



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-07-02E

EFFECTIVE DATE: October 1, 2011

SUBJECT: Local Emphasis Program for Residential Construction in St. Charles County, MO

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues the policies and procedures for local implementation of an emphasis program to reduce and/or eliminate the hazards associated with residential construction in St. Charles County, MO.

Scope: This Notice applies to residential construction operations in St. Charles County, MO.

References: OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999; OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995; CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, January 3, 2011 (Information Date: May 28, 1998); OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011; and OSHA memorandum, Subject: Guidance to Compliance Officers for Focused Inspections in the Construction Industry, August 22, 1994, Rev. September 20, 1995.

Expiration: September 30, 2012

Action Office: Region VII (St. Louis Area Office)

Originating Office: St. Louis Area Office

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Charles E. Adkins, CIH
Regional Administrator

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- I. Purpose. This Notice continues the policies and procedures for implementing a Local Emphasis Program (LEP) to identify and reduce hazards in the residential construction industry, and educate employers in the recognition and removal of hazards specific to their industry.
- II. Scope. This Notice applies to residential construction operations in St. Charles County, Missouri, where building permits for single-family dwellings within the St. Louis Area Office jurisdiction exceeded 313 permits in 2010 (according to the U.S. Census Bureau, 2010). The Local Emphasis Program for Residential Construction in St. Charles County, Missouri is similar to the Local Emphasis Program for Residential Construction in Jefferson County, Missouri (the county with the highest number of residential construction building permits in 2010). St. Charles County, Missouri had the second highest number of residential construction building permits in 2010, which still leaves St. Charles County among the highest of all counties within the St. Louis Area Office's jurisdiction to have unexpired building permits.
- III. References.
 - A. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999
 - B. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995
 - C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998
 - D. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011
 - E. August 22, 1994, (Rev. (2) 9/20/95) OSHA memorandum, Subject: Guidance to Compliance Officers for Focused Inspections in the Construction Industry
- IV. Definitions.
 - A. "Residential Construction" – For purposes of this LEP, an employer is engaged in residential construction where the working environment, materials, methods and procedures are essentially the same as those used in building a typical single-family home, or townhouse.

Residential construction is characterized by:
 - Materials: Wood frame (not steel or concrete); wooden floor joists and roof structures.
 - Methods: Traditional wood frame construction techniques.

In addition, the construction of a discrete part of a large commercial building (not the entire building), such as a wood frame, shingled entranceway to a mall, may fit within the definition of residential construction. Such discrete parts of a commercial building would qualify as residential construction where the characteristics listed above are present.

B. “Residential Construction Site” – For purposes of this LEP, residential construction will be defined as locations where residential construction, as defined above, is taking place.

V. Background. When this LEP was initiated, the Bureau of Labor Statistics (BLS) data showed construction had the highest number of fatal injuries and accounted for 10.3% of workplace fatalities nationwide. For the five-year period of January 1, 2002 to September 30, 2007, fatalities in residential construction accounted for 21% of all construction fatalities in the St. Louis Area Office’s jurisdiction. This LEP was previously renewed and continued to target the county within the St. Louis Area Office’s jurisdiction which had the highest number of residential construction building permits issued in 2008. A similar LEP was in effect for Jefferson County, the county which had the second highest number in 2008.

From October 1, 2008 - through September 30, 2010, 36 inspections were conducted under this LEP, resulting in an average of 2.1 violations per inspection. Of the non-incompliance inspections 92.2% involved a serious, willful, and/or repeat violation.

A September 30, 2010 US Census Bureau analysis showed that 313 single home building permits were issued for St. Charles City and County. From October 1, 2010 through August 25, 2011, 28 inspections were conducted under this LEP, resulting in an average of 2.6 violations per inspection. All of these inspections involved a serious, willful, and/or repeat violation.

Due to the continued success of the residential construction LEPs and the serious nature of hazards inherent in residential construction activities, the St. Louis Area Office will continue its LEP for Residential Construction in St. Charles County, Missouri.

VI. Program Procedures. This LEP has a two-pronged inspection approach: unprogrammed and programmed. These two targeting methods are discussed below as A and B, respectively. Outreach options will be explored during this LEP and will be developed and delivered to affected industry groups.

