GIFALL**.
- b. Field 22 will include any applicable additional codes and the codes specific to the general industry 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 **GIFALL**.
- 2. Field 15 will include any applicable additional codes and the codes specific to the general industry 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 Directors 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.

The regional office will evaluate the impact of the REP at the conclusion of the fiscal year. Information and data from OIS along with input from the Area Directors will be used in the evaluation. Elements to be considered in the evaluation are contained in OSHA Instruction CPL 04-00-002.