

Standard Interpretations / Guidance to Compliance Officers for Focused Inspections in the Construction Industry.

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▪ **Standard Number:** 1926

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August 22, 1994 (Revision 2 issued September 20, 1995 and incorporated herein.)

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM: JAMES W. STANLEY
Deputy Assistant Secretary

SUBJECT: Guidance to Compliance Officers for Focused Inspections in the
Construction Industry

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 were 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. Previously, a contractor was likely to be cited for hazards that were 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%;

electrical 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 inspecting 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 October 1, 1994, all construction inspections shall have opening conferences consistent with current agency procedures, and then shall proceed as follows:

- A. During all inspections, CSHO's shall determine whether or not there is project coordination by the general contractor, prime contractor, or other such entity that includes:
 - A. an adequate safety and health program/plan that meets the guidelines set forth below, and
 - B. a designated competent person responsible for and capable of implementing the program/plan.

If the above general contractor, prime contractor, or other such entity meets both of these criteria, then a focused inspection shall be made. When either of these criteria is not met, then the inspection shall proceed in accordance with previously established procedures for comprehensive inspections as stated in CPL 2.103, September 26, 1994, Field Inspection Reference Manual (FIRM), chapter II section A.1.b.

Inspectors are to take the time necessary to conduct comprehensive inspections based on the conditions of the project and the effectiveness of any safety and health program/plan.

If the project does not qualify for a focused inspection, then the CSHO is to conduct the same type of inspection that would have been conducted previous to the focused inspection policy.

- B. During all safety inspections: fatality/catastrophe, complaint, and referral inspections, the CSHO shall inspect the work site in regard to the fatality/ complaint/ referral item(s), and then will proceed in accordance with paragraph 1.A., above.
 - C. All health inspections shall be conducted in accordance with current agency procedures.
2. Assessment of safety and health programs/plan. [CSHOs] shall consider:
- A. the comprehensiveness of the program/plan;
 - B. the degree of program/plan implementation;
 - C. the designation of competent persons as are required by relevant standards; and
 - D. how the program/plan is enforced, including management policies and activities, effective employee involvement, and training.

Employees shall be interviewed during the walk-around to aid in the evaluation of the program/plan.

Examples of safety and health programs can be found in the Safety and Health Program Management Guidelines published January 26, 1989 in the **Federal Register** (54 FR 3904), in the ANSI A10.33 "Safety and Health Program Requirements for Multi-Employer Projects", and in Owner and Contractor Association model programs that meet the 29 CFR 1926 Subpart C standards.

3. Focused inspections shall concentrate on the project safety and health program/plan and the four leading hazards that 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 materials handling

equipment and construction vehicles).

During the course of focused inspections, citations shall be proposed for the four leading hazards and any other serious hazards observed.

Other-than-serious hazards that are abated immediately, and this abatement is observed by the CSHO, shall not normally be cited.

If during the walk-around 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, then the inspection shall be comprehensive.

4. Regional Administrators shall provide a copy of this policy memorandum to each of their state designees and discuss the policy and its Federal implementation with them. States are encouraged to adopt a parallel policy, but, at a minimum, must assure that safety and health program/plan requirements and the four hazards that will be the focus of Federal inspections will receive primary emphasis in all State construction inspections. State designees shall be asked to advise the Regional Administrator within 30 days of receipt of this memorandum of their intent. An appropriate plan change supplement implementing these procedures or a State's alternative policy, shall be submitted as soon as possible but no later than 6 months from the date of issuance of this memorandum or upon state adoption of the policy.

INSTRUCTIONAL MATERIALS

CONSTRUCTION FOCUSED INSPECTIONS INITIATIVE

A. General Guidelines

1. The Focused Inspections Initiative that became effective October 1, 1994 is a **significant departure** from how OSHA has previously conducted construction inspections. This Initiative will recognize the efforts of responsible contractors who have implemented effective safety and health programs/plans, and will encourage other contractors to adopt similar programs. 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 and health.
2. The Focused Inspections Initiative will enable OSHA to focus on the leading hazards that cause 90% of the injuries and deaths.

The leading hazards are:

- falls, (e.g., floors, platforms, roofs)
- struck by, (e.g., falling objects, vehicles)
- caught in/between (e.g., cave-ins, unguarded machinery, equipment)
- electrical (e.g., overhead power lines, power tools and cords, outlets, temporary wiring)

3. Under the Focused Inspection Initiative, CSHO's shall determine whether or not there is project coordination by the general contractor, prime contractor, or other such entity and conduct a brief review of the project's safety and health program/plan to determine whether or not the project qualifies for a Focused Inspection. In order to qualify, the following conditions must be met:
 - A. the project safety and health program/plan meets the requirements of 29 CFR 1926 Subpart C General Safety and Health Provisions, and
 - B. there is a designated competent person responsible for and capable of implementing the program/plan.
4. If the project meets the above criteria, an abbreviated walk-around inspection shall be conducted focusing on:
 - A. verification of the safety and health program/plan effectiveness by interviews and observation;
 - B. the four leading hazards listed above, and

C. other 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 as stated in CPL 2.103, September 26, 1994, FIRM, chapter II section A.1.b.
6. The CSHO shall make the determination as to whether a project's safety and health program/plan is effective, but if conditions observed on the project indicate otherwise, the CSHO shall 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.
7. The Focused Inspection Initiative should be publicized to the maximum extent possible so as to encourage contractors to establish effective safety and health programs/plans and concentrate on the four leading hazards prior to being inspected.
8. The Focused Inspection Initiative will be continuously evaluated and modified based on experience .

