


Directorate of Construction

2016 ASSE/AIHA Annual Update

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OSHA Construction Update

- Statistics
- Enforcement
- Regulatory Update
- Safety and health programs
- Fall campaign




DOC Organization

- Office of the Director
– 7 FTE
- Office of Construction Services
– 7 FTE
- Office of Construction Standards and Guidance
– 10 FTE
- Office of Engineering Services
– 4 FTE



The Construction Industry

- 90% of Construction Employers have 20 or less employees
- The industry typically has very high employment turnover rates
- Most are multi-employer worksites
- 50.5% of OSHA compliance inspections are construction (three year average, FY13-15)



Workplace Fatality Rates

Rate of fatal work injuries, 2006–2014

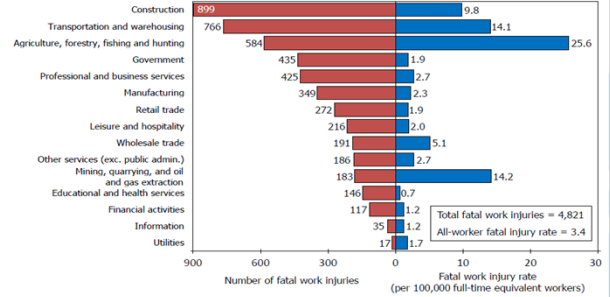


The 2014 rate of fatal work injuries of 3.4 was slightly higher than the final rate in 2013 of 3.3 fatal work injuries per 100,000 full-time equivalent workers.



Number & rate of fatal occupational injuries

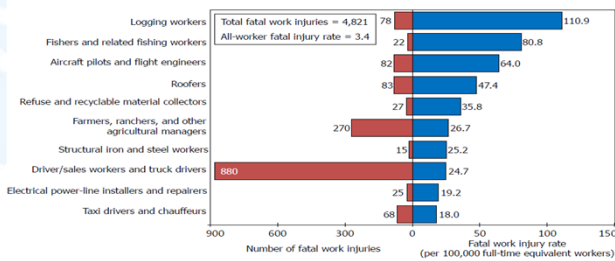
Number and rate of fatal occupational injuries by industry sector, 2014



Private construction had the highest count of fatal injuries in 2014, but the private agriculture, forestry, fishing and hunting sector had the highest fatal work injury rate.

Fatal falls to lower level by height of fall, 2014

Civilian occupations with high fatal work injury rates, 2014



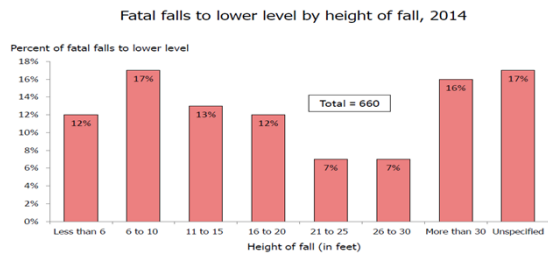
Fatal work injury rates were high for logging workers and fishers and related fishing workers. Of the 10 occupations with high fatal injury rates presented here, driver/sales workers and truck drivers incurred the largest number of fatal injuries.

Construction Industry Fatalities

Years	2010	2011	2012	2013	2014
Total Fatalities					
All	774	738	806	828	899
Construction					
Fatality Rates					
All	9.8	9.1	9.9	9.7	9.8
Construction					



Fatal falls to lower level by height of fall, 2014



A total of 660 fatal falls to lower level occurred in 2014, up 11 percent from the total for 2013. Of the cases where height of fall was known (545 cases), almost 2 out of every 3 were falls of 20 feet or less.

Data for all years are revised and final. Percentages may not add to 100 due to rounding. Source: U.S. Bureau of Labor Statistics, 2016.

