

HIOSH DIRECTIVE

OSHA MEMORANDUM OF 1/11/1995	EFFECTIVE DATE: September 4,1996
SUBJECT: Focused Inspections in Construction	

This HIOSH directive is a compilation of three (3) memos on the subject:

- 1) August 22, 1994 Memorandum from James W. Stanley, Deputy Assistant Secretary for OSHA;
- 2) Amendment from James W. Stanley dated January 11, 1995; and
- 3) HIOSH Inter-Office Memorandum dated May 24, 1995 adopting the above memos with changes allowing HIOSH Certified Safety and Health Professionals (CSHPs) to evaluate the jobsite for eligibility for focused inspections, and revised on September 4, 1996.

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
INTER-OFFICE MEMORANDUM

Date: May 24, 1995
Revised: September 4, 1996
Revised: June 25, 1999

TO: All Branch Managers and District OSHCOs
FROM: Jennifer Shishido, Administrator
SUBJECT: Guideline to Compliance Officers for Programmed Construction Inspections, Construction Safety Referral Inspections, and Construction Fatality or Complaint Inspections (**Focused Inspections in Construction**)

This memorandum provides basic guidance to compliance officers for determining which projects are eligible for focused construction inspections and how those inspections are to be conducted. It is intended to be supplemented locally by training and, if appropriate, through local emphasis programs. The policy set forth herein supersedes anything issued previously that is to the contrary.

BACKGROUND:

Under previous agency policy all construction inspections are comprehensive in scope, addressing all areas of the workplace and by inference all classes of hazards. This guidance may have caused compliance officers to spend too much time and effort on a few projects looking for all violations and, thus, too little time overall on many projects inspecting for hazards which are most likely to cause fatalities and serious injuries to workers. Presently, a contractor is likely to be cited for hazards that are unrelated to the four leading causes of death that make up 90% of all construction fatalities (falls from elevations – 33%; struck-by – 22%; caught in/between – 18%; electric shock – 17%). Although these other conditions are important, the time and resources spent to pursue them on a few projects can be better spent pursuing conditions on many projects related to the four hazard areas most likely to cause fatalities or serious injuries. The goal of OSHA's construction inspections is to make a difference in the safety and health of employees at the worksite. To accomplish this, the CSHO's time will be more effectively spent inspection the most hazardous workplace conditions. The CSHO shall conduct comprehensive, resource intensive inspections only on those projects where there is inadequate contractor commitment to safety and health. It is this group of employers that will receive our full attention.

ACTION:

1. Effective August 22, 1994, all construction inspections shall have opening conferences consistent with current division guidelines, and then shall proceed as follows:
 - a. During all inspections, CSHOs shall determine whether or not the controlling contractor (i.e., the prime, general, or other such entity):

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- i. Has an adequate safety program that meets the guidelines set forth below, and
- ii. Has a person responsible for and capable of implementing the program

If the above controlling contractor meets both of these criteria, then a focused inspection shall be made. If, however, the contractor does not meet both of these criteria, then the inspection shall proceed in accordance with previously established guidelines for comprehensive inspections.

- b. In lieu of determining that the controlling contractor meets both criteria as in a. above, CSHOs may accept a letter signed by a HIOSH Certified Safety and Health Professional (CSHP) attesting that he/she has conducted an onsite evaluation of the jobsite and the jobsite meets the above criteria for a focused inspection. The evaluation and letter must be dated after the project start date and must be signed by the CSHP and include her/her CSHP number. (HIOSH amendment of September 4, 1996)
 - c. During all safety programmed, referral, complaint, and fatality inspections, the CSHO shall inspect the worksite in regard to the referral/complaint/fatality item(s), and then will proceed in accordance with paragraph 1.b.
 - d. All health inspections shall be conducted in accordance with current division guidelines.
2. An adequate safety and health program must minimally comply with §12-110-2, HAR.
 3. Focused inspections shall concentrate primarily on 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 material handling equipment and construction vehicles). However, during the course of the focused inspection, citations shall be proposed for any serious hazards (beyond the previously mentioned four groups of hazards) which are observed by the CSHO. Other-than-serious hazards which are abated immediately, and this abatement is observed by the CSHO, shall not be cited. If during the walkaround, the CSHO determines that the number of serious and other-than-serious hazards found on the project indicates that the safety program is inadequate or is ineffectively implemented, then the inspection may be expanded beyond the focused areas.