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 agency procedures.
2. A project determined not to be 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 coordination by the general contractor, prime contractor or other such entity to ensure that all employers provide adequate protection for their employees.
4. A request for a warrant will not affect the determination as to whether a project will receive a Focused Inspection.
5. On job sites 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 first been addressed.
6. All contractors and employee representatives shall, at some time during the inspection, be informed, why a focused or a comprehensive inspection is being conducted. This may be accomplished either by personal contact or posting the "Handout for contractors and employees" (see attachments, per FIRM, Chapter II, section A. 3.)
7. A brief justification will be included in each case file as to why a Focused Inspection was or was not conducted. The optional "Construction Focused Inspection Guideline" may be used for this purpose.
8. Although the walk-around inspection 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 that are not immediately abated. Other-than-serious violations that are immediately abated shall not normally be cited nor documented.
9. Only contractors on projects that qualify for a Focused Inspection will be eligible to receive a full "good faith"
10. For Focused Inspections an OSHA-1 will be completed in accordance with the multi-employer policy as stated in the Field Inspection Reference Manual for the:
 - A. general contractor, prime contractor or other such entity and
 - B. each employer that is issued a citation.
11. For coding purposes on the OSHA-1, a Focused Inspection will:
 - A. be considered to be a partial inspection.
 - B. the IMIS code for Focused Inspections shall include the identification of the general contractor, prime contractor or other such entity; and
 - C. record **Focus, C** for the general contractor, prime contractor or other such entity and shall include a notation of the total number of employers affected (i.e., general contractor plus subcontractors on site).

For example, if there is a general and three subcontractors, the inspection would be recorded as follows:

Type	ID	Value
N	14	Focus, C, 4

For each subcontractor issued a citation on a focused inspection the subcontractor's inspection (record **Focus, S** for the subcontractor) shall be recorded as follows:

Type	ID	Value
N	14	Focus, S

Note: OMDS procedures for entering the general contractor, prime contractor or other such entity, and the project identification number on each OSHA-1 in the optional information code boxes will continue to be followed. (See ADM 1-1.31, September 20, 1993.)

REFERENCES: The following resources can provide assistance in developing and evaluating safety and health programs/plans:

- Safety and Health Program Management Guidelines published January 26, 1989 in the **Federal Register** (54 FR 3904).
- STD 3-1.1 "Clarification of Citation Policy Regarding 29 CFR 1926.20, 29 CFR 1926.21 and Related General Safety and Health Provisions."

ANSI A10.33: "Safety and Health Program Requirements for Multi-Employer Projects".

- ANSI A10.38: "Basic elements of an employer program to provide a safe and healthful work environment".
- Owner and Contractor Association Model Safety and Health Programs.

CONSTRUCTION FOCUSED INSPECTIONS INITIATIVE

Handout for contractors and employees

The goal of Focused Inspections is to reduce injuries, illness and fatalities by concentrating OSHA enforcement on those projects that do not have effective safety and health programs/plan and limiting OSHA's time spent on projects with effective programs/plans.

To qualify for a Focused Inspection the project safety and health program/plan will be reviewed and a walk-around will be made of the job site to verify that the program/plan is being fully implemented.

During the walk-around the compliance officer will focus on the four leading hazards that cause 90% of deaths and injuries in construction. The leading hazards are:

- falls, (e.g., floors, platforms, roofs)
- struck by, (e.g., falling objects, vehicles)
- caught in/between (e.g., cave-ins, unguarded machinery, equipment)
- electrical (e.g., overhead power lines, power tools and cords, outlets, temporary wiring.)

The compliance officer will interview employees to determine their knowledge of the safety and health program/plan, their awareness of potential job site hazards, their training in hazard recognition and their understanding of applicable OSHA standards.

If the project safety and health program/plan is found to be effectively implemented the compliance officer will terminate the inspection.

If the project does not qualify for a Focused Inspection, the compliance officer will conduct a comprehensive inspection of the entire project.

If you have any questions or concerns related to the inspection or conditions on the project you are encouraged to bring them to the immediate attention of the compliance officer or call the area office at

_____.

_____ **qualified as a FOCUSED PROJECT.**

Project/site

_____ Date

_____ AREA DIRECTOR

This document should be distributed at the site and given to the Contractor for posting. [View as PDF]

CONSTRUCTION FOCUSED INSPECTION GUIDELINE

This guideline is to assist the professional judgment of the compliance officer to determine if there is an effective project plan, to qualify for a Focused Inspection.