Top Ten Most Frequently Cited Construction Violations - 2015

1. Duty to have fall protection
2. Scaffolding
3. Ladders
4. Fall protection training
5. Eye and face protection
6. Head protection
7. General safety/health
8. Aerial lifts
9. Excavations
10. Fall protection systems criteria and practices



Confined Spaces in Construction

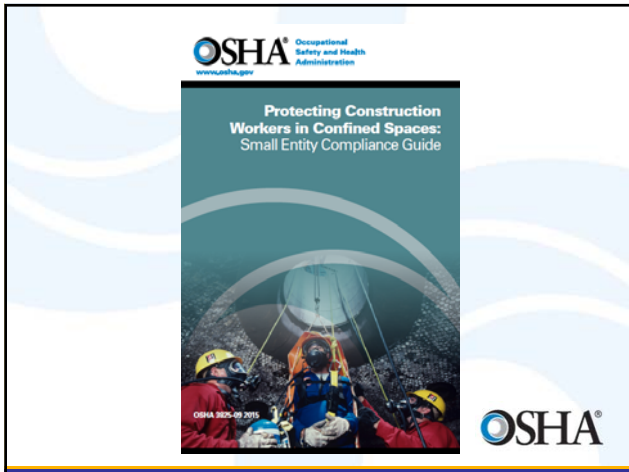
- Publish Date: May 4, 2015
- Effective Date: August 3, 2015*
- Closely aligned with General Industry Rule
- Find more info at <http://osha.gov/confinedspaces/index.html>



Confined Spaces Outreach


- Webinars to CSHOs, AGC, ABC, NAHB
- Fact sheets
- Web page
- Rescue fact sheet
- Outreach to fire chiefs





Enforcement Situation

- Rule is in effect NOW
- Directive
 - Plan is to work with DEP to incorporate the construction rule into the General Industry directive.



Legal Challenges

- Six Parties involved in litigation
 - Texas Builders Association
 - National Association of Home Builders
 - Building Construction Trade Division of the AFL-CIO
 - National COSH
 - Southwestern Bell
 - Verizon



Respirable Crystalline Silica Rule

- Two standards:
 - One for general industry and maritime
 - One for construction
- Similar to other OSHA health standards and ASTM consensus standards



Workers and Industries Affected

- 2.3 million workers:
 - Construction: 2 million
 - GI/Maritime: 300,000
- 676,000 establishments
 - Construction: 600,000
 - GI/Maritime: 76,000



Construction – Compliance Dates

- Employers must comply with all requirements (except methods of sample analysis) by June 23, 2017
- Compliance with methods of sample analysis by June 23, 2018



Standards Improvement Project IV (SIPs-IV)

- Updates 19 individual and unrelated provisions. Examples include:
 - MUTCD (construction)
 - Digital x-rays
 - Decompression table (construction)
 - LOTO “unexpected”
 - Removing all SSN requirements



OSHA Safety and Health Program Management Guidelines

November 2015 Draft for Public Comment



Update On Construction SHMS

- Through the public comments OSHA has decided to work with the ACCSH committee to modify the published SHMS guidelines and create a construction specific set.
- Meeting held April 25-26 in DC



Criminal Liability

- OSHA's most common enforcement tool is the civil penalty. OSHA inspects and issues violations with a penalty determined by the number and type of violations found.
- The OSH Act also contains a few criminal provisions.



Section 11(b) of the Act

- Section 11(b) of the OSH Act allows OSHA to petition the court for enforcement of any Final order of the Review Commission. The Court may decree that an employer must comply, abate and / or pay the penalties assessed.
- Failure to do so may result in contempt of court proceedings, arrest or incarceration.



Examples

- Guillermo Perez and Elma Maldonado, owners of GP roofing found in contempt for failure to abate and pay penalties. Arrested by U.S. Marshals, incarcerated for two weeks until hearing.
- Mike Neri arrested by U.S. Marshals, jailed for 3 weeks. Released after selling backhoe and agreeing to get out of the trenching business.



False Statements

- Making false statements to a Federal Official is illegal and an Attorney General can prosecute an employer.
 - Falsifying evidence
 - Fabricating stories
 - Intentionally deceiving a Compliance Officer
 - Altering physical evidence



Examples

- Marcus Borden charged with making false statements regarding incident at a jobsite in Alabama. Pleads guilty with 3 years of supervised probation and 30 days community service.
- James McCullagh pleaded guilty to four counts of making false statements, one count of obstruction of justice, and one count of willfully violating an Occupational Safety and Health Administration (OSHA) regulation causing death to an employee. A scheduled sentencing hearing is set for March 29, 2016. The defendant faces a maximum statutory sentence of 25 years in prison, a possible fine, supervised release, and a \$510 special assessment.



