



INDIANA

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Directive: LEP-CON-RESCON1
Subject: Emphasis Program for Residential Construction Projects
Effective Date: February 2nd, 2021

ABSTRACT

Purpose: The purpose of this Local Emphasis Program (LEP) is for safety and health inspections of residential construction projects, including single and multi-family homes.

References: Indiana Field Operations Manual (IFOM)
OSHA Instruction CPL 02-00-025

Expiration: This instruction will terminate five years from the effective date.

Action Offices: Indiana Occupational Safety and Health Administration (IOSHA) Construction Safety Division

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By and under the authority of:

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I. Purpose

The purpose of implementing this Local Emphasis Program (LEP) is for safety and health inspections of residential construction projects, including single and multi-family homes. By effectively targeting active residential construction sites for inspections, this program compliments the Indiana Department of Labor's (IDOL) mission to *advance the safety, health and prosperity of Hoosiers in the workplace* by proactively identifying and addressing the hazards associated with residential construction; rather than relying on complaints and referrals which are often received after an accident has occurred.

The IOSHA Fall LEP relies upon Compliance Safety and Health Officer (CSHO) observations of elevated work apparent from the outside of building structures or within general industry settings. The Fall LEP does not adequately address other hazards associated with residential construction that would not be readily observable by CSHOs driving by the work sites. These hazards include, but are not limited to, the following: overhead power lines; inadequate structural integrity and capacity; scaffold bracket, pump jack and wood pole scaffold failing or collapsing; hazards associated with falling from ladders and fall hazards not otherwise observable from the street (i.e. floor openings); truss collapses; struck-by hazards of power and pneumatic tools; amputation hazards from the use of compound miter, circular, and table saws; struck-by and other hazards from construction vehicles such as skid steers, cranes, and dump trucks; and caught-in-between hazards when framed walls are improperly lifted. This Residential Construction LEP would therefore not duplicate, but would complement, the current Fall LEP in that it would allow IOSHA to address residential construction hazards not targeted by the Fall LEP.

II. Scope

This notice applies to all Indiana OSHA Construction Safety enforcement operations.

III. References

Indiana Field Operations Manual (IFOM)

IV. Expiration

This instruction will terminate five years from the effective date.

V. Action

IOSHA will implement the procedures described in paragraph VIII of this notice in response to the potential of imminent danger or serious hazards that are identified in residential construction sites.

VI. Policy

IOSHA shall use the LEP as described herein as the basis for scheduling and conducting safety and health inspections of Indiana workplaces where residential construction hazards have been alleged or identified, or where residential construction hazards may be present. Inspections may be expanded to comprehensive inspections of worksites, including multi-employer sites, in accordance with the guidelines established in the IFOM.

VII. Background

There are many residential construction sites throughout the state of Indiana. Due to the fact that most single and multi-family homes are built off of the main roadways and much of the work is in the interior of the building, IOSHA's ability to conduct inspections on these types of environments has been limited to responding to fatalities, "formal" complaints, or referrals. There have been only a limited number of complaints and referrals filed with IOSHA considering the number of these types of projects observed. The inspections conducted on these types of projects have identified numerous serious hazards such as: open floor holes, unprotected and improperly installed temporary electrical installations, unguarded wall openings, failure to use personal protective equipment, and struck-by hazards with heavy equipment.

