

# OSHA Construction Update

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**Occupational Safety and Health Administration**  
**November 2023**

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# Agenda

- Memorandum of Understanding (MOU)
- Fall Lanyard Hazard Alert Letter
- U & T Visa
- Enforcement Update
- Regulatory Activities
- Focus Four Hazards
  - Falls
  - Trenching
- Alliance Updates
- Outreach Events

# Priorities of the Assistant Secretary

- Building the OSHA team
- Using all our enforcement tools
- Focusing on equity and vulnerable workers
- Going beyond enforcement to make health and safety a core value in our workplaces

# Memorandum of Understanding

The purpose of a Memorandum of Understanding (MOU) is to facilitate interagency cooperation and coordination by establishing a process for information sharing, referrals, training, and outreach.

Examples:

- EPA MOU
- NTSB MOU
- Coast Guard, Vessels on US Waters 14903

# Fall Lanyard Hazard Alert - Cut lanyards 14923

- Triggered by recent fall fatality incident where the lanyard severed on the leading edge.
- Draft fall lanyard hazard alert letter going through OSHA concurrence process.
- Publication pending.



# U & T Visa Certifications

The Victims of Trafficking and Violence Protection Act of 2000 created two types of immigration benefits available for certain victims of crimes:

The **U nonimmigrant status (U visa)** provides temporary immigration status to victims of an enumerated list of "qualifying criminal activities" (QCAs) who have suffered substantial physical or mental abuse as a result of the criminal activity; possess specific, credible, and reliable information about the criminal activity; and who have been, are being, or are likely to be helpful to law enforcement or government officials in the detection, investigation, or prosecution of the criminal activity.

The **T nonimmigrant status (T visa)** provides temporary immigration status to certain victims of human trafficking who have or are willing to assist law enforcement authorities in the detection, investigation, or prosecution of trafficking crimes, and would suffer extreme hardship if they were removed from the United States. OSHA has authority to complete T and U visa certifications based on OSHA's role as a law enforcement agency that has detected the qualifying criminal activity or trafficking crime.

# Enforcement Policies

- Severe Violator Enforcement Program (SVEP)
  - Program now includes all hazards and OSHA standards
- Instance-by Instance
  - Applies to high-gravity serious violations of OSHA standards specific to falls, trenching, machine guarding, respiratory protection, permit required confined spaces, lockout tagout, and other-than-serious violations of OSHA standards specific to recordkeeping
- Citation Grouping
  - Allows similar violations to be cited separately



# OSHA OIS Inspection Data

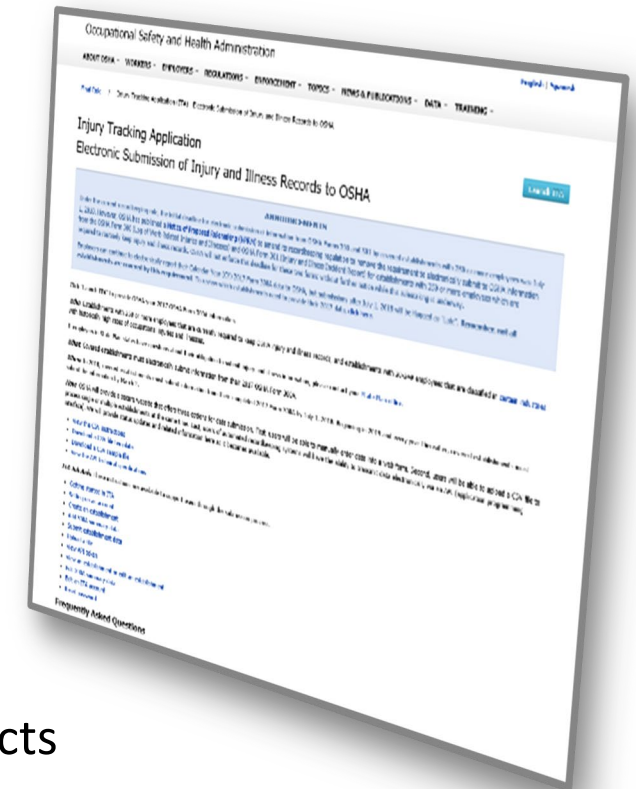
## Top 10 Violations in Construction (10/1/22 - 9/30/23)

Standard	Total Violations	Serious Violations	Willful Violations	Repeat Violations
1926.501 - Fall Protection	5,737	4,591	209	815
1926.1053 - Ladders	2,351	2,125	10	118
1926.451 - Scaffolding	2,152	2,014	10	66
1926.503 - Fall Protection Training	1,703	1,171	7	108
1926.102 - Eye & Face Protection	1,535	1,317	25	161
1925.100 - Head Protection	809	703	8	51
1926.20 - General S & H Provisions	789	614	7	66
1926.453 - Aerial Lifts	591	528	4	20
1926.651 - Excavation Requirements	556	440	7	20
1926.502 - Fall Protection Systems Criteria and Practices	483	419	0	17

# Regulatory Activities

- PPE in Construction (PPE Fit) NPRM – Issued
- Communication Towers NPRM – Spring 2024
- Crane Amendments NPRM – Spring 2024
- Welding in Confined Spaces NPRM – Fall 2023
- Powered Industrial Trucks NPRM – Published/analyzing comments
- Worker Walk Around Representation NPRM – Issued

Note: Rulemaking capacity is limited and prioritization changes, which affects timing of rulemaking activities and outcomes.



