



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: KCM-CPL-04-00-007

SUBJECT: Kansas Local Emphasis Program (LEP)–Commercial and Residential Construction Following a Severe Weather Event

REGION: Kansas City (KCM)

SIGNATURE DATE: September 20, 2024

EFFECTIVE DATE: October 1, 2024

ABSTRACT

- Purpose:** The Instruction continues a local emphasis program to identify commercial and residential construction worksites and reduce or eliminate workplace hazards.
- Scope:** The Instruction applies to the Wichita Area Office.
- References:** OSHA Instruction CPL 02-00-170, Enforcement Exemptions and Limitations under the Annual Appropriations Act, July 18, 2024, or successor guidance; OSHA Instruction KCM-CPL-04-00-002, Region-wide Local Emphasis Program (LEP) on Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction, October 1, 2024; OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020, or the most current version at the inspection opening conference; OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018; OSHA Instruction CPL 02-00-161, National Emphasis Program on Trenching and Excavation, October 1, 2018;
- Cancellation:** This instruction cancels CPL 02-16-04E, Kansas Local Emphasis Program (LEP) – Commercial and Residential Construction Following a Severe Weather Event, October 1, 2019.
- State Impact:** No Impact
- Action Office:** Wichita Area Office
- Originating Office:** Kansas City Regional Office
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By and Under the Authority of:

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Executive Summary

The Instruction continues a local emphasis program to identify commercial and residential construction worksites following a severe weather event and reduce or eliminate workplace hazards.

The intent is to encourage employers to address hazards, evaluate facilities to determine compliance with all relevant OSHA requirements and help employers correct hazards, thereby reducing potential injuries, illnesses, and deaths for their workers.

Significant Changes

The Instruction cancels CPL 02-16-04E, Kansas Local Emphasis Program (LEP) – Commercial and Residential Construction Following a Severe Weather Event, October 1, 2019.

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I. Purpose.

The Instruction describes policies and procedures for continuing a Local Emphasis Program (LEP) for programmed safety and health inspections of Kansas construction worksites.

II. Scope.

The Instruction continues a local emphasis program identifying commercial and residential construction worksites within the Wichita Area Office's jurisdiction following a severe weather event. References.

- A. OSHA Instruction CPL 02-00-170, Enforcement Exemptions and Limitations under the Annual Appropriations Act, July 18, 2024, or successor guidance; <https://www.osha.gov/sites/default/files/enforcement/directives/cpl-02-00-170.pdf>.
- B. OSHA Instruction KCM-CPL-04-00-002 Region-wide Local Emphasis Program (LEP) on Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction, October 1, 2024;
- C. OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020, or the most current version at the inspection opening conference; <https://www.osha.gov/enforcement/directives/cpl-02-00-164>.
- D. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018; <https://www.osha.gov/enforcement/directives/cpl-02-00-025>
- E. OSHA Instruction CPL 02-00-161, National Emphasis Program on Trenching and Excavation, October 1, 2018; https://www.osha.gov/sites/default/files/enforcement/directives/CPL-02-00-161_0.pdf.
- F. Establishment-Targeting Lists for Emphasis Programs, November 12, 2014; <https://www.osha.gov/memos/2014-11-12/establishment-targeting-lists-emphasis-programs>.
- G. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014; <https://www.osha.gov/memos/2014-11-12/establishment-targeting-lists-emphasis-programsOSHA>
- H. OSHA Instruction CPL 02-00-155, Inspection Scheduling for Construction, September 6, 2013; <https://www.osha.gov/enforcement/directives/cpl-02-00-155>.
- I. OSHA Instruction STD 03-11-002, Compliance Guidance for Residential Construction, June 16, 2011; <https://www.osha.gov/enforcement/directives/std-03-11-002>.

- J. OSHA Instruction CPL 03-00-009, National Emphasis Program - Lead, August 14, 2008;
https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-0009.pdf.
- K. OSHA Instruction [CPL 02-00-025](#), Scheduling System for Programmed Inspections, January 4, 1995.
- L. Memorandum from James W. Stanley, Focused Inspections in Construction, revised September 20, 1995; <https://www.osha.gov/laws-regs/standardinterpretations/1994-08-22-0>.
- M. Kansas Roofing Registration Act (KRRRA) and Registration search;
<https://ag.ks.gov/in-your-corner-kansas/resources/roofer-search>.
- N. Populations of Kansas cities as certified by the U.S. Census, as of 2020.
- O. Kansas Emergency Management Association –Kansas Severe Weather Awareness Week, National Weather Service Information Packet;
https://www.weather.gov/media/ddc/SWAW_newest.pdf.
- P. National Oceanic and Atmospheric Administration (NOAA) Weather Service website; <http://www.weather.gov/>.