- A. According to the federal Bureau of Labor Statistics' (BLS) Census of Fatal Occupational Injuries (CFOI), in Indiana, out of the 92 construction fatalities over a five-year period (2014 – 2018), over 20% (20) of them have been related to work on residential construction sites.
1. In 2014, there were five (5) fatalities.
 2. In 2015, there were four (4) fatalities.
 3. In 2016, there was one (1) fatality.
 4. In 2017, there were four (4) fatalities.
 5. In 2018, there were six (6) fatalities.
- B. Based on IOSHA's experience, an LEP that increases awareness and accelerates enforcement activity reduces injuries. It is also recognized that a tracking mechanism for these types of inspections would prove beneficial in monitoring the area of residential construction hazards. This LEP is designed to increase inspection activity, provide tracking, enhance training, and formalize procedures. It will also serve as a means of conducting enhanced outreach regarding residential construction safety.
- C. Hazards to be addressed by this Residential Construction LEP that are not currently addressed by the IOSHA Fall LEP or other emphasis programs include, but are not limited to, the following:
1. **Truss Collapse:** Wooden truss collapses result in most cases from the failure to follow the manufacturer's erection and bracing procedures. The procedures are set forth by the Truss Plate Institute. Other contributing factors to truss collapse are the loading of the trusses before they are secured and braced, and their erection without the use of proper equipment (e.g., all-terrain powered industrial truck with approved lifting attachments). Truss collapses often result in serious injury or death.
 2. **Floor Openings:** Floor openings are prevalent throughout residential projects, including openings for stairways and fireplaces. The failure of the contractor to adequately install floor-hole covers may result in serious injury and death.
 3. **Power Tools:** Hazards associated with power tool use include defective guards, frayed and damaged/defective power cords, electrical shocks, and failure to provide ground fault circuit interrupters (GFCI). The employer is responsible for the safe condition of tools and equipment used on site, including those tools and equipment that may be furnished by employees.
 4. **Pneumatic Tools:** Pneumatic tools, including air-powered nail guns, are prevalent throughout residential construction jobsites. Hazards associated with pneumatic tools include inadequate or missing guards, and lack of training on their safe use.
 5. **Amputations:** Compound miter saws, circular saws and table saws whose guards have been altered, damaged, or removed are a major source of injury for residential construction employees. Training in the use of all types of saws used in residential construction should be instituted by employers.
 6. **Scaffolds:** The major scaffold types addressed in residential construction include pump jack, wood pole, ladder jack, carpenter bracket and tubular welded frame scaffold. Issues that need to be addressed include competent person training, user training, fall protection, safe access, as well as proper erection and dismantling.
 7. **Electrical hazards:** Employees may come into contact with overhead power lines, unprotected or incomplete interior electrical work, and improper temporary electrical supply. These hazards could result in electric shock or electrocution.

8. Struck-by and Caught-in-between hazards: Employees may become exposed to these hazards when working near moving equipment and machinery including, but are not limited to, the following: skid steers, dump trucks, cranes, and excavation equipment. In addition, improper lifting of large building materials, like framed walls, can also create these hazards.
9. Ladders: Employees may be exposed to falls from ladders inside the building due to damaged equipment, improper use, and lack of training.

VIII. Procedures

The following procedures will be used in targeting, scheduling, and tracking inspections conducted under this LEP:

- A. Compliance Safety and Health Officers (CSHOs) shall attempt to contact a supervisor to initiate an immediate inspection under this LEP whenever they observe residential construction work, regardless of whether a violation is readily observed. These observations may occur during the course of their normal work-day travel or while engaged in programmed or un-programmed inspections.
- B. Any work at residential construction sites that is brought to the attention of IOSHA shall be evaluated, and, if appropriate, inspected (e.g., from referrals or complaints).
 1. Typical residential construction activities include, but are not limited to, the following: site preparation and excavation, masonry construction, framing, roofing, siding, mechanical, electrical, plumbing, drywall and insulation, painting, and flooring.
- C. After IOSHA receives a notification of residential construction work, the supervisor will determine if the site has been inspected within the last 30 days and make one of the following decisions:
 1. If the site has not been inspected within the last 30 days, permission will normally be granted to the CSHO provided that this activity does not conflict with higher priority inspection activity, and provided that the CSHO has the necessary expertise, equipment, and supplies to conduct the inspection.
 2. If the site has been inspected within the last 30 days, an inspection will be authorized only if an imminent danger hazard appears to be present, or at the Division Director's discretion.
 3. If the CSHO has no readily available means to contact his or her supervisor or is otherwise unable to reach IOSHA office personnel who can authorize the inspection, the CSHO will begin an immediate limited scope inspection.
- D. If the inspection identifies an imminent danger situation, the CSHO will remain at the site to observe the abatement procedures.
- E. For programmed inspections, the Director may request a random project list of residential construction sites within IOSHA's jurisdiction through the Office of Statistical Analysis (OSA). The OSA will use the NAICS codes listed in Appendix A of this document to provide the inspection cycle lists to IOSHA. These inspection lists will include, among other items, identification of specific residential construction sites, general contractor/owner, and targeted start up and completion dates.
 1. Inspection cycles of five or more establishments will be randomly generated. When selecting projects for inspections, administratively neutral criteria will be applied to the names on the inspection register.
 2. Within a cycle, the construction sites may be scheduled and inspected in any order that makes efficient use of available resources. When a cycle is completed, IOSHA

may generate a new cycle. All of the sites in a cycle must be inspected before any sites in a new cycle are inspected. Carryovers will be allowed, as provided in OSHA Instruction CPL 02-00-025, at paragraph B.1.b.(1)(e).

