

Utah Occupational Safety and Health Division (UOSH)

DIRECTIVE NUMBER: 2019-001	EFFECTIVE DATE: August 12, 2019
	AMENDED DATE: November 1, 2023
SUBJECT: Local Emphasis Program for Construction Industry	

ABSTRACT

- Purpose:** This instruction establishes policies and strategies for a Local Emphasis Program (LEP) for the Construction Industry within the North American Industry Classification System (NAICS) 236115 - 238990.
- Scope:** This instruction applies UOSH-wide.
- References:** See Section IV for a complete list of references.
- Cancellations:** This instruction, with Amended Date of November 1, 2023, replaces the Local Emphasis Program for Construction Industry, 2019-001, August 12, 2019, Amended Date, May 1, 2020.
- Distribution:** UOSH Staff; Federal Occupational Safety and Health Administration (OSHA) Region VIII Area Office; O-Drive Accessible; and Internet Accessible.
- Expiration:** This directive expires August 12, 2024. EXCEPTION: Any inspection begun prior to this date may continue until its conclusion.
- Originating Office:** State of Utah, Labor Commission, UOSH
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Executive Summary

This instruction provides guidance for implementation of UOSH's LEP to reduce or eliminate fall from elevation, caught-in or between, struck-by, and electrocution hazards (the "Big 4" hazards) in the construction industry. Worker exposure to such hazards can lead to serious injury or death, with falls remaining as the leading cause of fatalities in the construction industry. UOSH will continue its efforts to increase enforcement and outreach to help reduce fatalities and serious injuries to workers who may be exposed to the "Big 4" hazards.

Significant Changes

1. References to OSHA standards and other OSHA materials were added to IV. *References*.
2. Under paragraph J. of IX. *Inspection Procedures*, added that when CSHOs observe fall hazards but are unable to begin an immediate inspection (e.g., responding to an incident, etc.), they shall notify the field operations manager (or designee) of their observations.
3. Under paragraph M. of IX. *Inspection Procedures*, added that at the end of each LEP inspection, the CSHO will provide the employer with information concerning fall protection requirements and protective measures that should be implemented.
4. "FALL" added to X. *OSHA Information System (OIS) Coding*, to identify enforcement and consultation activities related to fall hazards.
5. Compliance assistance resources, UOSH Consultation's contact information, and UOSH's identification of and working with employer and worker groups were added to XII. *Outreach and Education*.

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I. Goal.

The goal of this LEP is to significantly reduce or eliminate worker exposures to the “Big 4” hazards (falls from elevations, caught-in or between, struck-by and electrocution) in the construction industry (NAICS 236115 – 238990) that can result in serious injuries and deaths. UOSH’s goal will be accomplished by a combination of enforcement, outreach to employers, and compliance assistance.

II. Scope.

This directive applies to all construction worksites under the jurisdiction of UOSH.

III. Expiration.

This directive expires August 12, 2024, but may be renewed as necessary.

IV. References.

- A. 29 CFR Part 1926, *Safety and Health Regulations for Construction*, <https://www.osha.gov/laws-regs/regulations/standardnumber/1926>.
- B. 29 CFR Part 1926, *Subpart M - Fall Protection*, <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926SubpartM>.
- C. 29 CFR Part 1926, *Subpart L - Scaffolds*, § 1926.451(g), *Fall Protection*, [https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.451#1926.451\(g\)](https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.451#1926.451(g)).
- D. 29 CFR Part 1926, *Subpart R - Steel Erection*, § 1926.760, *Fall Protection*, <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.760>.
- E. Federal Register, [59 FR 40672-40753](#), §§ 1910, 1926, *Safety Standards for Fall Protection in the Construction Industry; Final Rule*, August 9, 1994, and as amended.
- F. OSHA Instruction, [STD 03-11-002](#), *Compliance Guidance for Residential Construction*, June 16, 2011.
- G. OSHA Instruction, [CPL 02-00-025](#), *Scheduling System for Programmed Inspections*, January 4, 1995.
- H. OSHA Instruction, [CPL 02-00-051](#), *Enforcement Exemptions and Limitations under the Appropriations Act*, May 28, 1998 (including annually updated Appendix A).
- I. OSHA Instruction, [CPL 02-00-155](#), *Inspection Scheduling for Construction*, September 6, 2013.
- J. Utah Occupational Safety and Health (UOSH) Field Operations Manual (UFOM), May 2020.
- K. UOSH Instruction, 2023-002, *Site-Specific Targeting (SST)*, August 7, 2023.

