

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

Raleigh, NC

Field Information System

Operational Procedure Notice 123F

Subject: Special Emphasis Program for Construction Activities.

A. Purpose.

This program is to establish a North Carolina special emphasis program (SEP) to decrease fatalities related to the construction industry (NAICS 236 - 238). 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 NAICS Codes 236 - 238. While compliance, consultation and education and training efforts will continue state-wide, twenty-three (23) counties have been included in the SEP because they either experienced more than one fatality in construction activities during the most recent federal fiscal year and did not remain fatality free for at least two federal fiscal years in a row or experienced at least 1,000 or more new residential construction building units during the most recent reporting year (Based on U.S. Census Bureau Building Permit Data). The counties included in the program are: Alamance, Brunswick, Buncombe, Cabarrus, Catawba, Craven, Cumberland, Dare, Durham, Forsyth, Gaston, Guilford, Henderson, Iredell, Johnston, Mecklenburg, New Hanover, Onslow, Orange, Pitt, Rowan, Union, and Wake. As additional data becomes available, other counties will be selected for inclusion into this program.

C. Selection and Removal Criteria.

The following criteria will be used to add or delete counties from the SEP.

1. Counties will be added to the SEP when there are:
 - a. Multiple incidents that result in construction fatalities. (*A county should not be added when one incident occurs resulting in two or more fatalities. Example, two fatalities from water tower collapse in Granville County on 10/30/02.*)
 - b. At least 1,000 or more new residential construction building units during the most recent calendar year. (High Activity County – HAC)
2. Counties that have experienced multiple incidents resulting in construction fatalities will remain on the SEP list for at least three consecutive federal fiscal years. The construction SEP team (team) will conduct an annual review to add or remove counties from the SEP list on or before June 15th of each federal fiscal year, to decide which counties will be added or removed for the SEP list. The team will submit their recommendations to the leadership team for approval before the beginning of a new federal fiscal year so that any recommended changes can be incorporated in the annual strategic plan.

3. After the initial three years, counties **may** be removed from the SEP list if no construction fatalities have occurred in the county for two consecutive federal fiscal years. At this point, the team will recommend to the leadership team that the county be removed from the SEP list.
4. HAC Counties will remain on the SEP list for one year. The construction SEP team will conduct an annual review of U.S. Census Bureau Building Permit Data of the most recent reporting year to add or remove counties from the SEP list on or before June 15th of each federal fiscal year. The HAC will be recommended to the leadership team for removal if the number of new residential building units has dropped below 1,000 during the most recent report year.

D. 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.

E. 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 32% of all fatalities in North Carolina in federal fiscal year 2005. The two counties (Wake and Mecklenburg) that experienced multiple fatalities in the state accounted for 26% of all construction fatalities in the state for the same time period. During 2004, there were 94,723 new residential construction building units in North Carolina and 71,932 (76%) of those new units were in the twenty-three counties identified as special emphasis counties under this OPN.

F. Training and Consultative Activity.

The Bureaus of Education, Training and Technical Assistance (ETTA) and Consultative Services will provide training and consultative efforts in support of this SEP.

G. Compliance Inspection Activity.

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

1. Scheduling

- a. The randomly selected construction sites assigned for inspection under this SEP will be distributed by district supervisors.

2. Referrals

- a. In consideration of the high injury and fatality rate of construction activities, any serious hazards observed will be investigated immediately by the compliance officer who observes the activity, after consulting with their district supervisor.

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- b. Because of the various municipality and county reporting requirements throughout the state, the locations of active construction sites are often not 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 will 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,
 - The likelihood that the job will be completed before it can be randomly selected for inspection
- c. The compliance bureau chiefs should ensure that a higher percentage of the construction sites inspected are in the counties included in this SEP.
- d. The compliance officer will follow the guidance in the most current revision 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 targeted counties as a result of this SEP will be coded as “STRATEGIC PLAN ACTIVITY” (item25f) and marked “CONSTRUCTION SEP.”

I. Applicable Standards.

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

J. Evaluation of Program.

The bureau chiefs will submit to the assistant director at least monthly an evaluation report to include at least the following:

1. Bureau Chiefs of Compliance:
 - a. Number of inspections in affected counties – East.
 - b. Number of inspections in affected counties - West.
 - c. Number of inspections in High Activity Counties.
 - d. Number of fatalities statewide.
 - e. Number of fatalities in affected counties.
 - f. Number of fatalities in high activity counties.
 - g. Fatality rates statewide for affected counties and high activity counties.

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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. Manage the Performance Indicator Report on a monthly basis as it pertains to the construction SEP.

K. Effective Date.

On October 1, 2006, OPN 123E is canceled and this SEP is effective. It will remain in effect until revised or canceled by the director.

Signed on Original
Tom Hayes
Bureau Chief

Signed on Original
Allen McNeely
Director

9/18/06
Date of Signature