

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

Raleigh, NC

Field Information System

Operational Procedure Notice 123J

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 SEP will also focus on hazards associated with operations that involve tower and mobile cranes. Both efforts 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 NAICS Codes 236 - 238. For the purpose of this OPN, the term "residential construction" applies to materials, methods, procedures, fall hazards and fall protection requirements that are essentially the same as those associated with typical house (single-family dwelling) and townhouse construction. Some small institutional and commercial structures fit this definition, as well as parts of a large commercial structure (for example, a medical facility using residential type of construction and materials), but such coverage does not mean that the entire structure is covered by this directive. The terms "residential type construction" and "light construction" will be accepted as synonymous with "residential construction."

While compliance, consultation and education and training efforts will continue state-wide, fifteen (15) 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 this SEP are: Dare, Durham, Forsyth, Iredell, Mecklenburg, and Wake Counties. The counties included as High Activity Counties (HAC) from the residential building permit data are: Brunswick, Buncombe, Cabarrus, Cumberland, Guilford, Johnston, New Hanover, Onslow, and Pitt. As additional data becomes available, other counties will be selected for inclusion into this program.

The program scope will also include addressing hazards associated with the operation of tower and mobile cranes statewide. Compliance inspections will primarily focus on crane operator training, OSHA and ANSI crane safety requirements, daily inspections, maintenance, and documentation.

This will be an ongoing effort for inspection of mobile cranes, tower cranes and derricks at job or work sites throughout the state. The primary focus will be to increase crane inspection activity, training and outreach efforts, and consultative services in this area. Occupational Safety and Health Division personnel will be properly trained in the recognition of hazards associated with the operation of cranes on construction work sites.

Mobile cranes include truck-mounted cranes, crawler cranes, locomotive cranes, wheel-mounted cranes and articulating boom cranes. Tower cranes include hammerhead tower cranes, fixed tower cranes, climber tower cranes, luffing boom tower cranes, self-erector tower cranes and mobile tower cranes.

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. For 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 Committee will conduct an annual review to add or remove counties from the SEP list on or before June 15th of each federal fiscal year. The committee 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.

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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 45% of all fatalities in North Carolina in federal fiscal year 2007. The two counties (Durham and Mecklenburg) that experienced multiple fatalities in the state accounted for 25% of all construction fatalities in the state for the same time period. During 2007, there were 85,777 new residential construction building units in North Carolina and 60,892 (71%) of those new units were in the twenty counties identified as special emphasis counties under this OPN.

North Carolina has experienced 10 crane-related fatalities from 1998 – 2007. Also, the industry has suffered multiple fatal crane accidents nationwide in recent years. Specifically, tower cranes have come under scrutiny for safe operations because of fatalities and injuries associated with collapses on construction sites.

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. Self-referrals (drive by inspections) in Special Emphasis Program counties will be classified as programmed planned inspections per the definition of programmed planned inspections found in FOM Chapter II, B. 1.
- 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

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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.”

The OSHA-1 form for all inspections conducted in the construction industry as a result of inspections conducted in **SEP** and **NON-SEP** counties will also be coded under “LOCAL EMPHASIS PROGRAM” (item 25c) and marked “COMMCON” for Commercial Construction and “RESCON” for Residential Construction.

I. **Applicable Standards.**

All applicable standards apply; including standards contained in 29 CFR 1926, 29 CFR 1910 and NCGS 95.129 (1), and 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. Number of hazards abated.
 - 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.**

OPN 123I is canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the director.

Signed on Original

Bruce Pearson
Safety Compliance Officer II
SEP Team Leader

Signed on Original

Allen McNeely
Director

12/07/2009

Date of Signature