V. Cancellations.

This instruction, with Amended Date of November 1, 2023, replaces the Local Emphasis Program for Construction Industry, 2019-001, August 12, 2019, Amended Date, May 1, 2020.

VI. Background.

In 2012, construction related fatalities accounted for sixty-four percent (64%) of all OSHA reportable fatalities in the state of Utah. Of the reported fatalities under UOSH’s jurisdiction, the percentage of construction related fatalities has begun a downward trend over the past few years. However, falls from elevation, struck-by, caught-in or between, and electrical hazards continue to cause many workplace fatalities and injuries in Utah’s construction industry.

Activities associated with construction fatalities include, but are not limited to: construction and demolition of residential and commercial and industrial structures; work from elevated surfaces such as scaffolds, aerial equipment and ladders; trenching and excavation operations; construction, service or repair of overhead power lines; and work on or near streets, roads, highways, bridges and overpasses for the purpose of building, maintaining or repairing.

In order to help reduce the incidents of injury, illness and fatality throughout the construction industry and to solicit the cooperation of the industry to achieve better and continuously effective safety and health programs, UOSH established and implemented an LEP for Construction Industry, directive number 2014-001, on August 1, 2014.

Despite outreach, enforcement, and compliance assistance efforts, fatalities caused by falls in construction are still occurring in Utah and within the nation. In fact, most falls to lower levels each year occur on construction sites. A comparison of the Bureau of Labor Statistics (BLS) and OIS national data on fatal falls in construction between 2014 and 2021 revealed the following:

A. Fall Fatalities in Construction.

Construction	2014	2015	2016	2017	2018	2019	2020	2021
Total Fatalities	899	937	991	971	1,008	1061	1008	986
Fatal Falls – Slips/Trips/Falls	359	364	384	386	338	*	368	390
Fatal Falls to Lower Level	345	350	370	366	320	*	351	378

Note: Falls to lower level accounted for 32% (2,480) of the 7,861 construction fatalities during this period. (Source BLS)

* BLS Data not available for 2019.

National data regarding enforcement and consultation activities in the construction industry, where falls were addressed during inspections and visits, are included in the tables below.

B. Construction Inspections.

Construction Inspections *	2014	2015	2016	2017	2018	2019	2020	2021
Total Inspections	18,234	17,541	15,630	16,918	16,797	17,474	11,070	12,589
Fall Emphasis	12,855	12,473	11,214	10,585	10,298	10,485	6,606	7,205

Note: Roughly 65% (81,721) of the 126,253 inspections OSHA conducted in the construction industry during this period had a fall emphasis. (Source OIS Inspection Summary Reports and Scan Summary Reports)

C. Consultation Data.

Construction Consultation Visits	2014	2015	2016	2017	2018	2019	2020	2021
Total Visits	4,767	5,912	8,400	8,208	8,459	7,821	5,643	5,235
Fall Emphasis *	7	304	2,667	3,175	2,174	2,563	1,681	1,383

Note: Roughly 26% (13,954) of the 54,445 consultation visits in the construction industry during this period were fall related.

* Information was not comprehensively captured until 2016. (Source OIS)

Renewal of this LEP enables UOSH to continue to commit a number of resources, including enforcement, outreach, training, onsite consultation and alliances, to address fall from elevation, caught-in or between, struck-by, and electrocution hazards to which workers are exposed.

The provisions of OSHA Instruction CPL 02-00-051 (CPL 2-1.51J), Enforcement Exemptions and Limitations under the Appropriations Act, Section XI and Enforcement Guidance for Small Employers shall apply where appropriate.

VII. Action.

The director or designee shall ensure that the procedures outlined in this directive are followed during the effective period of this directive. This directive is not to conflict with inspection priorities as established in the Utah Field Operations Manual (UFOM).

When an inspection is not conducted because the employer has refused entry, a warrant may be sought in accordance with the current procedures for handling such refusals.

VIII. Selection of Construction Sites.

A. UOSH will use the 2010 census to create a list of towns/cities, including Census Designated Places, with populations of 1,000 or more people. UOSH believes that population centers of this size are more likely to have active construction sites than smaller towns/cities. This program is designed to be a broad-based system that selects geographical areas within the state to establish a presence in the construction industry.

