

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

**Raleigh, NC**

Field Information System

Operational Procedure Notice 123N

***Subject:*** Special Emphasis Program for Construction Activities.

**A.     Purpose.**

This program establishes 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.     Background.**

This SEP was established in 1999 due to a high rate of construction fatalities in North Carolina. In the previous federal fiscal year (FFY) 1998, construction fatalities accounted for 44.4% of all fatalities in North Carolina. The five counties chosen for the original SEP experienced more than one incident resulting in a construction fatality and accounted for 62.5% of all construction fatalities for FFY 1998. Each year, the SEP has been updated to include counties that have had more than one incident resulting in a construction fatality. Construction fatalities continue to occur, accounting for 41% of all fatalities in North Carolina in federal fiscal year (FFY) 2010, 31% in FFY 2011 and 29% in FFY 2012.

In 2006, additional counties were added to the SEP. These counties were identified as High Activity Counties (HAC's) due to the specific county issuing greater than 1000 residential construction building permits during the previous calendar year based on U.S. Census Bureau Building Permit Data. HAC counties remain in the SEP and are updated each year based on the US Census Bureau Permit Data.

North Carolina has also experienced 13 crane-related fatalities between 1998 and 2012 and the industry has suffered multiple fatal crane accidents nationwide. Specifically, tower cranes have come under scrutiny for safe operations because of fatalities and injuries associated with collapses on construction sites.

**C.     Scope.**

Construction includes any activity performed by employers who fall under NAICS Codes 236 - 238. Operational Procedure Notice 109, Fall Protection Requirements for Residential Construction will be used to address problems unique to residential type construction work. OPN 109 describes and clarifies the fall protection measures that are acceptable in North Carolina for compliance with 29 CFR 1926.501(b)(13).

Ten (10) counties are included in this 2013 federal fiscal year SEP. The counties included in this SEP are: Durham, Forsyth, Franklin, Gaston, Iredell, Mecklenburg, and Wake Counties. The counties included as High Activity Counties (HAC) are: Cumberland, Guilford, and Onslow. See paragraph D. for the county selection and removal criteria

The program scope will also include hazards associated with the operation of tower and mobile cranes statewide. 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.

**D. 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:
  - a. There was more than one incident that results in a construction fatality in the previous federal fiscal year. (A county will not be added when one incident occurs resulting in two or more fatalities.)
  - b. There were at least 1,000 or more new residential building units constructed during the most recent calendar year.
2. Counties that experienced more than one incident resulting in a construction fatality 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 15<sup>th</sup> of each federal fiscal year. New counties may be added and counties may be recommended to the leadership team for removal if three federal fiscal years have passed and no construction fatalities have occurred in the county for two consecutive federal fiscal years.
3. A high activity county will remain on the SEP list for at least one year. The committee will conduct an annual review of U.S. Census Bureau Building Permit Data for the most recent reporting year on or before June 15<sup>th</sup> of each federal fiscal year. New counties may be added and counties currently on the list may 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.
4. The committee will submit their recommendations to the leadership team for approval before the beginning of a new federal fiscal year so that changes can be incorporated in the annual strategic plan.

E. **Action.**

This OPN provides for special emphasis inspections in accordance with NCGS 95-136.1(b)(3) due to a high rate of construction work related deaths. Bureau chiefs and district supervisors will ensure that procedures established in this operational procedural notice are adhered to when scheduling and conducting inspections related to this OPN.

F. **Training and Consultative Activity.**

The Education, Training and Technical Assistance (ETTA) and Consultative Services Bureaus 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.**

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 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" (item 25f) 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 a monthly evaluation report to the assistant director to include the following:

1. East and West 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.
2. 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. Education, Training and Technical Assistance.
  - 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.

OPN 123N cont'd.

K. **Effective Date.**

OPN 123M 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

11/06/2012

Date of Signature