

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, NC

Field Information System

Operational Procedure Notice 123

Subject: North Carolina Special Emphasis Program, Construction Activities.

A. Purpose.

This program is to establish a North Carolina Special Emphasis Program (SEP) to decrease fatalities related to the Construction Industry (SIC 1500 - 799). This effort will include compliance inspections, consultative activity, education and training and site specific inspection targeting.

B. Scope.

Construction includes any activity performed by employers who fall under the SICs 1500 - 1799. While compliance, consultation and education and training efforts will continue state-wide, five counties have been selected for the Special Emphasis Program because they have experienced more than one fatality in Construction Activities during Federal Fiscal Year 1998. The counties selected for the program are: Wake, Mecklenburg, Davidson, Rowan and Robeson. As additional data becomes available other counties may be selected for inclusion into this program.

C. Action.

This Operational Procedure Notice provides for special emphasis inspections in accordance with *NCGS 95-136.1(b)(3)* due to a high rate of construction work related deaths.

D. Background.

North Carolina has experienced a significant increase in construction activity during the past ten years with a corresponding increase in fatalities for this industry. Construction fatalities accounted for 44.4% of all fatalities in North Carolina in Federal Fiscal Year 1998. The five counties that experienced multiple fatalities in the State accounted for 62.5% of all construction fatalities and two counties, Wake and Mecklenburg, accounted for 43.8% of the construction fatalities in the State for the same time period.

E. **Expiration.**

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

F. **Training and Consultative Activity.**

The Bureaus of ETTA and Consultative Services shall provide training and consultative efforts in support of this SEP.

G. **Compliance Inspection Activity.**

Each district office shall conduct inspections in support of this SEP.

1. **Scheduling.**

- a. The Division shall develop a list of construction sites likely to be covered by this special emphasis program. Construction assignments for the counties covered by this special emphasis program will be generated from this list.
- b. The randomly selected construction sites designated for inspection under this SEP will be included with the usual assignment list periodically distributed by compliance supervisors.

2. **Referrals.**

- a. In consideration of the high injury and fatality rate of construction activities, any serious hazards observed shall be investigated immediately by the Compliance officer who observes the activity, after consulting with their District Supervisor.
- b. Because of the various municipality and county reporting requirements throughout the state, the location of active construction sites are not often readily available to the OSH Division. Therefore when a Compliance Officer observes or receives information regarding an active construction site, the Compliance Officer and their Supervisor will determine if the site should be immediately inspected or added to the assignment list. Such determination shall be based on, but not limited to, the following criteria:
 - the resources available for inspecting the site,
 - the size of the operation,
 - the prior history of the General Contractor, if known, and/or
 - the likelihood that the job will be completed before it can be randomly selected for inspection.

- c. The Compliance Bureau Chiefs will ensure that a higher percentage of the construction sites assigned for inspection are in the counties included in this SEP.
- d. The compliance officer will follow the guidance of OPN 96, Focused Inspections in Construction, when conducting any construction inspections throughout the state.

H. **IMIS Coding.**

The OSHA 1 form for all inspections conducted in the five targeted counties as a result of this special emphasis program shall be coded as "STRATEGIC PLAN ACTIVITY" (item 25f) and marked "CONSTRUCTION FATALITIES".

I. **Applicable Standards.**

All applicable standards apply to include standards contained in 29 CFR 1926, 29 CFR 1910 and the NCGS 95.129(1), commonly referred to as the *General Duty Clause*.

J. **Evaluation of Program**

The Bureau Chiefs shall submit to the Assistant Director at least quarterly an evaluation report to include at least the following:

- 1. Bureau Chiefs of Compliance:
 - a. Number of inspections.
 - b. Number of citations issued.
 - c. Impact on number of fatalities in construction activities.
 - d. Standards cited.
 - e. Number of safety and health programs improved or implemented.
 - f. Overall assessment of this special emphasis program, including impact on other Bureau activities, and the goal of eliminating hazards associated with construction.
- 2. Bureau Chief of Consultative Services:
 - a. Description of outreach efforts implemented
 - b. Number of consultative visits conducted.
 - c. Types of hazards observed.
 - d. Number of safety and health programs improved or implemented.
- 3. Bureau Chief of ETTA:
 - a. Description of outreach efforts implemented.
 - b. Assessment of the impact of outreach efforts.
 - c. Number of training sessions conducted.

- d. Number of employers and employees affected.
 - e. Standard promulgation recommendations.
 - f. Number of safety and health programs improved or implemented.
- 4. Planning, Statistics and Information Management:
 - a. Results of construction targeting efforts.

Signed on Original

Robert K. Andrews, Jr.

Director

12/10/99

Date of Signature

Signed on Original

Tom Hayes

Compliance Bureau Chief