III. Cancellations

The Instruction cancels CPL 02-16-04E, Kansas Local Emphasis Program (LEP) – Commercial and Residential Construction Following a Severe Weather Event, October 1, 2019.

IV. Action Offices.

OSHA compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.

- A. **Responsible Office.** The Wichita Area Office is responsible for the functions covered by this Instruction.
- B. **Action Office.** The Wichita Area Office is affected by this Instruction and is expected to act.
- C. **Information Offices.** The Kansas City Region Area Offices need to be notified of the issuance of this directive. The Wichita Area Office is directly affected.]
- D. **Federal Program Change.** This instruction has no impact on State Plans. However, State Plans are encouraged to adopt this or a similar program.

V. Significant Changes.

This instruction cancels CPL 02-16-04E, Kansas Local Emphasis Program (LEP) – Commercial and Residential Construction Following a Severe Weather Event, October 1, 2019.

VI. Expiration.

This Instruction will expire on September 30, 2029.

VII. Background

In 2019, 89 tornadoes occurred in Kansas, nearly double the total (45) from 2018. This is 27 above the 1950-2019 average of 62 and tied with the past 30-year average of 89. According to the Kansas Emergency Management Association (KEMA), the tornado season in Kansas normally spans six to nine months. Historically most tornado activity occurs in May with as many as 34 tornadoes in a single day and 63 by the end of the month, according to KEMA.

Severe weather events often cause structural damage prompting an increase in repair and construction activity. In May 2016, a tornado with winds calculated at 180 miles per hour destroyed homes and buildings along a half-mile path near Niles, Kansas. On July 7, 2016, two tornadoes contributed to the damage or the destruction of 152 structures in Greenwood County. KEMA reported severe weather events that day that caused \$3.8 million estimated damage. An October 6, 2016, tornado outbreak resulted in seven documented tornados in Saline County. Rural areas in Saline County suffered minor or catastrophic damage to residential and agricultural structures. Between June 15 and June 17, 2017, large hail, damaging winds, and tornadoes scattered portions of central Kansas. Thunderstorms merged into linear segments, with wind gusts upwards of 90 miles per hour. Meteorologists recorded tornados and tennis-ball size hail from this supercell thunderstorm. Storms damaged numerous homes and buildings. In August 2017, Northwest Kansas experienced two storms, which produced baseball and softball-sized hail and wind gusts up to 100 miles per hour. The National Weather Service reported, "Crops were decimated, trees and power lines snapped, farm outbuildings blown down, and windows and roofs were destroyed on well-built structures." In June 2018, Eureka, Kansas experienced an EF-3 tornado, which initially damaged treetops and roofs; however, as it continued moving through the community it intensified significantly. Much of the community sustained significant structural damage. The National Weather Service reports storms that resulted in more than \$13 million in damages.

This directive was instrumental in identifying 185 inspections from October 1, 2016, to September 30, 2023, resulting in 306 violations issued. The inspections occurred in thirteen counties (Butler, Cowley, Douglas, Finney, Ford, Johnson, Kingman, Reno, Sedgwick, Seward, Sumner, Thomas, and Wyandotte) demonstrating the spread of severe weather throughout Kansas. Inspection data from October 1, 2017, to September 30, 2023, identified OSHA inspections conducted using this directive improved working conditions for 871 employees. The employees worked for companies conducting construction activities that responded to severe weather events. These construction inspections resulted in 79 violations for failing to use fall protection, 18 violations for incomplete or inadequately constructed scaffolding, 29 violations for ladder safety, and 35 violations for inadequate or lack of training. Other

hazards observed included powered industrial truck operation and maintenance, personal protective equipment, and hazard communication.

The directive provides the Wichita Area Office with a means to identify a broader range of inspection sites throughout Kansas and focus OSHA's enforcement resources on construction sites in geographical areas following a severe weather event. By doing so, the directive provides a mechanism where OSHA quickly addresses hazards at job sites of relatively short duration and OSHA protects vulnerable populations such as transient, often immigrant laborers.

