

North Carolina Department of Labor

Division of Occupational Safety and Health

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 111B

Subject: Special Emphasis Program Lead in Construction

- I. **Purpose.** This instruction extends the Special Emphasis Program (SEP) for programmed health inspections of lead in construction operations established in July of 1996 in accordance with the provisions of the Compliance Operations Manual.
- II. **Scope.** This instruction applies statewide.
- III. **Action.** Bureau Chiefs and District Supervisors will ensure that CSHO's follow the procedures established in this notice when conducting lead inspections. OSHNC Compliance will review this instruction on an annual basis to determine the need to continue the Special Emphasis Program.
- IV. **References.**
 - A. Compliance Operations Manual.
 - B. Occupational Safety and Health Administration Technical Manual: OSHA Instruction TED 1-0.15A.
 - C. OSHA Instruction CPL 2-2.58, December 13, 1993, 29 CFR 1926.62, Lead Exposure in Construction: Inspection and Compliance Procedures.
 - D. OSHA Instruction STD 3-8.1, October 30, 1978, Welding, Cutting, or Heating of Metals Coated with Lead-bearing Paint.
 - E. OSHA Instruction CPL 2-2.38D, March 28, 1998, Inspection Procedures for the Hazard Communication Standard.
- V. **Background.** Over the past several years OSHA inspections have documented elevated blood lead levels in construction workers. The source of the exposure is from cutting, welding, grinding, or abrasive blasting on steel surfaces such as bridges and tanks that are coated with lead-bearing paints. In response, several state plan states, area offices, and regions have developed their own local emphasis programs to address this hazard in the construction industry. North Carolina has also determined that an increased uniform OSHA enforcement presence is warranted at work sites where such exposures occur.
 - A. In 1990, NIOSH set as a national goal the elimination of lead exposures that result in workers having blood lead concentrations greater than 26 ug/100 grams of whole blood.

- B. In October, 1992, Congress passed Sections 1031 and 1032 of Title X of the Housing and community Development Act of 1992 (Public Law 102-550). The Act specifically required the Secretary of Labor to issue an interim final lead standard covering the construction industry.
- C. In May 1993, OSHA issued the Interim Final Rule for Lead in Construction.

VI. **Procedures**. Inspections under this special emphasis program shall be scheduled and conducted under the following priority:

- A. Referrals:
 - 1. CSHO.
 - a. An effort will be made to determine when construction activities involve worker exposure to hazards associated with lead. All compliance personnel will be instructed to look for construction activities where lead may be present. Such activities may include, but are not limited to:
 - residential remodeling
 - petroleum tank repainting
 - indoor and outdoor industrial maintenance and renovation
 - commercial and institutional remodeling
 - highway and railroad bridge repainting and rehabilitation
 - lead joint work on cast iron soil pipes
 - repair and removal of water lines
 - water tank repainting and demolition
 - highway and railroad bridge demolition
 - housing lead abatement projects
 - electric transmission and communication tower maintenance
 - electrical cable splicing and resplicing
 - installation of terne roofing
 - elevator cable babbetting
 - underground storage tank demolition
 - stained glass window removal and repair
 - mineral wool insulation with lead contamination.
 - Note: Construction work means any construction, alteration, and/or repair, including painting and decorating. For inspections of these activities conducted under this SEP, CSHOs must document that the work is a construction activity as defined by CPL 2-2.58 and 29 CFR 1926.62.

- b. Any observation of an operation where the potential for lead exposure exists will be handled as follows:
 - i. When a CSHO observes or receives information about potential lead exposure, regardless of whether or not a violation is observed, through complaints, referrals, or reports from members of the general public, the CSHO will:
 - A. Document the status and condition of the work operation, noting any serious hazards.
 - B. Document the name, address and location of the worksite and the contractors performing the operation.
 - C. Provide the Health Supervisor for the affected district with information.
 - ii. Based upon the information provided, all potential lead in construction work sites brought to the attention of the District Office will be inspected as follows:
 - A. If the worksite has been inspected within the last 30 days, the results of the inspection will be considered along with the current worksite observations in determining whether or not an inspection is to be conducted.
 - 1. If the lead-related work was not in progress during the previous visit to the site but is currently in progress, an inspection will be opened.
 - 2. If the lead-related work was in progress and evaluated during the previous inspection, a new inspection will be opened only if apparent serious violations are present or can reasonably be expected at the site.
 - B. If the worksite has not been inspected within the previous 30 days, an inspection will be conducted unless it is apparent that workers are not exposed to lead.
- c. Reports of imminent danger, fatality/catastrophe reports, formal/nonformal complaints, safety and health referrals from other federal, state, county, and city agencies, media reports, reports from physicians, hospitals, or medical

clinics, and reports from the general public will be inspected.

- d. The discovery of these work sites may be the result of a specific search to find this type of operation, at the discretion of the Bureau Chief.
- e. Documentation of the events leading up to the observation will be maintained by the District Office in case of a denial of entry.

