

## 2.25 **Focused Inspections In Construction**

**Date: July 27, 2007**

### **I. Background**

Since August of 1995, the Department of Labor and Industries has included a provision for inspectors enforcing the Washington Industrial Safety and Health Act (WISHA) to engage in “Focused Safety Inspections” in construction workplaces. However, the program does not significantly reduce the amount of time spent in construction inspections, particularly in smaller worksites, and is therefore used only on an infrequent basis.

L&I remains interested both in using its resources wisely and in minimizing unnecessary disruptions to construction workplaces visited by DOSH enforcement staff. For that reason, the previous focused inspections program, described in WISHA Interim Operations Memorandum #97-2-G, is being replaced by a new effort to focus DOSH resources on the most serious problems in the workplace. The approach adopted in this WISHA Regional Directive relies upon existing workplace health and safety recognition programs being operated by trade associations within the construction industry to reduce the amount of time spent in such inspections, particularly in relation to the review of records and written programs. Currently, only the following programs have been reviewed and accepted by DOSH Compliance Management as participating programs:

- Associated Builders and Contractor’ of Western Washington Safety Alliance
  - Contact Number (425)646-8000
- Associated General Contractors Of Washington Safety Team
  - Contact Number (206)284-0061
- Inland Pacific Chapter of Associated Builders and Contractors Safety Alliance
  - Contact Number (509)534-0826
- Inland Northwest Associated General Contractors Safety Team
  - Contact Number (509)535-0391

This WRD will be updated as new organizations make application and are accepted by DOSH Compliance Management.

Because such recognition programs have a strong incentive for maintaining the integrity of their overall process, DOSH staff will take those programs – and the work they have already done with employers – into account when conducting enforcement visits (involving both safety and industrial hygiene).

The focused inspection program adopted was required to be reevaluated in 2006. It has been determined that we will continue the focused inspection program indefinitely.

## **II. Scope and Application**

This WISHA Regional Directive (WRD) provides guidance to DOSH Compliance staff related to focused inspections in the construction industry. This WRD will remain in effect until rescinded or replaced. It replaces WRD 2.25, issued July 7, 2006, which is hereby rescinded.

## **III. Operations Protocols**

### *A. How will L&I enforcement staff (both safety and hygiene) identify candidates for focused inspections in construction?*

The focused inspection program will only be extended to employers in the association recognition program, not merely to association members. The employer(s) at the worksite who are certified by the association as being in the recognition program will receive focused inspections in accordance with the procedures below. Employers engaged in hazardous waste sites and other types of construction that require site specific programs, are not entitled to a focused inspection under this policy. All other employers at the worksite who are not part of the recognition program will be inspected in accordance with the guidelines located in the WISHA Compliance Manual, Chapter III and IV. If the general contractor (GC) and/or prime contractor (PC) at the worksite is not part of the association recognition program, the contractor shall be inspected in accordance with the protocols established in WRD 27.00, “Contractor Responsibility for Safety and Health Under Stute v. PBMC”.

If, when an inspection is initiated or at any time after that, the employer identifies itself as a participant in one of the programs listed in the Background section of this WRD, and provides current documentation of that participation, the inspector is expected to conduct an inspection with the guidance in III-B.

If doubts or questions about an employer’s status need to be resolved, the CSHO is expected to contact the association for verification of the employer’s participation.

### *B. How are staff expected to conduct focused inspections?*

1. During all inspections conducted by DOSH enforcement staff within the construction industry, the inspector is expected to first conduct an opening conference consistent with current DOSH guidelines in the Compliance Manual and any applicable WRD’s.
2. In the event of an inspection due to a referral, complaint, accident or fatality investigation, the inspector must inspect the worksite and its programs as

necessary to address the items raised by the referral, complaint, accident, or fatality. For issues beyond that scope, the inspection should be conducted in accordance with the guidance in #3 below.

3. During any programmed inspection of a participating member and their subcontractors, the inspector is expected to treat the inspection as a focused inspection unless and until he or she determines that a comprehensive inspection is necessary. If a jobsite is displaying a current AGC Safety Team member emblem or the jobsite is identified in some manner as an ABC Safety Alliance member, enforcement staff must not initiate a programmed inspection unless they see a serious violation prior to entry of jobsite.
  - a) Such a focused inspection *is not* expected to include a review of the various programs that may be required, although a review of the site-specific fall protection work plan may be necessary to address questions regarding any hazards identified. However, employee interviews shall be performed to verify implementation of safety and health programs.
  - b) A focused safety inspection *is* expected to include an assessment of any physical hazards related to fall protection, electrocution (high voltage and low voltage), overhead hazards, trenching, struck-by, traffic control/motor vehicle operation on the worksite, and excavation. Other potential serious hazards that come to the inspector's attention during the course of the inspection must also be addressed and, if violations are documented, must be cited. General violations identified and abated during the course of the inspection must not be cited.
  - c) A focused hygiene inspection *is* expected to include an assessment of the use of appropriate respirators, the use of appropriate noise protection and the use of appropriate engineering and other controls to address respiratory hazards. For road construction projects the focused inspection will also include a complete review of the employer's Hearing Conservation Program. Other potential serious hazards that come to the inspector's attention during the course of the inspection must also be addressed. General violations identified and abated during the course of the inspection must not be cited.
  - d) If a review of one or more programs is indicated based on problems found at the site, the focused inspection can include a review of all or a portion of the program in question (for example, if there appear to be problems with respirator selection, it is certainly appropriate to review the employer's written respiratory protection program). If required programs do not exist or are seriously deficient, the inspector will discontinue the focused inspection and conduct a comprehensive inspection (notifying the Compliance Administrator or Compliance Operations Manager to enable appropriate follow-up with the sponsoring association).

- e) If the inspector finds serious violations whose nature or number suggests systemic problems with the employer's implementation of workplace health and safety programs, the inspector will discontinue the focused inspection and conduct a comprehensive inspection (notifying the Compliance Administrator or Compliance Operations Manager to enable appropriate follow-up with the sponsoring association).
- C. *How should staff address inquiries from employers about how they can participate in focused inspections?*

Questions about participation in one of the programs recognized by this WRD should be directed to the sponsoring organization. Inquiries about how additional programs can be considered and perhaps recognized by L&I should be directed to the Statewide Compliance Administrator or Compliance Operations Manager.

Approved: \_\_\_\_\_  
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