



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: *CPL 02-13-006F*

EFFECTIVE DATE: *December 4, 2017*

SUBJECT: *Des Moines Area Office Local Emphasis Program (LEP) for Construction on Federal Properties*

REGIONAL IDENTIFIER: *Region VII*

ABSTRACT

Purpose: This Notice continues a Local Emphasis Program (LEP) for construction projects located on military bases, Coast Guard installations, national parks, General Services Administration (GSA) sites, and other Federal sites in Iowa.

Scope: This Notice applies to all construction activities at Federal agency sites within the jurisdiction of the Des Moines Area Office.

References: OSHA Instructions: CPL 02-00-111, CPL 02-00-160, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-00-095

Cancellation: CPL 02-13-006E

Action Offices: Region VII (Des Moines Area Office)

State Plan Impact: None

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

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NOTICE: This is an OSHA ARCHIVE Document, and may no longer represent OSHA policy.

- I. Purpose. This Notice continues a Local Emphasis Program (LEP) for construction projects located on military bases, Coast Guard installations, national parks, General Services Administration (GSA) sites, and other Federal sites as applicable in Iowa.
- II. Scope. This Notice applies to all construction activities at Federal agency sites within the jurisdiction of the Des Moines Area Office.
- III. Cancellation. This Notice cancels OSHA Regional Notice CPL 02-13-006E, Des Moines Area Office Local Emphasis Program (LEP) for Construction on Federal Properties.
- IV. References.
 - A. OSHA Instruction CPL 02-00-111 Citation policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
 - B. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
 - C. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
 - D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - E. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, Appendix A, change effective on January 10, 2017 or most current version.
 - F. OSHA Instruction CPL 02-00-095, Enforcement Authority at the Department of Energy's (DOE) Government-Owned, Contractor-Operated (GOCO) Sites, February 10, 1992.
 - G. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
 - H. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- V. Expiration Date. This Notice expires September 30, 2018.
- VI. Action. The Area Director shall use this instruction for the selection and scheduling of inspections of construction projects on Federal properties.

VII. Background.

Federal OSHA has coverage in those areas identified as "exclusive Federal jurisdiction," such as over all Federal employees, and in those issues where the Iowa Occupational Safety and Health Administration (IOSHA) has declined or returned coverage, such as U. S. Postal Service workplaces. Federal OSHA also has coverage in private sector maritime employment activities, Federal government-owned, contractor-operated (GOCO) facilities; and bridge construction projects spanning the Mississippi and Missouri Rivers between Iowa and other States.

Federal OSHA has enforcement authority for conducting safety and health inspections within the borders of all Federal military reservations within the State of Iowa, to the extent permitted by applicable law. All establishments and reservations of the U. S. Navy, Army, Air Force, Marine Corps, and Coast Guard are included.

Military construction appropriations and defense authorization requests, the U.S. Army Corps of Engineers Northwestern Division's share of military construction, Iowa Department of Public Defense - Military Division, National Guard Bureau—Office of the U. S. Property & Fiscal Officer for Iowa, and FedBidOpps.gov continues to show bids and approval for military construction projects for Iowa military installations through year 2017.

This program continues to be the only program available to address construction on military and non-military exclusive Federal jurisdiction sites in Iowa. Thirty-six percent (445) of the 1,245 fatal and catastrophic Federal enforcement incidents in OSHA Region VII, during October 1, 1995 through July 26, 2017, were in the construction industry (i.e., Standard Industrial Classification, Division C. Construction; North American Industry Classification System (NAICS) 23, Construction). Forty-four percent (195) of the 445 fatal and catastrophic Federal enforcement incidents were due to falls. Fifteen percent (65) of the 445 fatal and catastrophic Federal enforcement incidents in Region VII in construction were due to electrocutions. Seventy-seven percent (50) of the 65 construction electrocutions in Region VII involved contact with overhead power lines.

