

**Iowa OSHA Local Emphasis Program
IA/LEP 4**

- ▶ Record Type: **Local Emphasis Program**
 - ▶ Directive Number: **IA/LEP 4**
 - ▶ Subject: **Inspection Targeting System to Reduce Injuries and Deaths on Worksites in the Construction Industry.**
 - ▶ Information Date: **03/16/2009**
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IOWA OSHA IA/LEP

Iowa Workforce Development Department

Iowa Occupational Safety & Health (Iowa OSHA)

ABSTRACT

- Purpose:** This Notice describes policies and procedures for the local implementation of an emphasis program to target commercial and residential construction worksites.
- Scope:** This Notice applies to construction worksites throughout the State of Iowa, under the jurisdiction of the State of Iowa.
- References:** OSHA Instructions: CPL 04-00-001, IA/CPL 2.25I, CPL 02-00-051, IA/CPL 2.103, OSHA Memorandum, Subject: Guidance to Compliance Officers for Focused Inspections in the Construction Industry, STD 03-00-001, 02-00-141, and the latest census for Iowa Geographic Areas.
- Cancellations:** None.
- Expiration:** Effective Until Cancelled.
- Action Offices:** State of Iowa.
- Originating Office:** State of Iowa.
- Contact:** Enforcement Programs (515) 281-8066.

By and Under the Authority of:

Stephen J. Slater
Iowa OSHA Administrator/Deputy Labor Commissioner

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- I. **Purpose:** This Notice describes policies and procedures for implementing a Local Emphasis Program (LEP) for programmed safety and health inspections of construction sites in the State of Iowa.
- II. **Scope:** This Notice applies to construction worksites within the jurisdictional boundaries of the State of Iowa.
- III. **Action:** The Iowa OSHA Administrator shall ensure that the procedures established in this Instruction are adhered to in the scheduling of programmed inspections.
- IV. **Expiration:** This Notice is effective until cancelled.
- VI. **References:**
- A. OSHA Instruction CPL 04-00-001, Procedure for Approval of Local Emphasis Programs (LEP's), November 10, 1999.
 - B. OSHA Instruction IA/CPL 2.25I, Scheduling System for Programmed Inspections, 1/4/1995. Also, 02-00-141 for Programmed Construction, 7/14/2006.
 - C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998.
 - D. OSHA Instruction IA/CPL 2.103, Field Inspection Reference Manual (FIRM), September 26, 1994.
 - E. OSHA Memorandum, Subject: Guidance to Compliance Officers for Focused Inspections in the Construction Industry, August 22, 1994 (Rev (2) 9/20/95).
 - F. OSHA Instruction STD 03-00-001, Plain Language Revision of OSHA Instruction STD 3.1, Interim Fall Protection Compliance Guidelines for Residential Construction, June 18, 1999.
 - G. The Latest Census for Iowa Geographic Areas.
- VI. **Background:** Successful construction inspection scheduling has always been challenging. Currently, construction safety and health inspections conducted by the state office in Iowa have been based primarily on the following triggers:
- A. Unprogrammed Activity, such as Fatalities, Complaints and CSHO Self-referrals.
 - B. Local Emphasis Programs on Falls and Scaffolds.
 - C. National Emphasis Program on Trench Safety.
 - D. Programmed Inspections in Construction derived from the random selection of worksites throughout Iowa via the University of Tennessee (UT's). These inspections are compiled from information provided by FW Dodge.

Except for the relatively few programmed inspections, the major triggers for inspection rely on hazardous conditions to occur and be observed by OSHA, or for an accident to occur that is reported to OSHA. The only truly random pro-

grammed (not response initiated) inspections, UT's, are subject to institutional drawbacks. These include reliance on bids, permits, and other filings submitted by FW Dodge to initiate tracking by the University of Tennessee. Many of the construction sites in the State of Iowa's jurisdiction do not appear on the UT list. These are primarily projects done without permits and frequently conducted by smaller employers. Many of these projects are of short duration, and also tend to employ many immigrant workers, who historically are less likely to file complaints with OSHA. All of these factors are associated with a higher risk of construction injuries and fatalities and will compliment traditional targeting methods.