VIII. Inspection Scheduling and Site Selection

Selection of construction sites for programmed inspections.

- A. The Area Office will monitor (NOAA) - National Weather Service website (<http://www.weather.gov/>) and similar information sources, such as local broadcast and web-based news, for severe weather alerts in Kansas. Specifically, severe weather involves severe thunderstorms, high winds, and tornado warnings, as defined on the NOAA website glossary.
- B. (<http://w1.weather.gov/glossary/>), found in Appendix A of the directive.
- C. The Area Office will check the NOAA website's historic weather page.
- D. (<https://w2.weather.gov/climate/>) or similar information source and verify severe weather occurred and met defined severe weather conditions, in the week following such an alert.
- E. The Area Office will use the Populations of Kansas Cities as certified by the U.S. Department of Commerce Census Bureau, as of April 2010, to create a list of towns/cities with a population of 3,000 or greater. (Appendix B) (<https://www.census.gov/>)
- F. Place cities on the inspection cycle list, with a population of 3,000 or more (see above), where a severe weather event has occurred. Each weather event constitutes an inspection cycle. Initiate inspections within 6 months of the weather event or remove them from the inspection cycle. Suppose a subsequent severe weather event occurs before the completion of an inspection cycle. In that case, the open cycle must be completed following [CPL 02-00-025](#) Scheduling System for Programmed Inspections and [CPL 02-00-155](#) Inspection Scheduling for Construction, before opening a new cycle.
- G. Deletion Criteria. Inspections at selected job sites will not commence if one or more of the following conditions exist:
 1. The job site had a comprehensive safety inspection within the previous four months.
 2. Any employer on a job site currently participating in OSHA's Voluntary Protection Program (VPP) unless the CSHO observes a serious hazard or imminent danger relative to that employer.

3. The job site is a construction site where employees perform all their work inside the dwelling on the premises of an occupied residence.
4. Note: CSHOs will inspect worksites 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 the residence.

IX. Inspection Procedures

Inspections will be conducted following this Instruction and the Field Operations Manual.

- A. The LEP focuses on both commercial and residential work sites. A Compliance Safety and Health Officer (CSHO) assigned to a town or city for LEP inspections, can narrow the search focus by using local news and law enforcement information concerning the path of severe weather conditions and driving paved major roads within the town or city searching for active construction sites. Major roads are defined as roads and streets, containing commercial business activity, and might have mixed commercial and residential sections.
- B. When a CSHO finds and enters an active construction site and determines the site meets the inspection criteria listed herein the CSHO initiates an inspection:
 1. The site is covered by a National Emphasis Program (NEP) such as CPL 02-00-161 (Trenching and Excavation) and CPL 03-00-009 (Lead).
 2. The site is covered by an LEP such as KCM-CPL04-00-007 REP on Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction, (most current version).
3. The CSHO observes hazards.
- C. All inspections conducted under the LEP are comprehensive unless an inspection meets criteria set in the OSHA memorandum from James W. Stanley, Focused Inspections in the Construction Industry, revised September 20, 1995". The CSHO will perform a focused safety inspection if the inspection meets the criteria. The CSHO will document hazardous work exposures and review safety and health programs, training records, air monitoring surveys, noise surveys, etc., as applicable. If the CSHO identifies health hazards (e.g. heat, noise, silica, hexavalent chromium, etc.) and cannot adequately address health hazards, the CSHO will make a referral addressing health hazards identified.
- D. If adequate programs exist and the CSHO identifies no hazards, the CSHO will consider the inspection in compliance.
- E. Remove a town or city from the cycle when completed.

X. OSHA Information System (OIS) Coding

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. In the OIS inspection report (formerly OSHA-1), under the “Inspection Type” tab, CSHOs shall select “Program Planned” as the Initiating Type for all inspections conducted under this LEP. In the “Inspection Type” tab and the “Inspection Emphasis Programs” subcategory, CSHOs shall choose the “Local Emphasis Program” as the Primary Emphasis Program initiating the inspection. Use the drop-down menu and select “STORMCON” for all inspections conducted under this LEP.
- B. 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.

XI. Outreach

The Wichita Area Office makes available upon request an information package including a copy of the directive, to employers, professional associations, and labor organizations. Employers are encouraged to utilize the resources of the 21(d) Consultation Program to assist with compliance.

