



INDIANA

DEPARTMENT OF LABOR

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Subject: Emphasis Program for Building Renovation, Rehabilitation, and Demolition

Effective Date: September 4th, 2020

ABSTRACT

Purpose: The purpose of implementing this Local Emphasis Program (LEP) for safety and health inspections of those construction projects which involve extensive reconstruction, renovation, and rehabilitation on an existing building, and adds demolition activities that include the razing of a structure in any way.

References:

- A. Indiana Field Operations Manual (IFOM)
- B. IOSHA Residential Construction LEP, 2020
- C. IOSHA Fall Hazards LEP, 2020

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 LEP is for safety and health inspections of those construction projects which involve reconstruction, renovation, and rehabilitation on an existing building, and adds demolition activities that include the razing of a structure in any way. By effectively targeting building renovation, rehabilitation, and demolition sites for inspections, this program complements 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 renovation, rehabilitation, and demolition; rather than relying on complaints and referrals which are often received after an incident has occurred.

II. Scope

This notice applies to all IOSHA Construction Safety enforcement operations.

III. References

- A. Indiana Field Operations Manual (IFOM)
- B. IOSHA Residential Construction LEP, 2020
- C. IOSHA Fall Hazards LEP, 2020

IV. Expiration

This instruction will terminate five years from the effective date.

V. Action

IOSHA will use the procedures described in Paragraph VIII of this Instruction as the basis for developing and implementing inspection activity at those projects involving extensive rehabilitation, renovation, re-construction, and/or the razing of buildings in any way.

VI. Policy

IOSHA shall use the LEP as described herein as the basis for scheduling and conducting safety and health inspections of construction projects involving reconstruction, renovation, rehabilitation, or demolition activities where hazards have been alleged or identified, or where associated hazards may be present. Inspections under this LEP will be comprehensive inspections, including multi-employer sites, in accordance with the guidelines established in the IFOM.

VII. Background

There are several buildings in and around the larger cities of Indiana that are currently undergoing extensive rehabilitation, renovation, reconstruction, or demolition. The reconstruction process normally involves an extensive amount of interior demolition in order to install new equipment (e.g. elevators, stairs, windows, electrical apparatus, etc.) which will satisfy present day building safety codes.

Due to the fact that most of the rehabilitation and renovation activities are being done on 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.

In cases where the buildings are in such disrepair or the development firm decides, the building is demolished partially or in its entirety to make way for new construction or future developments. This extensive demolition creates both safety and health hazards to the workers at the site due to the razing of buildings and structures, which are in contrast to routine construction activities.

The way NAICS codes are divided makes it difficult to provide a clear record of the total number of fatalities and workplace injuries and illnesses related to the type of construction

covered by this LEP. One NAICS code that does capture some of the work involving demolition of buildings and structures would fall under NAICS code 23891, Site Preparation Contractors.

- A. According to the federal Bureau of Labor Statistics' (BLS) Census of Fatal Occupational Injuries (CFOI), in Indiana, NAICS code 23891 had 11 fatalities over a five-year period (2014 – 2018):
 - 1. In 2014, there were two (2) fatalities.
 - 2. In 2015, there were two (2) fatalities.
 - 3. In 2016, there were two (2) fatalities.
 - 4. In 2017, there was one (1) fatality.
 - 5. In 2018, there were four (4) fatalities.
- B. Based on IOSHA's experience, an LEP that increases awareness and accelerates enforcement activity reduces injuries. It also recognizes that a tracking mechanism for this type of work would prove beneficial in monitoring the severity and impact of related hazards. This LEP is designed to increase inspection activity, provide tracking, enhance training and outreach, and formalize procedures.
- C. Hazards to be addressed by this LEP that are not fully addressed by the IOSHA LEPs for Fall or Residential Construction include, but are not limited to, the following:
 - 1. Electrical Hazards: Ungrounded electrical installations have the potential to provide proper overcurrent protection. Additionally, existing improperly labeled or unlabeled electrical installations may cause unintentional contact with live electrical current. These situations can cause electrical shock or electrocution
 - 2. Fall Hazards: Floor openings are prevalent throughout projects covered by this LEP. This can commonly be caused due to removal of existing equipment or modifications to the structure itself. The failure of the contractor to adequately install floor-hole covers may result in serious injury and death.
 - 3. Airborne Contaminants: Remediation of hazardous materials that were historically used in the construction of many older buildings may cause severe health illnesses or death. Examples of these materials may include, but are not limited to, the following: asbestos, silica, and lead.
 - 4. Struck-by and Caught-in-between: These work processes covered by this LEP frequently involve removal of existing building materials. Typically, heavy equipment is utilized on these projects. Many employers also fail to perform the required engineering survey because of the cost involved and time restraints. Additionally, many of the buildings targeted for demolition are very old, in poor repair, have suffered fire damage, and are structurally weak from exposure to the elements. The combined effect of any these additional factors provides a greatly increased risk of falling or projectile objects, and of structural failure resulting in serious injury or death.

VIII. Procedures

The following procedures will be used in targeting and scheduling of 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 construction

projects covered by this LEP, 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 activities covered by this LEP that is brought to the attention of IOSHA shall be evaluated, and, if appropriate, inspected (e.g., from referrals or complaints).
- C. The targeted sites will consist of those buildings requiring extensive interior demolition to allow for the installation of up-to-date equipment as required by present-day building safety codes, and the partial or complete demolition of the exterior of buildings to make way for new construction or future developments.
- D. After IOSHA receives a notification of work covered by this LEP, 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 area office personnel who can authorize the inspection, the CSHO will begin an immediate inspection.
 - 4. If this activity will interfere with higher priority inspections or assignments, the CSHO will normally give highest priority to preventing further employee exposure to the fall hazards observed. The CSHO shall notify the Supervisor or Division Director of the inspection as soon as possible.
- E. The scope of the inspection shall be comprehensive.
- F. If during the inspection, a safety CSHO believes that there may be violations associated with hazardous building materials (such as lead, asbestos, and silica), the safety CSHO shall contact the supervisor and make a referral to a health CSHO.
- G. If the inspection identifies an imminent danger situation, the CSHO will remain at the site to observe the abatement procedures.

IX. OSHA Express 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:

- Inspections conducted under this LEP will be coded "Programmed Planned" under Initiating Type and "DEMORENO" under Local Emphasis Program.
- Referrals will be recorded as Planned LEP inspections.
- 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 of the industry most likely to be encountered. CSHOs shall consider the presence of hazardous substances prior to initiating the walkaround portion of the inspection,

relying on information such as previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring or environmental surveys. CSHOs shall wear 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 hazard 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.
- 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