

# OSHA's Focused Inspection Program in Construction

## Journeyman Technical Information Paper 1



### What is a focused inspection?

When a general construction contractor has implemented a safety and health program — with worker involvement — that appears to be effective, an OSHA inspector may choose to conduct only a partial inspection of a worksite, focusing on the hazards known to cause the most deaths.

The focused inspections look at these types of hazards:

- Fall
- Electrical
- Caught in/between (such as, a trench cave-in or getting caught between a crane's rotating part and the truck)
- Struck by (such as, masonry falling from a scaffold).

A safety and health program usually starts with a written plan. The plan explains how safety and health laws and regulations are to be obeyed, in plain language — with an analysis of stages or activities that

require special attention or supervision. Among other topics, the plan should include procedures for injury reports, where material safety data sheets are kept, supervisor and employee safety training, and procedures for regularly inspecting the site and correcting any potential hazards.

The focused approach assumes that:

- Responsible contractors have effective safety and health programs
- Adequate programs cover all safety and health hazards likely to turn up in construction work
- There is coordination among all project contractors regarding safety and health
- Worker participation shows employer commitment, as well, and raises employee awareness of safety.

### Why does OSHA use focused inspections?

OSHA's focused inspection program is intended to direct limited inspection and enforcement resources where they are most needed in the construction industry. A focused inspection takes about one-fourth to one-third the time of a full inspection. An inspector thus can inspect more projects, especially those lacking safety and health programs.

Injuries kill more than 1,000 construction workers each year in the United States — more than in any other industry. Nearly 200,000 workers are seriously injured each year.

Roughly three-fourths of the deaths in construction are linked to the four hazards:

- Falls from elevations (about 410 deaths a year)
- Electrical shock (about 150 deaths a year)
- Struck by (about 110 deaths each year)
- Caught in/between (about 100 deaths each year).

The focused approach is particularly important, because, three decades after the 1970 Occupational Safety and Health Act, construction workers in the United States are still more likely to be killed by injuries on the job than in many other industrial countries.

## What happens during a focused inspection?

To qualify for a focused inspection, a site must have:

- Project coordination by a general/prime contractor or similar entity
- A designated competent person on site\*
- An adequate safety and health program (*see* Definitions, page 6).

Even when contractors qualify for such inspections, any complaint or death is investigated using traditional methods. If inspectors find serious violations during a focused inspection, they may decide the safety and health program is not effective and do a complete inspection. At the same time, during a focused inspection, if few or no violations are found, the inspector may end the inspection.

As in other inspections, worker representatives are invited to go with the OSHA compliance officers to assist in the inspection. The reps should be chosen by the union(s) or workers on site.

In a focused inspection, the OSHA inspector does five things:

1. Finds out if there is a comprehensive safety and health program covering all employers on the project and a designated competent person (s).

The inspector asks officials of the “controlling” or overall/general contractor, for a paper copy of the program. If there isn’t a document, the inspector asks the competent person on site about the program and how it is used by all contractors on the site.

The program must assure compliance with OSHA regulations. (OSHA also has guidelines about good programs.) If there seems to be no coordination among contractors, a full inspection will normally take place.

2. Asks questions to ensure the program works.

The inspector looks for evidence the program works. OSHA 300 logs are checked. Inspectors talk to workers, foremen, superintendents, and safety reps about how the program is run and by whom, the most important safety hazards on the project, how quickly identified hazards are corrected, and how workers are trained. Workers are expected to have participated in setting up and implementing the program; this usually means a joint safety and health

committee with worker representatives from all trades on site, elected by the workers or union(s).

The inspector looks for such things as evidence of a fall protection system, compliance with excavation procedures, safety railings, wash-up facilities, and effective housekeeping.

Workers must be trained about possible hazards and how to avoid them. Topics range from general safety and health hazard awareness to specific knowledge of chemicals (such as, asbestos and lead). Other topics workers should be trained on include fall protection, underground construction, ladders, ground-fault protection, and compressed air. (These rules are all in 29 CFR Part 1926, the OSHA construction standard.)

3. Concentrates on the four major hazards during the inspection.

If the site qualifies for a focused inspection, the inspection is limited to the four high-risk hazards. This means the inspector:

- Looks at a “representative” part of the site
- Talks to employees and supervisors
- Watches work being done.

4. Writes citations, if any of the major safety hazards are found, but not for “other than serious” hazards that are fixed immediately.