2. North Carolina Department of Health and Human Service (DHHS). Through a Memorandum of Understanding with DHHS, OSHNC will receive information related to elevated blood lead levels in adults. Where occupational exposure is a potential reason for a person's having blood lead levels above 40 ug/100 grams of whole blood, the employer of that person shall be targeted for inspection provided the worker can be identified with an employer.
3. North Department of Transportation (NCDOT). OSHNC may receive bridge repair contract information from the NCDOT. This information will be used by SIMS to assign lead related inspections.
4. Department of Housing and Urban Development (HUD). OSHNC will establish contact with HUD, and information received will be used by SIMS to assign lead related inspections.

B. SIMS will develop a list of construction contractors likely to be involved in lead related activities.

1. The SIC Codes for this SEP may include, but are not limited to:
 - 1622 - bridge tunnel, and elevated highway construction.
 - 1629 - heavy construction.
 - 1721 - painting and paperhanging.
 - 1791 - structural steel erection.
 - 1795 - wrecking and demolition work.
 - 1799 - special trade contractors, not elsewhere classified.
2. Sources for contractors involved in lead related work may be obtained from a variety of sources including the following:
 - Federal or State Department of Transportation contacts (bridge contracts).
 - Dodge reports.
 - State and local building permits.

As the list of contractors becomes viable, inspection sites can be randomly selected for inspection from the list using a random numbers

table. (This selection process sets forth administratively neutral criteria to identify establishments for inspection.) As new sites are added, they should be randomized for inspection. If a contractors' list is used for randomly selected inspections, the list of selected contractors should be checked with the NCDOT to determine whether or not the selected contractors are working on an active NCDOT site.

- C. Industrial Hygienists conducting these inspections should when necessary consult with safety CSHO's on fall protection hazards and hazards associated with working over water. Where resources permit, a joint safety and health inspection may be conducted. Industrial Hygienists will submit referrals to Safety Compliances where appropriate.

VII. Application.

- A. Inspections conducted under this SEP will address all lead work and exposure and will include a review of related written documentation (i.e., record keeping, monitoring, medical, respirator fit testing and procedures, hazard communication, and training materials). The CSHO may expand the inspection scope beyond the lead related activities if serious hazards or violations are observed.
- B. If the company headquarters are located in another state, the CSHO will attempt to obtain the above information. The CSHO will document each attempt and the information obtained.
- C. If a site turns out to be located within the jurisdiction of another District Office, a referral will be made to that District Office according to current procedures. Information obtained from the contractors' headquarters will be shared with any other District Office having an active site.
- D. The number of inspections conducted under this SEP will be determined by the Bureau Chief of Compliance in consideration of site information.
- E. CSHOs will conduct personal monitoring and collect wipe samples as appropriate to document exposures. (See OSHA Instruction TED 1-0.15A.)
- F. While evaluating worker exposures to lead, CSHOs will also need to be aware of and evaluate, as deemed appropriate, potential exposures to other metals including but not limited to: arsenic, manganese, chromium, cadmium, copper, and magnesium.

VIII. Recording in the Integrated Management Information System (IMIS).

Current instructions for completing the OSHA-1, OSHA-7 and OSHA-90 will be applied when recording inspections conducted under this SEP as follows:

- A. The OSHA-1 form for any programmed inspection covered under this SEP will be marked "PLANNED" (item 24h), "CONSTRUCTION" (item 25a/b, as appropriate), "SPECIAL EMPHASIS PROGRAM" (item 25d) and "STRATEGIC PLAN" (item 25f). Record LEAD in the space in items 25d and "REDUCTION LEAD/SILICA EXP" in item 25f.
- B. The OSHA-1 form for any unprogrammed inspection covered under this SEP will be marked "UNPROGRAMMED" (item 24a through 24g, as appropriate), "SPECIAL EMPHASIS PROGRAM" (item 25d) and "STRATEGIC PLAN" (item 25f). Record "LEAD" in the space in items 25d and "REDUCTION LEAD/SILICA EXP" in item 25f.
- C. Complete the OSHA-90 and enter the code "REDUCTION LEAD/SILICA EXP" under "STRATEGIC PLAN ACTIVITY" (item 32).

IX. **Other Division Activity.** The Bureau of Education, Training and Technical Assistance, and the Bureau of Consultative Services will develop outreach programs which support the enforcement effort. Such programs may include letters to employers, the Associated General Contractors (AGC), local unions, Associated Builders and Contractors, local safety councils, apprenticeship programs, local hospitals and occupational health clinics, and/or other construction employer organizations that engage in lead activities. Speeches through the local safety councils or industrial hygiene organizations may provide another avenue for dissemination of information as will press releases to the local media.

Using the list compiled by SIMS, ETTA will contact each contractor in writing and provide them with a copy of the lead in construction standard and other general lead information. On-site consultation for qualified small employers will be provided by the Bureau of Consultative Services upon request.

X. **Expiration:** This SEP is effective on the date of signature. It will remain in effect until canceled by the Director.

Signed on Original

Robert K. Andrews, Jr.
Director

12/10/99

Date of Signature

Signed on Original

David C. Hamel
Staff Industrial Hygienist