- B. The list of towns/cities will become the inspection pool. Using a random number list (see Appendix C of CPL-02-00-025 for guidance) or an internet-based randomized sequence generator, the towns/cities will be placed on a randomized list. The scheduling cycle for construction inspections is set to 15 towns/cities per cycle. Upon completion of each cycle, the next cycle will be selected for inspection. Once all cycles are completed, a new randomized list of towns/cities will be generated.
- C. All towns/cities within a cycle must be inspected. Geographical areas can be scheduled in any order to make efficient use of resources. After all towns/cities are inspected, they will be marked as completed on the original randomized list. Inspection cycles will be assigned until the original randomized list is completed.
- D. Due to Utah's dispersed and rural population centers, the director or designee may select other areas for inspection within a geographical region. This will be done to reduce travel time to remote locations, improve efficiency of the inspection process and ensure thorough coverage of the selected towns/cities. The director must ensure that all counties within UOSH's jurisdiction will be covered within a reasonable time period.
- E. If any changes in the selection process are necessary, the director or designee must approve the change and document the justification for the desired change.

IX. Inspection Procedures.

The director or designee shall use the LEP as described herein as the basis for scheduling and conducting safety inspections of construction sites. This system is intended to initiate compliance activity at all construction sites where "Big 4" hazards are expected or reported to exist. A CSHO may expand the scope of an inspection under this LEP if there is evidence from injury and illness records, plain view hazards, or employee interviews of other potential safety and health hazards or violations at the worksite. Compliance inspections may be expanded in accordance with the guidelines established in the UFOM (Chapter 3, Section II.B).

An inspection targeting system which encompasses random selection of construction sites is not practical. The "Big 4" hazards related to construction sites are normally transient and of limited duration. This limits the practicability of targeting the site in advance. The following procedures will be used for compliance activities conducted under this LEP.

- A. Assigned Geographical Areas. When a compliance safety and health officer (CSHO) is assigned an area for inspection, the supervisor will define the geographical boundaries within the selected town/city prior to conducting the LEP inspection(s). The CSHO will drive the streets of the assigned area searching for active construction sites, including those that do not have observed hazards. CSHOs will not unnecessarily drive the same street under this LEP more than once, unless assigned an unprogrammed inspection that is located on the same street.
- B. Unassigned Geographical Areas. During a CSHO's normal commute to or from an assigned programmed or unprogrammed inspection, the CSHO may conduct an inspection under this LEP if he or she observes an active construction site where employee exposure to a "Big 4" hazard is likely to exist. All work sites where "Big 4" hazards could occur, or where such hazards are observed by CSHOs, will be selected for compliance activity under this LEP. When the CSHO finds an active construction site, the CSHO will enter the site to determine

if workers are exposed, or are likely to be exposed, to “Big 4” hazards. Based on observations made by the CSHO, either a compliance inspection will be conducted or compliance assistance will be provided to the employer(s).

- C. If the CSHO does not observe hazards at the worksite, the CSHO will not conduct an opening conference with the employer and will not open an inspection. However, the CSHO will provide compliance assistance by providing "Big 4" and other applicable safety and health information to the employer.
- D. If the CSHO observes such hazards, the CSHO will conduct a programmed planned inspection in accordance with the UFOM. Due to the nature of construction activity, an expedited opening conference shall be conducted by limiting activities to presenting credentials, identifying the employer and employee representative(s) and explaining the nature, scope and purpose of the inspection. The employer shall be advised that, because of the abbreviated nature of the opening conference, there will be a more extensive discussion at the closing conference. The walk-around inspection will then begin without further delay.

During the walk-around inspection, hazards that are identified shall be addressed with the individual employer or employer representative of the exposed employees. A subcontractor should not be included in the inspection unless a serious violation has been observed by the CSHO.

