

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

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 96B

Subject: Focused Inspections in Construction

A. Purpose.

OPN 96 establishes the OSHNC policy for focused inspections of construction sites. This OPN provides instructions to CSHOs and supervisors regarding when focused inspections are authorized and required. This document provides supplementary procedures beyond standard inspection protocol set forth in the OSHNC field operations manual. The policy set forth in this OPN applies only to qualifying construction worksites and will not be applied to non-construction worksites.

OPN 96 enables CSHOs to limit the scope of certain construction inspections to those hazards that are related to the four (4) leading causes of construction fatalities: falls, electrical hazards, caught in/between hazards (such as trenching), and "struck by" hazards (such as materials handling equipment and construction vehicles).

B. Discussion.

An analysis of construction fatalities investigated by federal OSHA from 1985-1989 indicated similarities to construction fatalities for recent years in North Carolina. This policy, enabling CSHOs to conduct focused inspections on certain construction sites is patterned after the federal OSHA initiative for focused construction Inspections. Over 90% of construction fatalities fall in these four categories:

| Cause of Fatality | United States % | North Carolina % |
|-------------------|-----------------|------------------|
| Falls | 33 | 35 |
| Struck By | 22 | 25 |
| Caught In/Between | 18 | 9 |
| Electrocution | 17 | 13 |

Scheduled construction safety inspections (programmed) are normally comprehensive inspections covering all areas and conditions on a construction site and all safety hazards regardless of potential severity. By focusing the safety inspection and concentrating on the four areas representing the leading causes of construction fatalities and those serious hazards that are observed, the CSHO may spend less time on qualified sites and more time on sites that require more compliance assistance. Contractors on sites having effective safety and health programs in place may avoid comprehensive OSHA inspections.

C. **Action.**

1. This policy shall apply to construction site safety inspections only.
2. Effective November 10, 1995, CSHOs will, for each construction site where an inspection is initiated, determine whether or not there is project coordination by the general contractor, prime contractor, or other such legal entity (hereafter called the general contractor) that includes:
 - a. An adequate and effective safety and health program/plan that meets the guidelines set forth below, and
 - b. A designated competent person responsible for, and capable of, implementing the program/plan site-wide.
3. If either condition a. or b. above is not met, the CSHO will proceed with a comprehensive inspection of the site. If both conditions a. and b. are met, the CSHO will initiate a focused inspection pursuant to the following guidelines.

D. **Inspection Guidelines.**

1. **Evaluation of the Safety Program:**

The following resources may be used for evaluating safety and health programs:

- *Safety and Health Program Management Guidelines* published January 26, 1989 in the Federal Register (54 FR 3904).
- STD 3-1.1 – “*Clarification of Citation Policy Regarding 29 CFR 1926.20, 29 CFR 1926.21 and Related General Safety and Health Provisions*”.
- ANSI A10.33 - Minimum Safety and Health Program Requirements Standard.
- Comprehensive contractor association model programs.

The CSHO will evaluate and document the safety program in effect at the site using the following criteria and minimum requirements:

- a. **Designated Competent Person:**

There must be a person working at the site who has assigned responsibility for administering an effective safety and health program. (This can be a manager or employee but both management and the employee must acknowledge that the assignment of responsibility exists).

- b. **Comprehensiveness:**

The site safety and health program must address the full range of hazards normally encountered at sites of the type being inspected. Confirmation that the program is comprehensive in scope is an overall evaluation of the features of the program, the physical characteristics of the site,

number of employees and trades engaged at the site. The CSHO will take into account the evaluations of the remaining program categories and document whether the program is written.

c. Communication:

Employees must be aware of and have access to the services alleged to be provided through the site safety and health program. The general contractor must supply evidence showing how the program is communicated to employees (e.g., oral instructions, booklets, memorandums, posters, safety meeting minutes/attendance rosters etc.). The CSHO should consider whether the employer holds safety meetings, their frequency, and who conducts them (e.g., crew foreman, intermediate level supervisors, safety director, etc.). The CSHO should conduct employee interviews to substantiate the effectiveness of the safety program.

d. Enforcement:

Safety and health rules must be enforced. Identify the principal enforcement methods used (e.g., warnings, written reprimands, disciplinary action, discharge, etc.) and the effectiveness of these methods as they apply to the site.

e. Safety/Health Training Program:

Evaluate the need for and effectiveness of any specialized or trade-specific subcontractor safety and health training programs applicable to conditions at the site. Factors to be considered include the need for special training in view of unique conditions/hazards likely to be encountered at the site as well as specific requirements for such ongoing or periodic training or retraining of employees.

f. Investigations:

Evaluate the general contractor's efforts to make accident/injury/illness investigations and determine if corrective actions are taken as a result of the contractor's investigation.