An inspector is not to cite (write up) problems considered “other than serious,”\*\* if they are fixed as the inspector watches. However, serious legal infractions and other-than-serious violations that are not fixed right away must be cited. Finding serious problems does not automatically change an inspection from focused to comprehensive, although an inspector usually will decide to expand an inspection.

If citations are issued, contractors who qualify for a focused inspection will normally get a 25% reduction in the assessed monetary penalty because of their “good faith” in having a safety and health program.

5. Justifies why a focused or comprehensive inspection is done.

All contractors and employee reps on a site are told what type of inspection is being done and why. This can be done in person or on an OSHA form, which the inspector can give to the contractor to post at the site.

\*OSHA defines a competent person as one who can identify existing and predictable hazards and is authorized to act promptly to correct them.

\*\* “Other than serious” violations have a direct and immediate relationship to a worker’s health or safety, but are not likely to result in death or serious physical harm.

## Making focused inspections work for you

Here are suggestions about how to take advantage of focused inspections as an employer, worker, or worker rep. These approaches can save money (in compensation costs, fines, and liability) and lives.

### General contractors/employers

- Have a competent person who is properly trained, knows how to identify and solve safety and health problems, and has the authority to resolve them.
- Set up a joint safety and health committee with at least 50% worker representation, with worker reps chosen by the workers or unions.
- Ensure all trades and subcontractors are represented on the committee (membership will change as the project goes on, but think of ways to get continuity).
- Ensure that committee reps can fully participate, without fear of retaliation.
- Develop, implement, and routinely evaluate a complete safety and health program with the committee and the designated person (remembering that health hazards are important also).
- Do at least the minimum required by law to:
  - Train workers and supervisors about hazards and their prevention and emergency procedures for when things go wrong
  - Provide hazard information to workers and their representatives
  - Ensure that supervisors' responsibilities include safety and health as much as production
  - Conduct frequent and regular inspections of the worksite
  - Keep accurate OSHA 300 logs (if there are 11 or more employees)
  - Ensure rules are followed.
- Have regular and meaningful toolbox meetings.
- Get and keep accessible all relevant OSHA and industry safety and health materials.
- Make sure subcontractors know about and use the program.
- Allow time for joint labor-management safety and health meetings, including preparation and follow-up.
- Go beyond OSHA rules, for they are the minimum required (remembering the general duty clause in the law may be used to cover hazards for which there are no specific regulations).
- Ensure problems the committee identifies are fixed (or the committee gets a response) quickly and respectfully.

### Workers/unions

- Push for joint safety and health committees.
- Train stewards about safety and health law and what joint committees should do.
- Seek to have every worker get at least 10 hours of OSHA hazard awareness training.
- Coordinate with other trades to protect against safety and health hazards.
- Don't let the safety focus take away from health issues such as heavy lifting, noise, breathing dusts (such as, asbestos, lead, silica, and welding fumes), and working with chemicals.
- Insist on a safety and health program that includes:
  - Real worker participation to identify and fix problems
  - Short-term and longer-term solutions
  - Regular and useful toolbox meetings that involve stewards and worker reps
  - A process that encourages workers to identify and report hazards
  - Disciplinary procedures (including dismissal) for superintendents or foremen who don't implement safety and health rules or the program
  - Time limits for fixing things; evaluating the solution(s) to ensure they work
  - Worker participation in OSHA inspections or investigations
  - A written policy that there will be no discrimination or adverse consequences for safety and health committee members doing their jobs or for workers and others who report hazards.
- Ensure that the worker "representative" acts on behalf of all workers on site and seeks to identify any hazard, not just hazards affecting one craft.
- Help inspectors to identify all serious hazards, whether or not they are in one of the four high-risk categories
- Encourage workers to ask for copies of and review the OSHA 300 and 301 forms for all injuries and exposures that may cause problems later (such as, asbestos)
- Remember: OSHA rules are the minimum required of employers.

## For more information:

### OSHA

#### Documents on the OSHA Internet web site ([www.osha.gov](http://www.osha.gov))

- The regulation that includes information on inspections and competent persons is 29 CFR 1926, Subpart C., General Safety and Health Provisions. You may look at regulations at local OSHA offices.
- 1926.20, 1926.21, and related general safety and health provisions are explained in *Clarification of Citation Policy*, dated 6/22/87. Copies are at [http://www.osha-slc.gov/OshDoc/Directive\\_data/STD\\_3-1\\_1.html](http://www.osha-slc.gov/OshDoc/Directive_data/STD_3-1_1.html)
- *Guidance to compliance officers for focused inspections in the construction industry*. Memorandum for OSHA Regional Administrators from James Stanley, Deputy Assistant Secretary, OSHA, Department of Labor. August 22, 1994.
- The rule saying inspectors do not have to inspect an entire construction site is found in Compliance Directive 2.103, September 26, 1994, *Field Inspection Reference Manual*, chapter II, section A.1.b. (This was being revised in mid-2003.)
- *Construction focused inspections initiative. Handout for contractors and employees* (part of the “Guidance” listed above)
- Safety and health program management guidelines. They were published in the *Federal Register* on January 26, 1989 (54 FR 3904).

