OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

PROGRAM DIRECTIVE

Program Directive: A-247
Issued: March 6, 2001
Revised: August 11, 2015

SUBJECT: Inspection Criteria: Construction and Forest Activities Safety Scheduling List Inspections.

PURPOSE: This program directive provides guidelines for the safety enforcement staff when conducting programmed inspections of construction and forest activities employers on the safety scheduling lists.

SCOPE: This directive applies to Oregon OSHA, Enforcement Section.

SCHEDULING LISTS: Scheduling lists will be distributed to each enforcement manager at the first part of the federal fiscal year. It is very important that paper copies of our scheduling lists remain within our control so the public does not gain access. The mobile site scheduling list shouldn't be reproduced by anyone except when authorized by the enforcement manager so they will know who has copies of these lists at all times.

The enforcement manager will determine which employers are primarily from their geographic area and assign them to be inspected in any order that best utilizes the compliance officer's time considering location and size of the company. The compliance officer (CO) should also be given a copy of all statewide employers on the list so they can be looking for them as they conduct their inspections.

OFFICE/HOME OFFICE INSPECTIONS: The enforcement manager and CO may decide to start an inspection at the employer's office or home office as appropriate. This is often where safety & health programs, injury records, and training records will be found. The inspection of an office may include a shop or yard if employees work there on a periodic basis. This may consist of machinery, equipment, company vehicles used by employees, or storage areas. The CO should avoid inspecting an employer's personal property, such as equipment or personal vehicles that are not used by employees. If there is a manufacturing process, or other non-construction related activity, at the office location, such as sheet metal manufacturing, these processes should not be inspected as part of the construction inspection.

If the office is in their home, the CO should not enter unless invited by the employer. The CO's safety is the first consideration. If the only way to locate an employer is at their home, consider going with another CO if there is reason to believe the situation could be hostile. Try not to intrude on their personal lives or interfere with any family function.

After the opening conference and program review, ask the employer for a list of mobile sites where they are working or intend to be working. If the employer refuses to provide locations, inform them that Oregon OSHA will be looking statewide by various means to locate where they may be working for future inspections.

At times it is difficult to find an employer at home. Appendix A of this directive provides guidance when a CO cannot locate or make contact with the employer.

CONSTRUCTION/ FOREST ACTIVITIES INSPECTIONS: Present credentials to the person in charge of the project when you arrive at a mobile construction site or a forest activities site. State that the purpose of the visit is to determine who is on site to establish whether an inspection is warranted. By asking for a list of who is on site and not asking them if specific employers are present, we retain our ability to conduct a surprise inspection.

If the construction or forest activities contractor is on the mobile scheduling list, proceed by establishing their responsibility on that site. Do they have employees? If so, what are their duties? It is likely that you will walk the entire site if the construction or forest activities contractor has overall responsibility for safety and health or if their employees are expected to work throughout the worksite.

If a subcontractor is on our list, you will open the inspection with them in conjunction with a courtesy opening with the construction or forest activities contractor. Your focus will be on the work activity or exposures of the subcontractor on the list.

EXPANDING THE INSPECTION: The scope of an inspection for an employer on the scheduling list will normally be comprehensive. This is an opportunity during the first inspection to address in detail their safety & health program.

If the inspection is initiated at their office and a review of their safety & health programs is done at their office and the employer immediately takes you to a mobile site this would be one comprehensive inspection with the mobile site address as the inspection site.

If the employer gives you a list of worksites and you inspect one of the sites on another day, the office inspection is considered a comprehensive inspection and the worksite is a separate, partial inspection.

An employer on the inspection scheduling list is subject to inspections the entire year that the scheduling list is in effect. After the first inspection, additional scheduled inspections may be made when operations or processes at the site have changed or the location is different. Use resources wisely to inspect as many employers as possible and not concentrate all efforts on just a few. Consider additional inspections that result in a review of safety & health programs and worksite conditions as comprehensive.

While inspecting the worksite, conduct an opening with the employers, not on the scheduling list, where you observe a serious hazard. This will be considered a programmed related inspection. A citation will be issued for serious violations and documented in the employer's file.

Other-than-serious violations will be brought to the employer's attention and immediate correction is expected. Inspections may only be expanded to cite serious violations.

The CO must address imminent danger situations immediately as referenced by the Field Inspection Reference Manual (FIRM). If it becomes a question of who is responsible for a violation, they will follow the current policy on multi-employer worksites. (PD A-257)

TRACKING INSPECTIONS:

Record inspections of companies on the forest activities or construction scheduling list as "Programmed Planned". If the inspection includes an evaluation of the company's records and programs, record the scope as "Comprehensive." If only the mobile site is inspected and programs are not reviewed the scope is recorded as "Partial."

When you inspect a company not on the forest activities or construction scheduling list, record inspection type as "Programmed Related" and the scope as "Partial." If the inspection is based on serious hazards related to a local emphasis program, enter the appropriate emphasis program. If it is based on an imminent danger situation you will enter "S 02 IMMINENT" under optional information.

DOCUMENTING TIME ON INSPECTIONS:

When you can't find employers on the forest activities or construction scheduling list, record the time spent searching as a "000" inspection and the reason for no inspection is "Establishment Not Found." When searching for multiple employers with no success, the company listed can be any of the companies that you searched for. If the hours are substantial, use more than one employer when recording your time. In all cases, document in the narrative what measures you used in attempting to locate the employer.

PERIODIC PROGRAM EVALUATION: In order to track the effectiveness of the forest activities and the construction scheduling system, review the following information on an annual basis:

1. Number of **"Programmed Planned"** inspections conducted in forest activities and construction.

2. Number of **"Programmed Related"** inspections conducted in forest activities and construction.
3. Number of **"Imminent Danger"** inspections conducted in forest activities and construction.

4. Number of forest activities or construction **"Emphasis"** inspections conducted.

5. Number of firms on the forest activities and construction lists that have been inspected.

History: Issued 3-6-2001 Revised 10-19-2009 and 8-11-2015

APPENDIX A

1. When you are unable to locate an employer's worksite on the construction or forest activities scheduling list and unable to make contact with them at their home office, follow these procedures:

   A. If you are able to make contact with the spouse or another family member at the home office, present credentials and explain that you need to contact the employer. If they are reluctant to divulge the location of a worksite, request a phone number where they can be contacted, or leave a business card and ask that they call as soon as possible to arrange a meeting.

   B. If you have a phone number for the employer, call and ask for the location of their worksite or a location to meet. If you reach a voice mail or answering machine, leave a message asking the employer to contact you as soon as possible.

2. Follow these procedures when other attempts have not been successful. Make all efforts to locate active worksites using available resources, or contact them in person at their home office.

3. Following the above procedures will not constitute advance notice.