2. Conduct of the Focused Inspections:

- a. The focused inspection policy applies only to construction safety inspections. All general schedule construction safety assignments (programmed) are candidates for focused inspections. A request for a warrant will not affect the determination as to whether a given jobsite is eligible for a focused inspection. On sites where unprogrammed inspections are being conducted (e.g. complaints, referrals, accidents), focused inspections may be conducted where expanding the scope of the inspection is approved by the district supervisor, and conditions at the assigned site meet the criteria in this OPN, and after the unprogrammed activity has first been addressed.

- b. Focused inspections will concentrate primarily on the project safety and health program/plan, and the four groups of hazards which account for the most fatalities and serious injuries in the construction industry: falls; electrical hazards; caught in/between hazards (such as trenching); and "struck-by" hazards (such as materials handling equipment and construction vehicles). However, during the course of the focused inspection, violations will be recommended for any serious hazards (beyond the previously mentioned four groups of hazards) which are observed and for any other-than-serious violations which are not abated at the time of the inspection. Other-than-serious hazards which are abated at the time of the inspection will not be cited, but will be noted in the case file.
- c. The CSHO will conduct an opening conference with the general contractor, prime contractor, or other controlling entity and obtain a list of their subcontractors, employee representatives, or other governing agencies on site. No OSHA-1 numbers will be established for employers without citations, except for the general contractor who had an opening conference as described above.
- d. The focused inspection will begin after a determination is made that the site qualifies as set forth in paragraph C and D of this OPN. The walk around will include the general contractor and their employee representative(s) according to existing policies for the conduct of inspections. The site will be evaluated, concentrating on 1) the four leading hazards listed in paragraph A. of this notice, 2) the project safety and health program/plan, and 3) serious hazards observed by the CSHO. The CSHO conducting a focused inspection is not required to inspect the entire project. Only a representative portion of the project need be inspected.
- e. A brief justification will be included in each case file for the site as to why a focused inspection was or was not conducted. The CSHO's optional inspection guidelines checklist(s) may be used for this purpose.
- f. If conditions observed on the project indicate that the project safety and health program/plan is not as effective as initially determined, the CSHO may immediately terminate the focused inspection and conduct a comprehensive inspection. The discovery of serious violations during a focused inspection does not automatically convert the Focused Inspection into a comprehensive inspection. These decisions will be based on the professional judgment of the CSHO. If a focused inspection converts to a comprehensive inspection, then previously noted other-than-serious hazards will be cited if they are not abated prior to the CSHO returning to the affected area(s).
- g. Employees and employee representatives will, at some time during the inspection, be informed why a focused or comprehensive inspection is being conducted. This may be done either by personal contact or by posting the appropriate OSHNC handout.

- h. If the CSHO identifies serious hazards, the CSHO will hold an opening conference with the affected employer(s) or his representatives on the jobsite and may cite the affected employer(s), and/or other employers, as per the multi-employer worksite policy. Citing an employer for a serious hazard does not necessitate a comprehensive inspection of the employer.
- i. When the CSHO completes the walk around, a closing conference will be held with the general contractor and any other employers at the site that will be receiving a citation.

3. Inspection Reports:

- a. The general contractor, prime contractor or other controlling entity will always be inspected (OSHA-1 and case file report). Also, an OSHA-1 will be completed for each employer that is issued a citation in accordance with the multi-employer policy as set forth in the OSHNC field operations manual.
- b. For coding purposes on the OSHA-1, a focused inspection will be considered a partial inspection. The IMIS code for focused inspections will include the identification of the general contractor (record "Focus," C for the general contractor), and will include a notation of the total number of contractors affected (i.e., general contractor plus subcontractors on the site). For example, if there is a general contractor and three subcontractors, the inspection of the general contractor will be recorded as follows:

| Type | ID | Value |
|------|----|-----------|
| N | 14 | Focus,C,4 |

For each subcontractor issued a citation on a focused inspection the subcontractor's inspection will be recorded as follows:

| Type | ID | Value |
|------|----|----------|
| N | 14 | Focus, S |

- c. Case files for general contractors that are not recommended to receive citations do not have to include completed OSHA 18 photo record forms. The discs, CDs, or developed photos and negatives may be submitted in an envelope with the case file.
- d. For other-than-serious citations, and with district supervisor approval, item #6 (worksheet text) of the OSHA-1B does not have to be completed at the time of case file submittal.
- e. Citations for 1926.20(b)(1), 20(b)(2), and/or 21(b)(2) should be considered for general contractors, and for any employer who received citations during a focused or comprehensive inspection, who did not

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qualify for a Focused Inspection in that this is an indication of the lack of an effective project safety and health program/plan.

E. **Effective Date.**

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

Signed on Original
Allen McNeely
Director

Signed on Original
Tom Hayes
Compliance Bureau Chief

6/27/05
Date of Signature