3. All employers, regardless of size, present on a selected site will be inspected, including those that employ ten or fewer employees. Inspections of small employers will be conducted because of the high industry rate and the nature and severity of the injuries and illnesses caused by the hazards noted in the background paragraph.

IX. OSHA Express Recording and Coding

To ensure the appropriate information is captured in OSHA Express for inspections conducted under this LEP, IOSHA staff will be directed to do the following:

- A. Inspections will be coded “Programmed Planned” under “Inspection Type”
- B. Under the “Emphasis/Initiatives” tab, “RESCON” will be selected by Local Emphasis Description.
- C. Nonformal Complaints will be recorded as Formal Complaints.

X. CSHO Protection and Training

Inspections under this LEP are to be conducted by CSHOs who have received training on the LEP, and the hazards associated with the industries most likely to be encountered. CSHOs shall wear the appropriate personal protective equipment (PPE) including, but not limited to, the following: hard hat, steel toed shoes, safety glasses, and reflective vests.

XI. Evaluation Procedures

It is important that this program be evaluated in a timely manner to assess its potential future value and to make any necessary modification.

- A. The Indiana Department of Labor (IDOL) will collect evaluations and prepare mid-term and final evaluation reports that includes the following information:
 1. An evaluation of the number of related fatalities over the past five years available through the BLS records.
 2. An evaluation of the number of related injuries and illnesses over the past five years available through the BLS records.
 3. An evaluation on the number of related in-compliance inspections from the OSHA Express application.
 4. An evaluation of the total number of employees removed from the related hazards as a result of the intervention by IOSHA and INSafe through the OSHA Express application.
 5. The number of employees or establishments impacted by outreach activities recorded in OSHA Express.
 6. The number of hazards recorded as abated in the OSHA Express application.
 7. An evaluation of residential construction fatalities and the associated NAICS codes.
- B. IDOL shall prepare and submit the mid and final evaluation reports to the Deputy Commissioner.

XII. Outreach Activities

IDOL will implement a 90-day outreach program that supports the purpose of this LEP prior to beginning enforcement. IDOL will ensure an outreach program will continue during the enforcement phase of the program. Outreach activities will be conducted by the IDOL's workplace safety and health consultation division, INSafe, and IOSHA. Activities will be directed towards as many stakeholders in IOSHA's jurisdiction as practicable. The purpose of the outreach will be to inform interested parties of the existence, purpose, and objectives of the LEP as well as promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach is at the IDOL's discretion and can consist of one or more of the following components:

- A. Mass mail/email communications or program information
- B. Information posted to and available on the IDOL's website
- C. Onsite consultation provided by INSafe
- D. Training and assistance provided by INSafe
- E. Stakeholder meetings
- F. Targeted training sessions
- G. Presentations to the affected group(s)
- H. Media press releases or e-blast
- I. Social media messaging

APPENDIX A: Target Industries for RESCON LEP

Table 1 in this appendix comprises the construction industry NAICS codes that have reported fatalities in Indiana in years 2011 through 2018 according to the Bureau of Labor Statistics (BLS). These NAICS codes will be used by the Office of Statistical Analysis (OSA) to pull randomized residential construction project lists.

Note that employee exposures to residential construction hazards may occur in industries not listed in this appendix. Similarly, it should not be assumed that employee exposure to residential construction hazards occurs in all establishments within the industries listed in the table below.

NAICS Code	Industry Description
2361	Residential Building Construction
238111	Residential Poured Concrete Foundation and Structure Contractors
238121	Residential Structural Steel and Precast Concrete Contractors
238161	Residential Roofing Contractors
238171	Residential Siding Contractors
238221	Residential Plumbing, Heating, and Air-Conditioning Contractors
238311	Residential Drywall and Insulation Contractors
238321	Residential Painting and Wall Covering Contractors
238911	Residential Site Preparation Contractors
238991	All Other Residential Specialty Trade Contractors