#### National, regional, and state-plan offices

Contact your local area office or your state plan office or call 1-800 321-OSHA and you will be put in touch with the OSHA office nearest you.

Ask for the **construction coordinator** at each regional office:

Region I (Boston) 617-565-9860

Region II (New York) 212-337-2378

Region III (Philadelphia) 215-861-4900

Region IV (Atlanta) 404-562-2300

Region V (Chicago) 312-353-2220

Region VI (Dallas) 214-767-4731

Region VII (Kansas City) 816-426-5861

Region VIII (Denver) 303-844-1600

Region IX (San Francisco) 415-975-4310

Region X (Seattle) 206-553-5930

These are phone numbers for OSHA **state plans**:

Alaska, 907-465-4839

Arizona, 602-542-5795

California, 415-703-5070

Hawaii, 808-586-9116

Indiana, 317-232-2378

Iowa, 515-242-5870

Kentucky, 502-564-3070

Maryland, 410-767-2213

Michigan, 517-322-1814

Minnesota, 651-284-5372

Nevada, 702-687-5240

New Mexico, 505-827-4230

North Carolina, 919-807-2861

Oregon, 503-378-3272

Puerto Rico, 787-756-1100

South Carolina, 803-734-9606

Tennessee, 615-741-2793

Utah, 801-530-6898

Vermont, 802-828-2765

Virgin Islands, 340-772-1315

Virginia, 804-371-2327

Washington, 360-902-5495

Wyoming, 307-777-7786

#### Related standards

- *Safety and health program requirements for multi-employer projects* (American National Standards Institute, ANSI A10.33).
- *Basic elements of an employer program to provide a safe and healthful work environment*, ANSI A10.38.

These are available in some libraries.

## Some Building Trades Contacts

### **BCTD**

Building and Construction Trades Department  
1155 15<sup>th</sup> St., NW, 4<sup>th</sup> Floor  
Washington DC 20005  
Tel: 202-347-1461  
Fax: 202-628-0724  
[www.bctd.org](http://www.bctd.org)

### **BCTD Research, Development, & Training Arm**

The Center to Protect Workers' Rights  
8484 Georgia Ave., # 1000  
Silver Spring, MD 20910  
Tel: 301-578-8500  
Fax: 301-578-8572  
[www.cpwr.com](http://www.cpwr.com)

### **BCTD Affiliates**

International Association of Heat and Frost  
Insulators and Asbestos Workers  
9602 Martin Luther King Hwy.  
Lanham, MD 20706  
Tel: 301-731-9101 / Fax: 301-731-5058  
[www.insulators.org](http://www.insulators.org)

International Brotherhood of Boilermakers, Iron Ship  
Builders, Blacksmiths, Forgers and Helpers  
753 State Ave.  
Kansas City, KS 66101  
Tel: 913-371-2640 / Fax: 913-281-8101  
[www.boilermakers.org](http://www.boilermakers.org)

International Union of Bricklayers and Allied Craftworkers  
1776 Eye St. NW  
Washington, DC 20006  
Tel: 202-783-3788 / Fax: 202-393-0219  
[www.bacweb.org](http://www.bacweb.org)

United Brotherhood of Carpenters and Joiners  
of America  
101 Constitution Ave., NW  
Washington DC 20001  
Tel: 202-546-6206 / Fax: 202-543-5724  
[www.carpenters.org](http://www.carpenters.org)

International Brotherhood of Electrical Workers  
1125 15<sup>th</sup> Street, NW  
Washington DC 20005  
Tel: 202-833-7000 / Fax: 202-728-6099  
[www.ibew.org](http://www.ibew.org)

International Union of Elevator Constructors  
7154 Columbia Gateway Dr.  
Columbia, MD 21046  
Tel: 410-953-6150 / Fax: 410-953-6169  
[www.iuec.org](http://www.iuec.org)

