

Residential Construction Safety and OSHA Compliance

**White Paper prepared by the
Home Builders Association of Greater Kansas City**

What is the purpose of OSHA?

The Occupational Safety and Health Administration is the federal agency overseeing workplace health and safety standards in private businesses across the country. OSHA and its state partners have approximately 2100 inspectors, plus complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff establishes protective standards, enforces those standards, and reaches out to employers and employees through technical assistance and consultation programs.

Why is OSHA focusing on residential construction?

Home-building construction is one of the nation's largest industries. The sheer volume of employees in the industry combined with the hazards inherent with the inherent hazards involved with working on a construction site makes residential construction a major target of inspections and investigations of OSHA. The agency has an established goal to reduce the number of worksite injuries and deaths in residential construction.

In a typical year, OSHA will issue more than 10,000 citations for general contractors alone. Among the most common citations are for job-specific safety requirements for projects such as masonry, roofing and carpentry work; fall protection, ladders and stairway safety standards; wiring protection; head protection; and training requirements.

Why has Kansas City been targeted?

OSHA has recently launched a series of Local Emphasis Programs (LEP) targeting both general industry businesses and residential construction. These programs typically focus on one major aspect of worker safety, such as exposure to harmful dust materials, inspections to ensure proper lockout procedures on machinery, and adequate fall protection. The LEPs are designed to focus on a single OSHA guideline that has been identified as a common compliance issue in a region. Additional information about the local emphasis program is available from OSHA's Kansas City area office at (816) 483-9531.

What can I do to avoid an OSHA inspection?

OSHA on-site inspections and investigations that result in fines generally initiate one of three ways: (1) an accident on a job site resulting in an injury; (2) a complaint from an employee or former employee filed with OSHA; or (3) a drive-by viewing of job site by an OSHA inspector.

The best way to avoid an OSHA inspection is to maintain and enforce a job site safety and hazard prevention program. A job site accident will almost always trigger an OSHA inquiry of some form. Even in the event of jobsite injury, companies may avoid hefty fines or qualify for reduced fines by employing a strong compliance program.

Many inspections are initiated by drive-by viewings by OSHA inspectors. In these situations, inspectors are looking for traits common to locations where OSHA violations may be occurring. This includes scanning sites to ensure employees are wearing proper protective gear including head and eye protection and appropriate clothing; identifying cluttered constructions sites that suggest a lack of organization; proper fall protection including proper usage of lanyards and ladders and temporary railings; and on-site material storage.

One of the key preventive measures to take to avoid fines in the event your company is selected for an inspection is to maintain proper recordkeeping and employee communication. On their Web site for the Residential Construction Industry, OSHA has a complete list of its safety and health programs along with information on recordkeeping and posters for employee communication. Maintaining proper records is one of the best defenses in the event of an OSHA inspection.

What do I do if OSHA selects my site for an inspection?

An OSHA inspection begins with an opening conference and walk around the jobsite. Once OSHA notifies a company of an official inspection, the company has the right to be present during the opening conference and walk around and contractors will be given a period of time to appear before the inspection begins. Employees should be advised to contact their manager, superintendent or owner and wait for their arrival before answering questions or touring the jobsite.

During the opening conference and inspection, the inspector may photograph and videotape areas of the jobsite. Contractors should take their own photographs and notes documenting the inspection as well. Recording the inspection can be essential if there is a later discrepancy in the results of the inspection. The inspector will also want to see the company's recordkeeping and documentation, which will include a detail of safety and health programs offered by the company, attention to detail in recordkeeping according to OSHA guidelines and employee communication methods.

Citations are not issued during the walk around and opening conference. The inspector will meet with the area director for OSHA and determine what if any violations should be cited. Fines for first-time offenses can range from a few hundred dollars to up to \$7,000 while fines for repeat offenses or violations considered willful can draw fines upward of 10 times that amount. A list of violations and the fine will then be sent to the company.

How a company responds to an OSHA inspection is critical. The issuing of the citation is not the final step in the process – the company has an opportunity to respond. During the walk around, the inspector will give clues as to what possible violations occurred. Between the time of the inspection and the issuing of any citations, this is an opportunity for the company to take steps to remedy any possible violations found. Once a citation is issued, the company will again have an opportunity to take corrective action. Showing OSHA that steps have been taken to remedy any potential violations is essential to negotiating a reduction in fines.

RESOURCES

CONSTRUCTION SAFETY & OSHA

<http://www.nahb.org/page.aspx/category/sectionID=616>

NAHB-OSHA Jobsite Safety Handbook, Second Edition

http://www.nahb.org/publication_details.aspx?sectionID=617&publicationID=87

NAHB-OSHA Information

<http://www.nahb.org/search.aspx?txtkeyword=OSHA&x=0&y=0>

JOBSITE SAFETY VIDEO

<http://www.nahb.org/generic.aspx?sectionID=624&genericContentID=43912>

OSHA/National Association of Home Builders Cooperative Alliance Program

<http://www.osha.gov/dcsp/alliances/nahb/nahb.html>

<http://www.osha.gov/SLTC/residential/index.html>