

OSHA RELEASES NEW NATIONAL EMPHASIS PROGRAM ON TRENCHING AND EXCAVATION

Occupational Safety & Health Act Alert
October 17, 2018

On October 1, 2018, OSHA issued a new National Emphasis Program (NEP) on Trenching and Excavation under Directive CPL-02-00-161. The focal point of the program will be on construction excavation activities, in an effort to curb fatalities and other injuries as a result of cave-ins. The NEP reports that 130 fatalities occurred during trenching and excavation activities between 2011 and 2016, but an alarming 104 of those occurred in 2015-2016. OSHA treats every excavation and trenching operation as a collapse and cave-in risk, and expects employers to do the same.

Enforcement under this new NEP does not go into effect immediately. This NEP requires each Area Office to develop and implement an outreach program for 90 days prior to engaging in enforcement activities pursuant to this NEP. During the outreach period, however, enforcement will continue under OSHA's Special Emphasis Program for Trenching and Excavation, which dates back 33 years to September 1985, which will be superseded when the outreach period ends.

Employers should expect to see outreach materials about trenching and excavation safety showing up at plumbing suppliers, municipal permitting offices, equipment rental businesses, construction organizations, trade papers and magazines, and elsewhere for distribution to employers. OSHA will also be conducting outreach to unions and other employee organizations in an effort to generate employee awareness of the hazards and proper safety practices. Employers engaged in trenching and excavation work may also receive letters or other outreach materials directly from OSHA. For those employers involved in the targeted activities, now is a good time to review your trenching and excavation practices, inspect your trench boxes and other safety equipment, and update your employee training.

Most trenching excavations will likely be unscheduled, and based upon referrals, employee complaints, or random observations by OSHA Compliance Officers who pass by a project in progress. Employers would be wise to ensure that site forepersons and supervisors are not only complying with OSHA requirements, but that the individuals on site with supervisory responsibility are adequately trained on what management expects them to do, and whom they should call, if confronted by an OSHA inspector at a jobsite. Proper planning should be undertaken to ensure that an appropriate management/owner representative is immediately involved to speak

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for and make decisions that impact the company.

If you have any questions about this alert, you may reach out to Jason Markel, the Hodgson Russ OSHA Compliance Capabilities Practice Leader.