Given the dangerous nature of construction, this LEP continues to address construction safety enforcement on Federal sites. In accordance with the U. S. Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

VIII. Outreach. The Area Office will make available upon request an information package, including a copy of the directive, to employers, professional associations, and labor organizations. The Area Office will continue to make available, upon request, outreach programs that support the purpose of this LEP to reduce injuries and deaths in the construction industry on Federal sites. As an additional resource for achieving compliance, employers will be encouraged to utilize the 21(d) Consultation Program.

IX. Program Procedures.

The Area Director ensures that compliance personnel follow the procedures contained in this instruction in scheduling and conducting inspections under the LEP.

A. Inspection Targeting and Scheduling

1. Obtain a list of projects from FedBidOpps.gov, Federal Contracting Offices, the Army Corps of Engineers and local knowledge of active sites from observation, print, and broadcast media. Compile a master list of projects from the information and will be updated as information is obtained.
2. All locations for projects compiled on the master list are entered into a Microsoft Excel spreadsheet and randomized by using the Excel RANDBETWEEN function. After randomization, the entire master list will be inspected. Locations on the list may be inspected in any order that makes efficient use of resources.
3. Each location scheduled for inspection shall receive a comprehensive inspection as defined by the FOM. In the event the Compliance Safety and Health Officer (CSHO) conducting the comprehensive inspection does not have the experience to adequately address any cross-disciplinary hazards found, then the site shall be subject to a second comprehensive inspection by the other discipline. All construction inspections initiated due to complaints or referrals will be expanded to comprehensive inspections of the entire construction site.
4. Add new project locations discovered during the fiscal year to the master list, and re-randomized the list prior to use. Delete project locations from the list due to completion prior to being scheduled for inspection.
5. Inspection lists are based on project sites, and not individual contractors. Therefore, inspect any and all contractors at a site.
6. Conduct follow-up and/or monitoring inspections according to criteria established in the FOM.

B. Conduct of Inspections.

1. The CSHO shall contact an official in charge of the site and request an escort to active and inactive construction activity on the site prior to the start of any inspection activity.
2. The CSHO shall request that the official not give advance notice of the inspection, and will advise the official that providing unauthorized advance notice of an OSHA inspection is a criminal offense.

3. The CSHO shall use professional judgment in determining the order of the inspection of employers at a facility.
 4. Inspections of work performed by Federal agency employees are conducted in accordance with 29 CFR Part 1960, Subpart D.
- X. OIS Coding. Current instructions for completing the appropriate inspection classification on the inspection shall be applied when recording inspections conducted under the LEP as follows:
- A. When filling out an inspection in OIS, select the Inspection Type tab to fill in the appropriate LEP information. The inspection type for a programmed inspection conducted under this local emphasis program shall be marked “Program Planned” (Initiating Type). Under the Inspection Emphasis Programs title, select from the “Local Emphasis Program” drop box “FEDCON”.
 - B. When it is discovered upon arrival at a worksite scheduled for an LEP inspection that the site should have been deleted from the list (e.g., no longer present), the inspection shall be coded under the Scope of Inspection drop box and select “No Inspection” and the reason for no inspection shall be coded in the “Reason no Inspection” drop box.
 - C. Any unprogrammed inspections of companies on the project site list that are generated by complaints or referrals requiring inspection, imminent danger, and fatality/ catastrophe investigations will be inspected in accordance with this LEP and coded as normally required under the FOM. In addition the designation “FEDCON” will be recorded under the “Local Emphasis Program” drop box of the “Inspection Emphasis Program” area.
 - D. All consultation activities (requests, visits, and compliance assistance) conducted at sites where vehicle-related standards are evaluated regarding powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime will be coded with “FEDCON” in the Local Emphasis Program field on the appropriate forms.
- XI. Evaluation. No later than October 30, the Des Moines 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
Regional Administrator

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)
Distribution:

(Date)

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