A study of Occupational Fatalities in Iowa from 1995-2004 showed that 40% of the 161 deaths during that 10-year period were in the construction industry. Many of the construction fatalities occurred in less populated areas where inspectors would not normally be, w/out a complaint or referral of some kind being made. Of the 161 deaths, 70 were of employers with less than 10 employees. Of these 70, nearly half (33) were in construction. In 2008, 16 of the 27 fatalities in the state of Iowa were in the construction industry. 14 of the 16 occurred in less populated areas and none of them were randomly selected for a programmed inspection (UT). Again, nearly half of these fatalities in 2008 were of companies with less than 10 employees. Again, this LEP will compliment existing strategies and get our CSHO's into areas of the state where fatalities are occurring and assist in gaining access to smaller employers.

Fatalities in 2009 and 2010 have decreased significantly. Iowa OSHA inspectors are getting to less populated areas of the state of Iowa more frequently.

VII. Scheduling: Selection of construction sites for emphasis program inspections.

- A. Iowa OSHA will use the latest census for Iowa Geographic Areas to create a list of towns/cities with a population of 3,200 people or greater (Iowa OSHA believes that population centers of this size are more likely to have active construction sites than smaller towns/cities).
- B. Once a list of towns/cities is created, a list of corresponding zip code areas will be identified (it is anticipated that many of the larger cities have more than one zip code). The total list of zip code areas will become the inspection pool. The list of zip codes will then be arranged by an Executive Officer who will assign a number and corresponding map to the towns/cities.
- C. Next, using the website randomization.org, the zip codes are selected at random into groups of 36-38 per inspection cycle. There are six such cycles in the year, with every zip code area being selected at least twice.

VIII. Inspection Procedures:

- A. When a CSHO is assigned a Zip code for inspection, the CSHO will drive the streets of that Zip code searching for active construction sites. It will not be necessary to visibly observe a hazard before entering the site.

- B. When the CSHO finds an active construction site, the CSHO will enter the site and conduct the inspection according to the FIRM, IA/CPL 2.103, or the latest version of the Construction Inspection Manual. Procedures outlined in the OSHA Memorandum for Focused Inspections in Construction will be followed, as applicable. The CSHO will document all hazardous work exposures as well as review safety programs, as applicable.
- C. The scope of all inspections conducted under this LEP will be comprehensive safety inspections. If health hazards are identified (such as noise, silica, hexavalent chromium, asbestos, etc.) and cannot be adequately addressed by the inspecting CSHO, a referral may be made to another CSHO able to adequately address the health hazards identified.
- D. If adequate safety programs exist and no hazards are identified by the CSHO, the inspection will be considered in compliance and an OSHA 1 will be filled out.

IX. Deletion Criteria:

Inspections at selected jobsites will not commence if one to the following conditions exist:

- A. The jobsite has had a UT programmed inspection within the last trimester (4 months).
- B. The jobsite has had a comprehensive safety inspection within the last trimester (4 months).
- C. An employer on a jobsite is currently an active participant in one of Iowa OSHA's Strategic Partnerships and has received and passed a partnership verification inspection, unless a serious hazard or imminent danger relative to that employer is observed. In addition, an employer who is a participant in a "Consultation in Progress", unless a serious or imminent danger relative to that employer is observed.
- D. The jobsite is a construction site where all work is being performed inside the dwelling on the premises of an occupied residence. (Note: Worksites such as re-roofing, electrical service, guttering, trenching and other construction projects that are viewed from public access will be inspected. These sites may require entry onto the owner's property but not inside their residence.)

X. Recording in IMIS:

An OSHA-1 form will be completed as follows:

- A. The OSHA-1 for all inspections conducted under this LEP shall be marked "Planned" (Item 24) and "Local Emphasis Program" (Item 25C). Record "ZIPCODE in CONSTRUCTION" in space 25C from the drop-down menu.

XI. Evaluation:

No later than February 15 of each year this program remains in effect, the Iowa State Plan Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

Iowa OSHA Administrator/Deputy Labor Commissioner

Date

**Iowa Workforce Development Department
Division of Labor Services
1000 E. Grand Avenue
Des Moines, IA 50319
(515) 281-8066**

Distribution:

**Iowa Labor Commissioner
Iowa OSHA Administrator/Deputy Labor Commissioner
Iowa Attorneys
Iowa OSHA Executive Officers**

