



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-05-2302

SUBJECT: Local Emphasis Program for Building Renovation/Rehabilitation and Demolition

REGION: V

SIGNATURE DATE: September 22, 2023

EFFECTIVE DATE: October 1, 2023

ABSTRACT

- Purpose:** This Notice continues a Local Emphasis Program for safety and health inspections of reconstruction, renovation, rehabilitation, or demolition activities.
- References:** A) OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020.
B) OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
- Cancellations:** This Notice cancels the Local Emphasis Program for Building Renovation/Rehabilitation and Demolition, CPL 04-00 (LEP 001), made effective on October 1, 2018.
- Expiration:** This Notice expires September 30, 2028.
- State Impact:** None.
- Action Offices:** Appleton, Chicago North, Chicago South, Cincinnati, Cleveland, Columbus, Fairview Heights, Madison, Milwaukee, Naperville, Peoria, and Toledo Area Offices.
- Originating Office:** Chicago South Area Office.
- Contact:** Assistant Regional Administrator for Enforcement Programs
US DOL-OSHA
230 S. Dearborn Street, Rm. 3244
Chicago, IL 60604
(312) 353-2220

By and Under the Authority of

William J. Donovan
Regional Administrator

- 1) **Purpose.** This Notice continues a Local Emphasis Program (LEP) for safety and health inspections of those construction projects which involve extensive reconstruction, renovation, or rehabilitation of the interior of an existing building and also demolition activities that raze the exterior of a structure in any way.

- 2) **Scope.** This Notice applies to the Appleton, Naperville, Chicago North, Chicago South, Cincinnati, Cleveland, Columbus, Madison, Milwaukee, Peoria, Fairview Heights and Toledo Area Offices.

- 3) **References.**
 - a) CPL 02-00-164, April 14, 2020, Field Operations Manual (FOM) or the most recent version at the time of the inspection
 - b) OSHA Instruction CPL 04-00-002, November 13, 2018, Procedures for Approval of Local Emphasis Programs (LEP);
 - c) CPL 02-00-111, November 27, 1995, Citation Policy for Paperwork and Written Program Requirements Violations.

- 4) **Expiration.** This Notice expires September 30, 2028.

- 5) **Action.** The Area Directors for Appleton, Chicago North, Chicago South, Cincinnati, Cleveland, Columbus, Fairview Heights, Madison, Milwaukee, Naperville, Peoria, and Toledo Area Offices will use the procedures described in Paragraph 7 of this Notice as the basis for developing and implementing inspection activity at those projects involving extensive rehabilitation, renovation, reconstruction and/or the demolition of existing buildings.

- 6) **Background.** There are a number of buildings in and around the larger cities of the Midwest that are currently undergoing extensive rehabilitation / renovation / reconstruction activities. These buildings typically have been purchased by development firms which then contract various construction companies to reconstruct the interior into residential units or office spaces. The reconstruction process normally involves an extensive amount of interior demolition in order to install new equipment (elevators, stairs, windows, electrical apparatus, etc.) which will satisfy present day building safety codes.

Due to the fact that most of the rehabilitation and renovation activities are being done on the interior of the building, OSHA's ability to conduct inspections on these types of environments has been limited to responding to fatalities, "formal" complaints or referrals. These types of construction projects have not been available through the Construction

Inspection Targeting Application. There have been only a limited number of complaints and referrals filed with OSHA considering the number of these types of projects observed. Attempts have been made to use City Building Permits to generate an inspection list. However, for a number of reasons, that approach has proven ineffective. The inspections conducted on these types of projects have identified numerous serious hazards such as: open floor holes, ungrounded electrical installations, unguarded wall openings, and overexposures to airborne contaminants (such as asbestos, silica and lead) while sandblasting or grinding.

In cases where the buildings are in such disrepair or the development firm decides, the building is demolished partially or in its entirety to make way for new construction or future developments. This extensive demolition creates both safety and health hazards to the workers at the site due to the razing of buildings and structures which are in contrast

to routine construction activities. Typical hazards associated with this work include struck by falling objects, struck by machines, falls from upper levels, and exposures to various air contaminants.

Demolition and Site Prep Contractors (NAICS code 238910) have experienced 12 fatalities in Region V between FY 2019 and FY 2023 (through 7/31/23). The number of fatalities in the site preparation NAICS code needs to be addressed. Finding a reliable means of targeting demolition projects poses the same obstacles as those of rehabilitation/renovation/reconstruction projects, thus the benefit of adding this work activity to the program.

Since its inception, the number of fatality inspections coded with this LEP dropped from four (in FY 2014) to two (in FY 2015) and zero (none coded with this LEP in FY 2016). But in FY 2021 it increased to four and then three in FY 2023 (through 7/31/23). The continuation of this Local Emphasis Program and the addition of demolition activities support the Strategic Management Plan goal to reduce injuries, illnesses, and fatalities in the construction and demolition industries.

During FY 2019 through FY 2023 (through 7/31/23), region-wide, a total number of 661 inspections were conducted under this LEP, and 76.18% of the citations issued were for serious violations.

- 7) **Procedures**. The following procedures will be used in targeting and scheduling of inspections conducted under this LEP.
 - a) Due to the infeasibility issues mentioned previously, a list for random selection of these types of construction projects is not available.
 - b) Therefore, inspections conducted under this LEP will be initiated by: CSHO observation, complaints, and referrals from various sources, such as municipal building inspectors, utility officials, etc.

- c) The targeted sites will consist of those buildings requiring extensive interior demolition to allow for the installation of up-to-date equipment as required by present-day building safety codes and the partial or complete demolition of the exterior of buildings to make way for new construction or future developments.
 - d) Upon CSHO observation or the receipt of a complaint or referral from the various sources referred to in paragraph 7(b), the CSHO will notify the Area Office with the name of the contractor (if available) and the location of the building. The Assistant Area Director will determine if the site has been inspected within the last 30 days. If the site has not been inspected within the last 30 days, permission will be given to inspect the site. If the site has been inspected within the last 30 days, an inspection will be authorized only if an imminent danger appears to be present or at the Area Director's discretion.
- 8) **OIS Coding.** Current instructions for completing Inspection, Complaint, Fatality, and Referral Forms shall be applied when recording inspections under this LEP in accordance with the version of the FOM in effect at the time of the inspection.
- A. The Inspection Report for any inspection expanded or scheduled under this LEP shall be marked as “**GUTREH**” in the Local Emphasis Program field.
 - B. All other enforcement activities (i.e., complaints, referrals, etc.) conducted under this LEP shall be marked as “**GUTREH**” in the Local Emphasis Program field.
 - C. Compliance Assistance interventions conducted under this LEP shall be marked as “**GUTREH**” in the Local Emphasis Program field.
 - D. For each inspection that includes the partial or complete demolition of the exterior structure, the Additional Code “**N-20-Comments**” code shall be entered in the Additional Code section. In the Value field the word “**Comments**” shall be changed to “**Demolition**”.
 - E. All other applicable OIS codes shall be applied, as appropriate.
- 9) **CSHO Protection.** Inspections under this LEP are to be conducted by CSHOs who have received training on the LEP and the hazards of the industry most likely to be encountered. Compliance Officers shall consider the presence of hazardous substances prior to initiating the walk around portion of the inspection, relying on information such as previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring or environmental surveys.

CSHOs shall wear appropriate personal protective equipment, including, but not limited to hard hat, steel toed shoes, safety glasses and reflective vests.

10) **Evaluation Procedures.** A written evaluation of this LEP will be prepared in accordance with the version of OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs (LEPs) in effect at the time of the review.