Yes/No

PROJECT SAFETY AND HEALTH COORDINATION; are there procedures in place by the general contractor, prime contractor or other such entity to ensure that all employers provide adequate protection for their employees?

[Empty box for response]

Is there a DESIGNATED COMPETENT PERSON responsible for the implementation and monitoring of the project safety and health plan who is capable of identifying existing and predictable hazards and has authority to take prompt corrective measures?

[Empty box for response]

PROJECT SAFETY AND HEALTH PROGRAM/PLAN* that complies with 1926 Subpart C and addresses, based upon the size and complexity of the project, the following:

[Empty box for response]

- _____ Project Safety Analysis at initiation and at critical stages that describes the sequence, procedures, and responsible individuals for safe construction.
- _____ Identification of work/activities requiring planning, design, inspection or supervision by an engineer, competent person or other professional.
- _____ Evaluation/monitoring of subcontractors to determine conformance with the project Plan. (The Project Plan may include, or be utilized by subcontractors.)
- _____ Supervisor and employee training according to the Project Plan including recognition, reporting and avoidance of hazards, and applicable standards.
- _____ Procedures for controlling hazardous operations such as: cranes, scaffolding, trenches, confined spaces, hot work explosives, hazardous materials, leading edges, etc.
- _____ Documentation of: training, permits, hazard reports, inspections, uncorrected hazards, incidents and near misses.
- _____ Employee involvement in hazard: analysis, prevention, avoidance, correction and reporting.
- _____ Project emergency response plan.

*For examples, see owner and contractor association model programs, ANSI A10.33, A10.38, ETC.

The walk-around and interviews confirmed that the Plan has been implemented, including:

- _____ The four leading hazards are addressed: falls, struck by, caught in/between, electrical. Hazards are identified and corrected with pretentative measures instituted in a timely manner.
- _____ Employees and supervisors are knowledgeable of the project safety and health plan, avoidance of hazards, applicable standards, and their rights and responsibilities.

THE PROJECT QUALIFIED FOR A FOCUSED INSPECTION



September 20, 1995

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM: James W. Stanley
Deputy Assistant Secretary

SUBJECT: Focused Inspections in Construction September 20, 1995 Revision

1. The August 22, 1994 memorandum, revised January 11, 1995 is modified as follows:
 - A. The January 11, 1995 modifications have been included in this memorandum.
 - i. The additions for 1. a. to e. have been incorporated.
 - ii. Comment #2 that appeared in the January 11, 1995 modification memorandum has been incorporated into section "Action" #1. a.
 - B. Throughout the memorandum the term "controlling contractor" has been changed to "general contractor, prime contractor, or other such entity" for clarification. This was done to eliminate any inconsistency in the use of the terms "controlling contractor" and "controlling employer" (see FIRM (CPL 2.103, September 26, 1994) Chapter III, "Multi-employer sites".)

- C. Throughout the memorandum the term "guidelines" when used in reference to the conduct of OSHA inspection has been changed to "procedures" to be consistent with the FIRM, (CPL 2.103, September 26, 1994) and to eliminate confusion with the use of the term "guidelines" in this memorandum.
 - D. Throughout the memorandum the term "controlling contractor(s) safety and health program" has been replaced with "project safety and health program/plan". And "safety and health program" has been replaced with "safety and health program/plan"
 - E. Throughout the memorandum the term competent person has been add when the term designated is used.
 - F. The following section under "Action" has been modified:
 - i. i. #1. a., has been changed as stated in 1. b. and the following has been added, "...there is project coordination by the general contractor ..."
 - ii. #1.b., the word programmed has been removed.
 - iii. #2., "...Owner ..." had been added to the list of examples.
 - iv. #3., the second paragraph has been modified.
 - G. The referenced sections under "Instructional Materials: contain the following modifications:
 - i. A. 4.: a. the word "abbreviated" has been added and
 - A. "verification of the safety and health program/plan effectiveness ..." has been included;
 - B. "other" has been added.
 - ii. A. 7., "...concentrate on the four leading hazards" has been added.
 - iii. B. 3., has been rewritten for clarity.
 - iv. B. 6., "advised" is replaced with "informed, either by personal contact or posting the "Handout for contractors and employees ..."
 - v. B. 7., the following has been added "The optional "Construction Focused Inspection Guideline" may be used for this purpose.
 - vi. B. 12., has been changed to incorporate the February 21, 1995, IMIS coding memorandum. The February 21 memo has been modified for clarity.
 - H. The section "Note" has been changed to "References" and "Owner and Contractor Association Model ..." added.
 - i. Other editorial and/or grammatical changes.
2. A non-mandatory CONSTRUCTION FOCUSED INSPECTION GUIDELINES has been included in the "Focused Inspections in Construction Instructional Materials". This guideline is to assist the professional judgment of the compliance officer to determine if a project qualifies for a Focused Inspection.

[Corrected 10/22/2004]

UNITED STATES DEPARTMENT OF LABOR

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