FOCUSED INSPECTIONS IN CONSTRUCTION – INSTRUCTIONAL MATERIALS

A. General Guidelines

1. The Focused Inspections Initiative that became effective October 1, 1994 (May 24, 1995 for HIOSH) is a significant departure from how OSHA/HIOSH has previously conducted construction inspections. This Initiative will recognize the efforts of responsible contractors who have implemented an effective safety and health program, and will encourage other contractors to voluntarily comply with the HIOSH standards. The number of inspections is no longer driving the construction inspection program. The measure of success of this new policy will be an overall improvement in construction jobsite safety.
2. The Focused Inspections Initiative will enable OSHA/HIOSH to focus on the leading hazards that cause 90% of the injuries and deaths. The leading hazards are:
 - a. Falls (e.g., floors, platforms, roofs),
 - b. Struck-by (e.g., falling objects, vehicles),
 - c. Caught in/between (e.g. cave-ins, unguarded machinery, equipment),
 - d. Electrical (e.g., overhead power lines, power tools and cords, outlets, temporary wiring).
3. Under the Focused Inspection Initiative, the CSHO will ask if a CSHP has issued a letter for the jobsite, certifying its eligibility for a focused inspection. In order to qualify, the following conditions must be met:
 - a. The contractor must produce a letter from a current CSHP certifying that the project is eligible for a focused inspection;
 - b. The CSHPs onsite evaluation must have occurred after the start of the project; and
 - c. The letter must be signed and dated by the CSHP and include his/her CSHP Number.
4. If the project meets the above criteria, a walk-around inspection shall be conducted focusing on:
 - a. The four leading hazards listed above and
 - b. Serious hazards observed by the CSHO
5. The CSHO conducting a Focused Inspection is not required to inspect the entire project. Only a representative portion of the project need be inspected.
6. After qualifying the project for a focused inspection, if conditions observed on the project indicate either that the safety and health program is not effective or there is no responsible person on the project, the CSHO may immediately terminate the Focused Inspection and conduct a comprehensive inspection. The discovery of serious violations during a Focused Inspection need not automatically convert the Focused Inspection into a comprehensive inspection. These decisions will be based on the professional judgment of the CSHO.

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7. The Focused Inspection Initiative should be publicized to the maximum intent possible so as to encourage contractors to voluntarily establish safety and health programs prior to being inspected.
8. The Focused Inspection Initiative will be continuously evaluated and modified based on experience with the program.

B. SPECIFIC GUIDELINES.

1. The Focused Inspections Initiative policy applies only to construction safety inspections. Construction health inspections will continue to be conducted in accordance with current division guidelines.
2. A project determined not eligible for a Focused Inspection shall be given a comprehensive inspection with the necessary time and resources to identify and document violations.
3. A comprehensive inspection shall be conducted when there is no single controlling contractor responsible for all employers and employees on the project.
4. A request for a search warrant will not affect the determination as to whether a project will receive a Focused Inspection.
5. On jobsites where unprogrammed inspections (complaints, fatalities, etc.) are being conducted, the determination as to whether to conduct a Focused Inspection shall be made only after the complaint or fatality has been addressed.
6. All contractors and employee representatives shall, at some time during the inspection, be advised why a Focused or a comprehensive inspection is being conducted.
7. A brief justification will be included in each case file as to why a Focused Inspection was or was not conducted.
8. Although the walk-around shall focus on the four leading hazards, citations shall be issued for any serious violations found during a Focused Inspection, and for any other-than-serious violations which are not immediately abated. Other-than-serious violations which are immediately abated shall not be cited, but the violation and the abatement method shall be documented in the case file (using the Field 1B).
9. For coding purposes on the OSHA-1, a Focused Inspection will be considered to be a partial inspection. The IMIS code for Focused Inspections shall include a notation of the total number of contractors affected (i.e., prime plus subcontractors on site). For example, if there is a prime and three subcontractors, the inspection would be recorded as follows:

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