



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2019-04

EFFECTIVE DATE: 10/1/2018

SUBJECT: Regional Emphasis Program – Gut Rehabilitation and Demolition

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose: This Regional instruction continues the implementation of the Regional Emphasis Program (REP) for programmed safety and health inspections of construction sites involved in Gut Rehabilitation and Demolition Work.

References: CPL 02-00-160, Field Operations Manual (FOM), 8/2/2016.
CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), 11/13/2018.
CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995.
CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998.

Cancellations: This instruction cancels Regional Emphasis Program – Gut Rehabilitation and Demolition, 2018-04 (CPL 2).

Expiration: This instruction expires September 30, 2023.
EXCEPTION: Any inspection begun prior to September 30, 2023 may continue until its conclusion.

State Impact: None

Action Offices: All Region II Area Offices

Originating Office: Office of the Regional Administrator

Contact: Office of the Regional Administrator (212) 237-2378
201 Varick Street, Room 670
New York, NY 10014

By and Under the Authority of

A handwritten signature in blue ink, appearing to read "Robert D. Kulick".

For Robert D. Kulick
Regional Administrator

- I. Purpose: This regional instruction continues the implementation of a Regional Emphasis Program (REP) for safety and health inspections of construction sites involved in Gut Rehabilitation and Demolition work in accordance with the Field Operations Manual (FOM). These work sites are not included in the present national targeting system.
- II. Scope: This instruction applies to all Region II Area Offices.
- III. Expiration: This instruction expires September 30, 2023.
EXCEPTION: Any inspection begun prior to September 30, 2023 may continue until its conclusion.
- IV. Background: Local inspection history identifies that employees employed by construction firms that are involved in Gut Rehabilitation and Demolition work are being exposed to safety hazards on a daily basis. The most serious injuries usually result from either a partial or total collapse of the building, or from fall hazards. Additional hazards that may be found include improperly stored compressed gas cylinders, electrical hazards, floor holes and openings, improper personal protective equipment, improper scaffolding, and hazard communication violations. Many of the buildings are very old, in poor repair, have suffered fire damage, and are structurally weak from exposure to the elements.

The “Gut Rehab” process usually requires that crucial support structures be removed. The work calls for the complete “Gutting” of the inside of the building, leaving only the outside facade. The building is then completely rebuilt on the inside by installing new floor and ceiling joists, plumbing, masonry, electrical wiring, etc. Therefore, many trades are engaged in these projects. Other buildings are completely demolished because they are beyond redemption.

Past inspections have revealed that these projects are often completed without the benefit of an engineering survey as required by 29 CFR 1926.850(a). Decisions about work practices and procedures have to be based on the information in the engineering survey. Many employers do not include these items in their contracts because of the costs involved and the time required to perform them.

The Bureau of Labor Statistics reported for NAICS code 2389, Other specialty trade contractors, for 2017, there was 110 fatalities and for 2017, a total recordable injury and illness cases rate of 2.8 per 100 full time workers.

Additionally, those employees involved in Gut Rehabilitation and Demolition work are also potentially exposed to various health hazards such as, but not limited to lead, asbestos, and silica. When the rehabilitation or demolition activity disturbs any existing building materials, employees working in the area may potentially be exposed to the resulting airborne contaminants. Historically, OSHA has documented exposures to these and other contaminants during Gut Rehabilitation, Demolition and other similar construction activities.

This emphasis program supports the DOL objective to secure safe and healthful working conditions for America's workers by implementing the OSHA Strategic Plan objective to target the most hazardous worksites for inspection by making efforts to prioritize its limited resources for inspections, compliance assistance and outreach efforts on specific industries that routinely experience injury, illness, or fatalities above the national average.

- V. Action: The Area Director shall ensure that the procedure outlined in this instruction is followed during the effective period of this instruction. This instruction is not to conflict with the inspection priorities as established in the Field Operations Manual.

When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with the current procedures for handling such refusals.

- VI. Procedures:

Sites obtained from imminent danger notifications, fatalities/catastrophes, complaints, referrals from outside agencies, follow-ups and monitoring visits are considered unprogrammed inspections and will be scheduled in accordance with the policies established in the FOM.