- E. The CSHO will document all hazardous work exposures as well as review safety and health programs, training records, air monitoring and noise surveys, and any other documentation, as applicable.
- F. During all inspections, the CSHO shall determine whether or not there is project coordination by the general contractor, prime contractor or other such entity and evaluate the effectiveness of the site safety and health plan.
- G. If during the walk-around inspection the CSHO determines that the number of serious and other-than-serious hazards found on the project indicates that the safety and health program/plan is inadequate or is ineffectively implemented, the inspection shall be expanded to a comprehensive inspection. Employees shall be interviewed during the walk-around inspection to aid in the evaluation of the program/plan.
- H. Fall from elevations, caught-in or between, struck-by and electrocution (“Big 4”) will be addressed during both focused and comprehensive inspections due to the evidence that these hazards are a leading cause of injury and death within the construction industry.
- I. When CSHOs observe fall hazards but are unable to begin an immediate inspection (e.g., responding to an incident, etc.), they shall notify the field operations manager (or designee) of their observations. In such cases, CSHOs will provide the following information:
 - 1. Name, address, and/or location of the worksite;
 - 2. The state and condition of the worksite operation, including any apparent serious hazards; and,
 - 3. Name of contractor performing the operations (if known) and the number of workers observed.
- J. Fall hazards referrals brought to the attention of the UOSH Office shall be evaluated, and,

if appropriate, inspected.

- K. Whenever an inspection is initiated under this LEP based on a CSHO self-referral, the CSHO shall include in the casefile narrative a description of the circumstances which prompted the inspection.
- L. At the end of each LEP inspection, the CSHO will provide the employer with information concerning fall protection requirements and protective measures that should be implemented. For example, the CSHO may give the employer the website address for OSHA's fall prevention standards and related outreach materials or provide copies of OSHA publications.
- M. CSHOs must never put themselves in harm's way while conducting an inspection. Supervisors shall ensure CSHOs comply with all UOSH safety and health guidance and requirements. CSHOs should review and follow all UOSH policies and procedures to be prepared for foreseeable hazards which may arise during the inspection.

See Appendix A: "Top Construction Hazard Categories" for examples of common construction hazards.

X. OSHA Information System (OIS) Coding.

In the OIS database, for any programmed inspection under this LEP, the initiating type will be marked as "programmed planned" (under the Inspection Types field, in the Inspection Type tab) and "RESCON" will be selected for State Emphasis Program (under the Inspection Emphasis Programs field, in the Inspection Type tab).

- A. In addition to selecting "RESCON" in the State Emphasis Program field, all programmed inspections under this LEP related to trenching and excavation must be coded with the National Emphasis Program (NEP) code "TRENCH" using the NEP drop-down box located under the Inspection Emphasis Programs field in the Inspection Type tab.
- B. In addition to the above, all programmed inspections under this LEP related to falls must be coded with the NEP code "FALL" using the NEP drop-down box located under the Inspection Emphasis Programs field in the Inspection Type tab.
- C. All unprogrammed enforcement activities related to trenching and excavation and falls must also be coded with the NEP code "TRENCH" and "FALL," respectively, using the NEP drop-down box located under the Inspection Emphasis Programs field in the Inspection Type tab.
- D. For all programmed inspections such as other NEPs/LEPs conducted in conjunction with an inspection under this directive, under the Inspection Type field, in the Inspection Types tab, the initiating type will be marked "program planned" and, in the Inspection Emphasis Programs field, all NEP/LEP OIS codes applicable to the inspection will be selected.
- E. Enforcement and consultation activities related to fall hazards discovered under other LEPs must be coded for all LEPs. For example, enforcement/consultation activities related to fall hazards conducted under the Respirable Crystalline Silica (RCS) LEP must be coded "RCS-LEP" as well as "FALL."

- F. All compliance assistance activities under this LEP will be entered into the OIS database. “RESCON,” “TRENCH” (if applicable), and “FALL” (if applicable) will be selected under the NEP Code field in the “Tasks” section of the “Compliance Assistance” report. Applicable topics (e.g., Fall Prevention – All Construction; Fall Prevention – Residential Construction; Fall Stand-Down) will be selected as appropriate. This data will enable UOSH to determine how many construction workers are affected by UOSH’s compliance assistance.
- G. All consultation activities (Request, Visit, and Compliance Assistance) conducted in response to this LEP will be coded as “RESCON” in OIS, as well as “TRENCH” and “FALL” if applicable.

XI. Program Evaluation.

- A. Abatement documentation/verification will be submitted to or otherwise collected by UOSH for all violations. Proof of abatement must be placed in the case file immediately upon verification.
- B. UOSH will prepare and submit a written evaluation of this LEP to the director or designee. The evaluation will include a recommendation for the continuation or elimination of this program.

XII. Outreach and Education.

The director or designee will assure that Consultation and Education Services Section staff are familiar with this directive and actively promote the LEP when conducting outreach sessions and meetings. Fall from elevations, caught-in or between, struck-by and electrocution hazards covered by this LEP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this LEP will be provided to interested parties upon request.