Other Criminal Issues

- Witness tampering
- Prosecution by local authorities



The Next Level

- Manhattan DA manslaughter charges
 - Wilmer Cueva – Sky Materials
 - Alfonso Prestia – Harco Construction
- Philadelphia murder charges,
Update: The Philadelphia District Attorney's Office (DAO) on Jan. 8 announced that Griffin Campbell was sentenced to 15–30 years in prison and Sean Benschop was sentenced to 7 1/2–15 years in prison for the death of six people and injury to 14 others in the June 5, 2013, Market Street Salvation Army building collapse.



Stand Tall, Stand Proud and Stand-Down for Fall Safety

Join the
National Safety
Stand-Down
To Prevent Falls in Construction
MAY 2-6, 2016

Home Resources Events Certificate of Participation Share with Us Back to Construction Industry

OSHA®

National Stand-Downs

- A tremendous success the last two years.
 - Reached over 1 million workers in 2014 and over 2.5 million workers last year.
 - Stand-downs were reported in all 50 states and internationally.
 - Small businesses, large corporations, and some of the country's biggest construction companies held Stand-Downs...many non-construction companies participated also.

OSHA®

**2016 National Stand-Down
May 2-6, 2016**

- Coincide with:
 - National Construction Safety Executive's Safety Week events.
 - ASSE's NAOSH Week.
- Goals
 - Reach over 5 million workers.
 - Reach more small contractors (25 or less employees).

OSHA®

OSHA Stand-Down Resources

OSHA®

OSHA Stand-Down Resources

Fall Prevention: Safety Pays. Falls Cost. Sticker(English & Spanish)



Fall Prevention: Training Guide - A Lesson Plan for Employers (English & Spanish)



Ladder Safety: Falling Off Ladders Can Kill: Use Them Safely (English & Spanish) **New**



Lots of fact sheets, fatal facts, etc. available on OSHA's web page

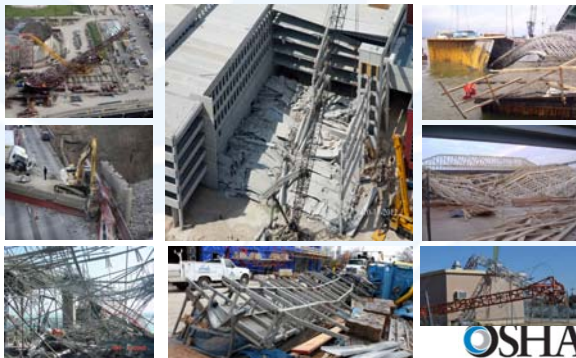


After the Stand-Down

- Receive a "Certificate of Participation" for holding a Stand-Down.
 - Secretary of the Department of Labor saying thank you for participating.
 - Go to the Stand-Down certificate webpage after your stand-down, complete a short survey, then print your certificate.
 - Share your stand-down experience and pictures with us for possible posting on the webpage

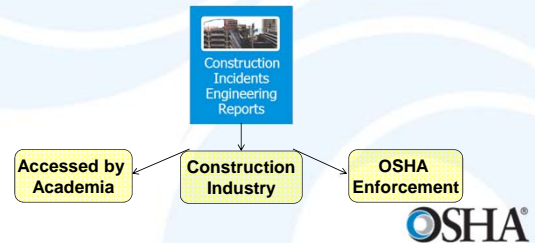


Structural Collapse Investigations



Investigation Reports Webpage

- Selected Investigation reports are posted in the Public Website. <http://www.osha.gov/doc/engineering/EXengrptsr.html>
- Helps Construction Industry, Academia and OSHA Enforcement to identify construction problems.



Resources

- OSHA Construction page:
<http://www.osha.gov/doc/index.html>
- National Safety Stand-Down page:
<http://www.osha.gov/StopFallsStandDown/index.html>
- OSHA Rulemaking page:
https://www.osha.gov/OSHA_FlowChart.pdf



Questions?