The Kansas Roofing Registration Act (KRRRA) is a set of statutes enacted by the Kansas State Legislature in 2013. Generally, the KRRRA requires roofing contractors to apply for and receive a Roofing Contractor Registration Certificate before performing commercial or residential roofing services for a fee in Kansas. Wichita Area Office staff will provide the LEP by e-mail to roofing companies with available e-mail addresses, which register with the State of Kansas. The Wichita Area Office will provide contact information for recipients with questions about the LEP. There are currently 2,252 companies on the list, most are active and in good standing.

In addition, the Wichita Area Office staff will develop a list of establishments using the North American Industry Classification System (NAICS) codes, for businesses in Kansas that sell roofing materials and related supplies and equipment.

Wichita Area Office staff will provide industry-specific outreach to other targeted stakeholders, such as industry associations, labor organizations, and consultants working in the construction industry. The outreach may continue after the initiation of inspection activity and each weather event.

XII. Program Report

No later than midway through the program and at the program's completion, the Area Office will provide a program report of this LEP to the Regional Office. At a minimum, the report should respond to the requirements of CPL 04-00-02, Procedures for the Approval of Local Emphasis Programs (LEPs), Section VIII, E.

Appendix A

Severe Weather as Defined by NOAA

Severe Thunderstorm Warning:

A thunderstorm with winds measuring 50 knots (58 mph) or greater, 1-inch hail or larger, or tornadoes. Severe thunderstorms may also produce torrential rain and frequent lightning.

Tornado Warning:

A tornado is a violently rotating column of air in contact with and extending between a convective cloud and the earth's surface. It is the most destructive of all storm-scale atmospheric phenomena. The weather service issues a warning when WSR88 D radar indicates a tornado or when spotters sight one. People in the affected area should seek safe shelter immediately. The weather service can issue a Tornado Warning without a Tornado Watch being already in effect. The weather service usually issues warnings for approximately 30 minutes.

High Wind Warning:

The National Weather Service issues a High Wind Warning when high wind speeds could pose a hazard or threat to life.

Appendix B

Kansas Towns/Cities with Populations Greater than 3000

City	Population
Wichita	382,368
Overland Park	173,372
Kansas City	145,786
Topeka	127,473
Olathe	125,872
Lawrence	87,643
Shawnee	62,209
Manhattan	52,281
Lenexa	48,190
Salina	47,707
Hutchinson	42,080
Leavenworth	35,251
Leawood	31,867
Dodge City	27,340
Garden City	26,658
Emporia	24,916
Junction City	23,353
Derby	22,158
Prairie Village	21,447
Liberal	20,525
Hays	20,510
Pittsburg	20,233
Newton	19,132
Gardner	19,123
Great Bend	15,995
McPherson	13,155
El Dorado	13,021

City	Population
Ottawa	12,649
Winfield	12,301
Lansing	11,265
Merriam	11,003
Haysville	10,826
Parsons	10,500
Coffeyville	10,295
Independence	9,483
Mission	9,323
Augusta	9,274
Chanute	9,119
Wellington	8,172
Fort Scott	8,087
Bonner Springs	7,314
Park City	7,297
Pratt	6,835
Valley Center	6,822
Bel Aire	6,769
Roeland Park	6,731
Ulysses	6,161
Eudora	6,136
Mulvane	6,111
De Soto	5,720
Iola	5,704
Paola	5,602
Spring Hill	5,437
Concordia	5,395
Colby	5,387
Tonganoxie	4,996
Basehor	4,613
Baldwin City	4,515
Russell	4,506

City	Population
Goodland	4,489
Osawatomie	4,447
Wamego	4,372
Goddard	4,344
Edwardsville	4,340
Clay Center	4,334
Louisburg	4,315
Baxter Springs	4,238
Larned	4,054
Rose Hill	3,931
Hugoton	3,904
Fairway	3,882
Beloit	3,835
Scott City	3,816
Lyons	3,739
Hesston	3,709
Mission Hills	3,498
Lindsborg	3,458
Frontenac	3,437
Maize	3,420
Garnett	3,415
Holton	3,329
Columbus	3,312
Marysville	3,294
Kingman	3,177
Hiawatha	3,172
Ellsworth	3,120
Galena	3,085