- A. Compliance assistance resources include:
 - 1. Fall Protection in Construction - [OSHA 3146-2015](#).
 - 2. Construction: Protecting Roofing Workers - [OSHA 3755-2015](#).
 - 3. OSHA Construction eTool - Construction: Falls ([English](#) and [Spanish](#)).
 - 4. OSHA v-Tool - [Falls in Construction/Floor Openings](#).
 - 5. OSHA v-Tool - [Falls in Construction/Skylights](#) (English/Spanish).
 - 6. OSHA v-Tool - [Falls in Construction/Leading Edge Work](#) (English/Spanish).
 - 7. OSHA v-Tool - [Falls in Construction/Reroofing](#) (English/Spanish).
 - 8. [National Campaign to Prevent Falls in Construction](#).
 - 9. [National Safety Stand-Down to Prevent Falls in Construction](#).
 - 10. [Construction Focus Four](#).

- B. UOSH may establish Partnerships and Alliances with employer groups, particularly small employers, and with worker representatives in the industry to share information concerning effective means of controlling and reducing employee exposures, and on workers' rights, including the right to a safe and healthful workplace.
- C. UOSH should identify worker groups with a significant number of construction workers and inform them of their rights and what kind of fall protection measures they should expect their employer to provide in the workplace. Engagement should be focused on building relationships that enable UOSH to effectively intervene to address fall hazards when they are occurring.
- D. Small businesses should be encouraged to contact UOSH's Consultation Program for assistance. UOSH's Consultation Program offers no-cost and confidential safety and health services to small- and medium-sized businesses, with priority given to high-hazard worksites. Consultants work with employers to identify workplace hazards, provide advice for compliance with UOSH rules and OSHA standards incorporated by UOSH, and assist in establishing and improving safety and health programs. Consultation services are separate from enforcement and do not result in penalties or citations. To contact [UOSH Consultation](#), call 1-801-530-6855 or email consultation-program@utah.gov.

APPENDIX A

TOP CONSTRUCTION HAZARD CATEGORIES

1. **FALL PROTECTION** - Serious hazards associated with Fall Protection.
 - No guardrails (6' or greater in height)
 - No personal fall arrest systems (6' or greater in height)
 - No fall protection plan (must prove infeasibility or greater hazard)
 - Wall/window/floor openings not guarded or covered

2. **ELECTRICAL** - Serious hazards associated with Electrical Installations.
 - No ground fault current interrupter (GFCI)
 - Damaged electrical cords/tools
 - Exposure to energized electrical equipment and power lines

3. **CAUGHT IN/BETWEEN** - Serious hazards associated with trenching and excavation.
 - Excavation/Trench cave-ins
 - Unguarded machinery and equipment

4. **STRUCK BY** - Serious hazards associated with being injured by.
 - Falling objects
 - Vehicles

5. **SCAFFOLDS** - Serious hazards associated with Scaffolds and Scaffold Platforms.
 - No guardrails (10' or greater in height)
 - Single or damaged scaffold planks/platforms
 - No personal fall arrest system (ladder jack scaffolds)
 - Scaffold is not designed with a 4 times safety factor
 - Rough terrain forklift work platform (not tied off, platform not secured)

6. **LADDERS** - Serious hazards associated with Fixed and Portable Ladders.
 - Extension ladder is not extended 3' above the roof or other surface
 - Extension ladder is not tied off (using ladder to access the roof)
 - Standing on the top step or cap of a step ladder

- Damaged/broken ladders
7. Not providing a ladder for access to heights greater than 19”**PERSONAL PROTECTIVE EQUIPMENT** - Serious head, eye, and extremity injuries.
- No hard hats (falling objects, swinging lumber, moving equipment)
 - No safety glasses (flying debris, grinding/cutting)
 - No hearing protection (equipment and tool noise)
 - Gloves (cuts, lacerations, abrasions, thermal or chemical burns)
 - Foot guards/safety shoes (falling or rolling objects)
 - Respirators (harmful dusts, fogs, fumes, mists, gasses, smokes, sprays, or vapors)
8. **TOOL GUARDING** - Serious hazards caused by unguarded tools and equipment.
- No guards on saws and grinders
 - Safety guards disabled
 - Tools not in good working condition
 - Use the right tool for the job
 - Operate tools and equipment according to the manufacturer's instructions