International Association of Bridge, Structural,  
Ornamental and Reinforcing Iron Workers  
1750 New York Ave., NW, #400  
Washington DC 20006  
Tel: 202-383-4800 / Fax: 202-638-4856  
[www.ironworkers.org](http://www.ironworkers.org)

Laborers' International Union of North America  
905 16<sup>th</sup> Street, NW  
Washington DC 20006  
Tel: 202-737-8320 / Fax: 202-737-2754  
[www.liuna.org](http://www.liuna.org)

International Union of Operating Engineers  
1125 17<sup>th</sup> St., NW  
Washington DC 20036  
Tel: 202-429-9100 / Fax: 202-778-2619  
[www.iuoe.org](http://www.iuoe.org)

Operative Plasterers' and Cement Masons'  
International Association of the United States and Canada  
14405 Laurel Pl., Suite 300  
Laurel, MD 20707  
Tel: 301-470-4200 / Fax: 301-470-2502  
[www.opcmia.org](http://www.opcmia.org)

International Union of Painters and Allied Trades  
1750 New York Ave., NW  
Washington DC 20006  
Tel: 202-637-0700 / Fax: 202-637-0771  
[www.iupat.org](http://www.iupat.org)

United Union of Roofers, Waterproofers and  
Allied Workers  
1660 L St., NW, Suite 800  
Washington DC 20036-5603  
Tel: 202-463-7663 / Fax: 202-463-6906  
[www.roofersunion.org](http://www.roofersunion.org)

Sheet Metal Workers' International Association  
1750 New York Ave., NW  
Washington DC 20006  
Tel: 202-783-5880 / Fax: 202-662-0894  
[www.smwia.org](http://www.smwia.org)

International Brotherhood of Teamsters  
25 Louisiana Ave., NW  
Washington DC 20001  
Tel: 202-624-6800 / Fax: 202-624-8102  
[www.teamsters.org](http://www.teamsters.org)

United Association of Journeymen and  
Apprentices of the Plumbing and Pipe Fitting  
Industry of the United States and Canada  
901 Massachusetts Ave., NW  
Washington DC 20001  
Tel: 202-628-5823 / Fax: 202-347-4938  
[www.ua.org](http://www.ua.org)

## Definitions

**Abatement date** - Deadline given by OSHA for removal or control of a hazard.

**Citation** - The notice OSHA sends to employers and to local unions describing a hazard, the OSHA standard or section applicable to the hazard, the date for abatement, and the penalties. Citations are alleged for 15 working days after the employer receives them. During this 15-day period, the employer and employee representatives can ask for an informal meeting with the office that issued the citations. The employer can ask for a deletion of a citation or penalty. The employer or employee representative can ask for a change in the abatement date. Proof of abatement is required under 1903.19.

**Competent person** - Someone who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees and who has authorization to take prompt, corrective measures to eliminate them.

### Inspections

**Comprehensive** - The OSHA *Field Inspection Reference Manual* (1994) says this is a “substantially complete” inspection of areas that may have a fair number of hazards. It does not mean that all possible hazards are inspected.

**Partial** - The OSHA *Field Inspection Reference Manual* says this type of inspection is *focused* on certain areas, operations, conditions, or practices that may be hazardous. During an inspection, it may become obvious that a focused inspection is not enough. In such a case, the inspector can use “professional judgment” to expand the inspection.

**Safety and health program** - A safety and health program usually starts with a written plan that spells out the goals of having a safe and healthy workplace. The rest of the document explains how the safety and health laws and regulations are to be obeyed, in plain language — with an analysis of stages or activities that require special safety inspection or supervision. Among other topics, the plan should include procedures regularly inspecting for and correcting potential hazards, where material safety data sheets are kept, supervisor and worker safety training, toolbox meetings, and procedures for injury reports.

**Safety and health committee** - A committee that can be set up in a union or union local to investigate safety and health problems, train union members, or represent members’ interests in dealings with government, employers, or other unions. Site-based joint labor-management committees are required in Washington state and some Canadian provinces, such as Ontario. Even if not required, a committee can be set up by contract or agreement with the employer — and is an excellent way to demonstrate employee involvement in safety and health programs. Construction site committees are usually multi-union, with at least half the committee members representing unions on the job.

**Violation** - A citation from OSHA indicating that a specific part of the OSHA law or regulation was not obeyed or used.

**Serious** - OSHA believes it is likely that a worker could die or be seriously injured by the situation.

**Other-than serious** - Death or serious physical harm is not the most likely result from a hazardous situation. However, the problem does have a direct and immediate relationship to a worker’s health or safety.

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