# MOSH INSTRUCTION:

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| **INSTRUCTION NUMBER:** 24-7 | **EFFECTIVE DATE:** January 26, 2024 |
| **SUBJECT:** Local Emphasis Program (LEP) Falls in All Industries  | **ISSUANCE DATE:**  January 26, 2024 |
| **CANCELLATION:** MOSH Instruction 16-2 – Falls in Construction | **EXPIRATION:** Effective until canceled or superseded |

 **Purpose:**This Instruction establishes a Local Emphasis Program for fall hazards in **all** industries.

 **Scope:**  MOSH-wide

#  Reference:

1. Current MOSH Field Operations Manual (FOM)
2. OSHA Directive CPL 03-00-025, National Emphasis Program – Falls
3. 29 CFR Part 1910, Subpart D – Walking Working Surfaces
4. 29 CFR Part 1910, Subpart I – Personal Protective Equipment
5. 29 CFR Part 1926, Subpart L – Scaffolds
6. 29 CFR Part 1926, Subpart M – Fall Protection
7. 29 CFR Part 1926, Subpart R – Steel Erection
8. MOSH Instruction 16-3 – Tree Care and Removal

#  Contact: Chief of MOSH Compliance Services

#  See MOSH Website for Current Information http://www.labor.md.gov/labor/mosh

 **Background:**

In 2001, MOSH issued an LEP under MOSH Instruction 01-7 Residential Fall Protection. In 2007, MOSH issued an LEP under MOSH Instruction 07-2 Fall Hazards in Construction. Accidents related to falls from elevations are one of the leading causes of serious injuries and fatalities. It is believed that through a local emphasis program that increases awareness and accelerates enforcement activity, injuries can be reduced. It is also recognized that a tracking mechanism for these type of inspections would prove beneficial in monitoring the area of fall hazards.

**Scope:**

This instruction describes policies and procedures for implementing a state LEP to reduce or eliminate serious injuries and fatalities associated with falls to a lower level while working at heights in all industries covered under MOSH’s jurisdiction.

**Action:**

MOSH compliance personnel shall ensure that the procedures contained in this Instruction are followed when conducting this LEP. The Regional Offices will implement the procedures described in this Instruction in response to imminent dangers or serious fall hazards that are identified in all industries. The Regional Supervisors shall use this LEP as a basis for scheduling and conducting compliance inspections of all industries. This LEP is intended to be used in all industries where fall hazards have been alleged and/or identified to initiate compliance inspections. These inspections shall be expanded to comprehensive inspections of multi-employer construction sites in accordance with the guidelines established in the FOM.

**Procedures:**

1. The following procedures will be used for targeting and tracking of inspections conducted under this LEP. Hazards related to falls are normally transient and of limited duration. This limits the practicality of targeting the site in advance. Therefore, inspections conducted under this LEP will be initiated by several means: Compliance Safety and Health Officer (CSHO) observance, complaints, and referrals.
	1. This LEP will target all work activities within MOSH’s jurisdiction where a CSHO observes a potential hazard of falling to a lower level, regardless of actually witnessing an employee in close proximity to the hazard.
	2. When MOSH receives a complaint alleging fall hazards, the procedures outlined in the MOSH FOM will be followed.
	3. Referrals alleging fall hazards will be handled using the procedures outlined in this Instruction.
	4. Where feasible, attempts will be made to conduct follow-up inspections for those inspections which resulted in the citation of willful, repeat, or serious violations.
2. When a jobsite with potential fall hazards is noted during travel, the Compliance Officer should notify the Supervisor with the name and location of the site. The Supervisor will determine if the site has been inspected within the last 30 days.
	1. If the site has not been inspected within the last 30 days, permission may be given to inspect the site. Compliance officers will record these inspections as planned inspections.
	2. If the site has been inspected within the last 30 days, an inspection will be authorized only if an imminent danger appears to be present or at the Regional Supervisor’s discretion. These inspections will normally be limited to the imminent danger situation and other serious plain view hazards. The Compliance Officer will remain at the site to observe the abatement procedures and/or to recommend abatement methods.
3. All enforcement activities (i.e. programmed and unprogrammed activities) and onsite compliance interventions conducted under this LEP must be coded in OSHA Information System (OIS) with MOSH LEP and NEP codes.
4. Supervisors will ensure that all CSHOs receive training on the fall protection standards and all other applicable standards along with this LEP and other applicable directives.

**Outreach:**

Efforts will be made to contact and conduct an outreach program that includes industry groups, employers, safety and health associations, and safety and health councils that could be impacted by this Local Emphasis Program.

By and Under the Authority of:



Michael A. Penn CSP, SMS

Acting Assistant Commissioner