

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

PROGRAM DIRECTIVE

Program Directive A-248
Issued May 23, 2001
Revised July 22, 2014

Subject: Inspection Criteria: Random Construction Safety Inspections

Affected Standards/

Directives: Division 1, General Administrative Rules

Program Directive A-247, Guidelines for Conducting Construction and Forest Activities Safety Inspections

Purpose: To provide guidance in determining when a construction site or employer will be subject to a random safety construction inspection from the Random Scheduling List. This program directive applies to all construction employers under Oregon OSHA jurisdiction. Employers on the construction scheduling list outlined in OAR 437-001-0057(5), Programmed Inspections, will be subject to an inspection according to PD A-247.

Background: The scheduling provisions found in Division 1, General Administrative Rules, changed to meet the requirements of House Bill 2830, passed during the 1999 Oregon Legislative Session. The general philosophy behind this legislation was to focus Oregon Occupational Safety and Health Division (Oregon OSHA) resources on workplaces deemed to be the most unsafe. It recognized the need to conduct random inspections of places of employment and ensured that the scheduling of these workplaces for an enforcement inspection was based on written neutral administrative standards. Oregon OSHA can, by rule, offer incentives to employers that elect consultative services before an inspection is conducted.

While routine scheduled inspections in construction focus on employers with one or more accepted disabling claims and their violation history, some employers are not identified for programmed inspections because data is not available. Employers not included are out-of-state employers working in Oregon, employers not complying with workers' compensation coverage laws, and employers using only temporary services employees.

Action:

This directive applies to all statewide construction activities subject to Oregon OSHA jurisdiction.

The following criteria are used to identify worksites eligible for random safety construction inspections.

A. Due to the mobility of the construction industry, the transitory nature of construction worksites, and the fact that construction worksites frequently involve more than one construction employer, random inspections will be scheduled from a list of construction worksites.

1. The central office will provide each field office a randomly selected list of construction projects from all active projects under Oregon OSHA's jurisdiction. This list will contain the projected number of sites each field office plans on inspecting in the next month.

Oregon OSHA receives construction project data from Dodge Reports, city and county building permits, and vendors who consolidate building permits such as Monitor 2000 and the Construction Monitor. The central office will compile the projects and generate monthly a randomly sorted construction inspection list to each field office based upon the following:

- a.** Counties or cities within the field office boundaries.
- b.** Estimated number of worksites to be inspected during the monthly scheduling period (to be determined by the field office manager).
- c.** Minimum dollar value of the construction projects.

2. Normally, a site will not be selected for a random inspection more than once a quarter. The inspection should be initiated within one month of when the scheduling list is received in the field office. However, targeted projects may not always be inspected within the month if the project is not active, minimal work is being done on the project, or when staffing levels or other priorities limit the ability of the field office to do the inspection within one month. In those cases, the unfinished list will be carried over until the next month.

All employers at a selected worksite are subject to a comprehensive inspection. If an employer is not at the initial inspection site, the safety compliance officer may return at a later date, within 30 days, to inspect that employer.

The following criteria are used to identify worksites that are exempt from random safety construction inspections.

- B.** Construction employers with a Standard Industrial Classification (SIC) of 1500 through 1799 or National Industrial Classification System (NAICS) of 2361 through 2389 will be exempt from a random safety construction inspection:
1. From seven days prior to the scheduled date of an Oregon OSHA consultation to 30 days after receipt of the written report, or;
 2. The employer has received Voluntary Protection Program (VPP) status, or;
 3. The employer is second year or later of the Safety & Health Achievement Recognition Program (SHARP), or;
 4. The employer has graduated from SHARP within the previous 36 months.
- C.** In addition, construction employers with a Standard Industrial Classification (SIC) of 1500 through 1799 or National Industrial Classification System (NAICS) of 2361 through 2389 will *not* be subject to a random safety inspection if *all* of the four following criteria are met:
1. Since the start of the construction project no accidents at the location have resulted in death, or an injury/illness resulting in an overnight hospital admission for medical treatment or more than 3 days of lost work.
- Note:** If the employer is not maintaining required records they cannot meet this requirement.
2. The employer's principal supervisors at the construction site have completed at least four hours of instruction on construction safety or health rules and procedures in the past 12 months. This instruction must be documented and a copy maintained on the construction site for verification.

- a. The instruction required by this section will include any conducted or accepted by Oregon OSHA. Instruction related to construction safety and health that is offered or approved by any public or private college, university, or governmental agency will be automatically accepted. Documentation of instruction must be maintained by the employer and available for review by the Agency. Such documentation must include the date, provider, subject, and duration of the instruction, and the signature of the person completing the instruction.
- b. For the purpose of this section, principal supervisor includes all superintendents, supervisors, managers, or foremen who are responsible for the daily direction, control, safety and health of employees on a construction site.
- c. For the purpose of this section, the time period begins to run when the instruction is received.

Note: The instruction required excludes training such as first aid, CPR, hazard communication, recordkeeping, or other administrative training required by rule.

- 3. Since the start of the construction project the employer has had a project specific, comprehensive consultation by Oregon OSHA, their workers' compensation carrier, or a private consultant.

If the general contractor has had a comprehensive consultation of the entire project the exemption would apply only to the general contractor. If a subcontractor has had a comprehensive consultation of their work process at the site it would apply only to that subcontractor.

Note: For single-family residential dwelling contractors, the employer has had a comprehensive consultation for any of their construction sites within a one year time period. For this specific purpose, the time period begins to run when the consultation is received.

- 4. The employer has established and administered a safety committee or held safety meetings as required by [OAR 437-001-0765](#).

Once it is determined that a construction employer meets all the requirements to be exempt from a random safety construction inspection, a random inspection will not be made of that employer. Each time we encounter the employer it must be determined if they still meet the four criteria.

OSHA-1 CODING:

All safety enforcement inspections conducted as random inspections, both comprehensive and partial, will be coded as follows:

Enter **H Program Planned** in block 24 and
S-17 Random in block 42, Optional Information

Effective Date:

This directive is effective immediately and will remain in effect until canceled or superseded.

History: Issued 5-23-2001 Revised 9-18-2001, 6-4-2002, 5-18-2004, 5-11-2009, 6-3-2009, 11-17-2009 and 7-22-2014