A. Unprogrammed events such as fatalities, catastrophes, complaints, and referral inspections shall be scheduled in accordance with procedures in the FOM.

- B. Programmed Site Selection. During the implementation of this program, inspection cycles will be generated at commencement of the Local Emphasis Program. These inspections will be scheduled and conducted pursuant to the following:
1. This LEP will utilize the same map created in the original LEP for Residential Construction in St. Charles County, wherein St. Charles County was broken up into an even number of sectors of approximately the same physical dimensions based on major roadway/streets acting as boundaries.
 2. After the county was sectioned as described above, the sectors were numbered sequentially, left to right, starting with the top left section of St. Charles County through the bottom right section of St. Charles County.
 3. For the duration of this LEP, two sections will be selected for each inspection cycle using the random sample function of the statistical software program, Microsoft Access. Subsequent cycles of two sections will be created in the same way throughout the duration of the LEP.
 4. This two-section cycle will be searched for active residential construction sites by driving down every road within the section. An inspection will be conducted at each active residential construction site observed. The two sections may be searched in any order so that Area Office resources are efficiently used. Once a cycle of two sections has begun, the search shall be completed before beginning a new cycle of two sections. Upon completion of a cycle, those sections will be taken out of the pool for cycle creation.
- C. Inspection Scope. The scope of all inspections conducted under this LEP will follow OSHA Memorandum, Subject: Guidance to Compliance Officers for Focused Inspections in the Construction Industry dated 08/22/1994 (Revision (2) 9/20/95), which covers the hazards of falls, struck-by, caught-in or between (including trenching), and electrocutions, as well as any other hazards observed in plain view.
- D. OSHA-55 Intervention. If the CSHO determines that on-site activity with a contractor is in compliance with applicable 29 CFR 1926 standards, the CSHO shall generate an OSHA-55 Intervention Activity form for that activity.

On every residential construction site where an OSHA-55 is completed, the CSHO will provide on-site, focused safety and health assistance. In addition, the employer will be made aware of applicable safety and health information and training aids. These

may include the following CD-ROM or outreach publications: The Construction Industry Digest, OSHA publication 2202; Electrical Standards for Construction, OSHA publication 3097; Ground-Fault Protection on Construction Sites, OSHA publication 3007; Hand and Power Tools, OSHA publication 3080; A Guide to Scaffold Use in the Construction Industry, OSHA publication 3150, Region VII Pocket Guide "Fall Protection – It's A Snap", Revised 02/2002; and, the 21(d) Consultative Services by the Missouri Department of Human Services pamphlet, and sample safety and health programs.

VII. Program Evaluation. The St. Louis Area Office shall collect data relevant to the effectiveness of the program and submit it to the Regional Office, Enforcement Programs Section, no later than November 15, 2012. At a minimum, the evaluation shall respond to the requirements of OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), Paragraph VIII. D. *Evaluations*. If the inspection results of this LEP are positive, the program may be expanded into other cities or counties within the St. Louis Area Office's jurisdiction.

VIII. IMIS Coding.

A. Throughout the duration of this LEP, OSHA-1 forms shall be coded as follows:

1. For all inspections resulting from unprogrammed activity, block 24, *Inspection Type* shall be marked as "Referral", "Accident" or "Complaint", as appropriate. In addition, block 25c, *Local Emphasis Program*, shall be marked as "RESCON".

2. For all inspections resulting from programmed activity, block 24, *Inspection Type* shall be marked as "Programmed Planned". In addition, block 25c, *Local Emphasis Program*, shall be marked as "RESCON."

B. OSHA-55s generated as a result of an on-site activity, shall be marked in block 3b. "RESCON Inspection". Any other technical assistance provided to employers, professional associations, local unions, etc., throughout the duration of this program shall be marked in block 3b. "RESCON Outreach."

C. If, during the course of any inspection conducted under this LEP, it is determined that the project is a recipient of ARRA funds, all forms related to the inspection will be coded "N-02-ARRA" in the Optional Information Code block.

Charles E. Adkins, CIH
Regional Administrator, Region VII

Date

Office of the Solicitor Concurrence

Date

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