The Area Director shall be responsible for obtaining information regarding construction sites which have planned or scheduled Gut Rehabilitation or Demolition projects. The information shall be gathered from all available sources, including local building departments, CSHO sightings, as well as any other relevant information sources.

When performing programmed inspections under this REP, each Area Office shall develop an inspection master list of establishments. The National Office Policy on List Generation and Randomization shall be followed in accordance with the National Office memorandum to Regional Administrators dated November 12, 2014, *Establishment Targeting Lists for Emphasis Programs*. Deletions and scheduling must be completed in accordance with CPL 02-00-155, *Inspection Scheduling for Construction*.

Establishments for inspection may fall within the scope of the current Appropriations Act. If so, inspection activities must be done and completed in accordance with the directive, CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.

Sites will receive safety inspections. Safety CSHOs will make silica, lead, noise, or other referrals as appropriate, and health inspections will be opened accordingly. All inspections conducted under this REP will be comprehensive unless the site qualifies for a Focused Inspection. Inspections conducted under this REP shall not conflict with inspections conducted at the same site under other enforcement programs.

VII. Recording in OIS: Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report, as found in the OIS manual shall be applied when recording inspections conducted under this REP, as follows:

- A. Programmed Inspection: The OSHA Inspection Report for any programmed inspection covered under the Regional Emphasis Program for Demolition or Rehabilitation construction sites shall be marked "Program Planned" in the Initiating Type field and "GUTREH" in the Local Emphasis Program field.
- B. REP Combined with Unprogrammed Inspections: For all unprogrammed inspections conducted in conjunction with this REP inspection under this initiative, the OSHA Inspection Report must be marked with the appropriate unprogrammed activity in the Initiating Type field. In addition, the Regional Emphasis Program field's value shall be "GUTREH" on the OSHA Inspection form and the Unprogrammed Activity form.
- C. REP Combined with other Emphasis Program Inspections: For all programmed inspections such as other NEPs/REP/LEPs conducted in conjunction with an REP inspection under this initiative, the OSHA form must be marked as "Program Planned" in the Initiating Type field. In addition, the value "GUTREH" shall be recorded in the Regional Emphasis Program field along with all NEP and LEP OIS codes applicable to the inspection.

VIII. Outreach

During the course of this renewal LEP the Area Director will continue to ensure that the ongoing outreach program will remain in effect during the enforcement phase of the program. Outreach activities will continue to be directed to reach as many stake holders in the Area Office's jurisdiction as is practicable. Stakeholders which include groups such as professional organizations, the ASSP, AIHA, Unions, and Chambers of Commerce, will be notified of the existence, purpose and objectives of this emphasis program. The outreach will also 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 Area Director's discretion and can consist of one or more of the following components:

- 1. Broadcast mail-outs or program information.
- 2. Stakeholder meetings.
- 3. Targeted training sessions.
- 4. Presentations to the affected group(s).
- 5. Media press release or e-blast

IX. Evaluation:

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. The RA will ensure that each Region II area office participating in the REP/LEP will prepare and submit to EP a program report. The program report is to be conducted at the midpoint and completion of each REP/LEP. At the RA's discretion, additional reports may be required, based on the length, complexity, and coverage of the program. The midpoint assessment will take place no later than the end of the fiscal year following the calendar midpoint between the program effective and expiration dates (e.g., 2 ½ years into a 5 year program). The midpoint assessment will allow for revisions to the LEP where necessary, along with an assessment of whether continuation of the LEP is appropriate.
 - 1. The program report will, at a minimum, address whether the LEP advances OSHA's goals and initiatives. The program report will address, as appropriate, both quantitative and qualitative measures. Types of measures that may be considered include:
 - a. The number of employees and/or establishments impacted by outreach activities;
 - b. Number of hazards abated;
 - c. The number of workers removed from hazards;
 - d. Impact on illness and injury rates (note: due to lag in available BLS data, this measure may not be suited for shorter termed programs);
 - e. Reductions in the number of complaints or severe injury reports within affected industries, and;
 - f. Any indices that relate directly to measures included in the DOL Strategic Plan, the OSHA Operating Plan, and/or additional goals of the LEP.