# National Emphasis Program for Falls

- NEP effective May 1, 2023
- Increase in enforcement and outreach activities to reduce or eliminate injuries and fatalities associated with falls while working at heights **in all industries**



## OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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DIRECTIVE NUMBER: CPL 03-00-025

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SUBJECT: National Emphasis Program - Falls

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DIRECTORATE: Directorate of Construction

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SIGNATURE DATE: April 24, 2023

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EFFECTIVE DATE: May 1, 2023

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# Trench Initiative



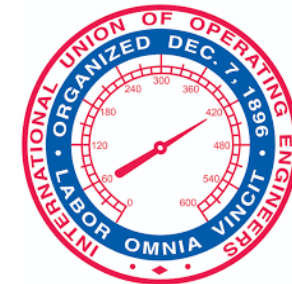
# Trench Collapse Fatalities

- 2017: **24** fatalities
- 2018: **13** fatalities
- 2019: **21** fatalities
- 2020: **18** fatalities
- 2021: **15** fatalities
- 2022: **39** fatalities
- 2023: **14** total fatalities as of 11/6/23



# Recent Alliance in Excavation


- **Partners for Safe Trenching and Excavation Operations** national alliance signed June 22, 2023
- 2-year alliance will focus on trenching, excavation, shoring, and other “Focus Four” hazards and equipment-related issues



# OSHA Alliances and Partnerships Update

- NCCCO alliance signed - November 16, 2023
- NDA alliance signed – July 2021, renewal pending
  - Considerations for the Demolition of Power Plants
  - Demolition Notifications in Residential Areas: Guidelines for Signage and Door Hanger Use
  - Underground utilities training day for OSHA – June 2022
- ET&D partnership– renewed October 11, 2023 (originally signed in 2004)
- NATE partnership signed November 20, 2020, renewal pending


# Suicide Prevention in the Workplace



## Suicide Prevention 5 Things You Should Know



Suicide is a leading cause of death among working-age adults in the United States. It deeply impacts workers, families, and communities. Fortunately, like other workplace fatalities, suicides can be prevented. Below are 5 things to know about preventing suicide.

- 1 BE AWARE**  
**Everyone can help prevent suicide.**  
 Mental health and suicide can be difficult to talk about—especially with work colleagues—but your actions can make a difference. When you work closely with others, you may sense when something is wrong.
- 2 PAY ATTENTION**  
**Know the warning signs of suicide.**  
 There is no single cause for suicide but there are warning signs. Changes in behavior, mood, or even what they say may signal someone is at risk. Take these signs seriously. It could save a life.
- 3 REACH OUT**  
**Ask "Are you okay?"**  
 If you are concerned about a coworker, talk with them privately, and listen without judgment. Encourage them to reach out to your Employee Assistance Program (EAP), the human resources (HR) department, or a mental health professional.
- 4 TAKE ACTION**  
**If someone is in crisis, stay with them and get help.**  
 If you believe a coworker is at immediate risk of suicide, stay with them until you can get further help. Contact emergency services or the National Suicide Prevention Lifeline.
- 5 LEARN MORE**  
**Suicide prevention resources are available.**  
  - Call the National Suicide Prevention Lifeline at 1-800-273-TALK (8255), or text "TALK" to 741741.
  - Visit the American Foundation for Suicide Prevention ([www.afsp.org](http://www.afsp.org)) to learn more about suicide risk factors, warning signs, and what you can do to help prevent suicide.



**OSHA** Occupational Safety and Health Administration

1-800-321-OSHA (6742)  
TTY 1-877-889-5627  
[osha.gov/preventingsuicides](http://osha.gov/preventingsuicides)

## Role of Employers in Preventing Suicides

Suicide is a critical public health issue in the United States and a leading cause of death among working age adults. Creating a workplace culture of health and safety includes mental health.

There is no single cause for suicide. Often, stressors and health issues come together to create feelings of hopelessness and despair. Most people who take their lives exhibit one or more warning signs either through what they say or what they do. It is important that managers and coworkers are prepared to notice and act on changes in a colleague's behavior.

### Set the Tone


Employers should lead with compassion and foster a supportive environment:

- Speak out about workplace stress and mental health challenges and express your commitment to prioritizing employee mental health and well-being.
- Ask about workplace stressors and discuss what support or services may help. Implement changes that are feasible based on feedback.
- Institute an "open door" policy that encourages employees to share concerns and ideas with management without fear of retaliation.
- Encourage employees to connect and support one another by providing opportunities to interact.

### Implement Policies and Programs


- Review policies and procedures for how work is managed to determine if additional flexibilities are needed.
- Evaluate your overall work environment, such as customer interactions, productivity schedule, pace of work, etc., to determine if there are workplace stress factors you could address.
- Share educational resources that address workplace stress, mental health, and substance use.
- If your organization has an employee assistance program (EAP), remind employees about the benefits and that it is confidential, and encourage them to use it.
- Help employees understand their health benefit plans, including coverages for mental health and substance use.
- Offer support for employees who have been affected by suicide loss, providing resources and services to support their healing journey.
- Provide information about mental health resources and services available in your community.

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### Equip Frontline Supervisors

- Reinforce the supervisor's role in listening and validating employees' feelings, concerns, and experiences. It's important they understand that being dismissive can be harmful.
- Ensure supervisors implement all the flexibilities that you have built into your work policies and procedures. Encourage them to be creative in making adjustments for employees who are experiencing stressors at home and work, or who have been affected by suicide loss.
- Invite professionals to educate and train supervisors to recognize suicide warning signs and initiate conversations with employees.
- Create space in management and other meetings for frontline supervisors to share their own concerns and learn from each other.
- Hold supervisors accountable and coach those who are struggling with implementing your policies and programs.

### Be Prepared

- Be Aware** that there can be warning signs for suicide risk. Mental health and suicide can be difficult to talk about—especially with work colleagues—but your actions can make a difference. When you work closely with others, you may sense when someone is struggling.
- Pay Attention** to warning signs that may signal someone is at risk for suicide.
- Reach Out** if you are concerned about an employee or coworker. Talk with them privately, give them your full attention, and listen without judgment.

### Take Action

- Stay with the employee and seek immediate help. Contact emergency services, call or text 988, or visit [988lifeline.org/chat](http://988lifeline.org/chat).

### Be ready to support yourself and help coworkers cope with a suicide loss.


### Share Resources with Your Employees

- 988 Suicide & Crisis Lifeline:** Call or text 988 or visit [988lifeline.org/chat](http://988lifeline.org/chat) for 24/7, free, and confidential support, including prevention and crisis resources for employees. Veterans may call 988 and press 1 or visit [veteranscrisisline.net](http://veteranscrisisline.net).
- Crisis Text Line:** Text "TALK" to 741741 or visit [crisistextline.org](http://crisistextline.org) from anywhere in the USA to connect with a trained Crisis Counselor for free, 24/7.

For more information, visit [osha.gov/preventingsuicides](http://osha.gov/preventingsuicides), [osha.gov/workplace-stress](http://osha.gov/workplace-stress), or:

- American Foundation for Suicide Prevention ([afsp.org](http://afsp.org))
- Centers for Disease Control and Prevention ([cdc.gov/suicide](http://cdc.gov/suicide))
- National Action Alliance for Suicide Prevention ([theactionalliance.org](http://theactionalliance.org))
- National Institute of Mental Health ([nimh.nih.gov](http://nimh.nih.gov))
- Suicide Prevention Resource Center ([sprc.org](http://sprc.org))

Suicide Risk: Warning Signs		
TALK	BEHAVIOR	MOODS
<ul style="list-style-type: none"> <li>Wanting to die or kill oneself</li> <li>Feeling trapped</li> <li>Feeling like a burden to others</li> <li>Feeling like they are in unbearable pain</li> <li>Feeling hopeless</li> </ul>	<ul style="list-style-type: none"> <li>Looking for a way to end one's life</li> <li>Increased use of alcohol or drugs</li> <li>Withdrawing from activities</li> <li>Isolating from family/friends</li> <li>Sleeping too much or too little</li> </ul>	<ul style="list-style-type: none"> <li>Saying goodbye to people</li> <li>Giving away prized possessions</li> <li>Venting aggression or rage</li> <li>Displaying fatigue</li> <li>Depression</li> <li>Anxiety</li> <li>Loss of interest</li> <li>Relief or sudden improvement</li> <li>Humiliation or shame</li> <li>Agitation or anger</li> <li>Intubility</li> </ul>



**OSHA** Occupational Safety and Health Administration

Workplace poster- in English and Spanish

Employer guidance  
[osha.gov/preventingsuicides](http://osha.gov/preventingsuicides)  
 **OSHA** Occupational Safety and Health Administration



# Outreach Events in 2024

- National Safety Stand-Downs to prevent:
  - Struck-by incidents (April 15-19)
  - Falls (May)
- Trench Safety Stand-Down (June 17-21, 2024)
- Safe + Sound Week (August)
- Construction Suicide Prevention Week (Sept. 6-10)
- Suicide Prevention Month (September)





[www.osha.gov](http://www.osha.gov)

**DOC: 202-693-2020**

