



VOSH PROGRAM DIRECTIVE: 14-221D

ISSUED: March 15, 2000
RENUMBERED: April 1, 2003

SUBJECT: Local Emphasis Program: "Overhead High Voltage Line Safety for Both General Industry and Construction"

A. Purpose

This revised directive updates old references and renumbers this local emphasis program (LEP) to conform to the program directives' new classification and numbering system (See VOSH Directive 01-001A).

This directive continues the procedures to be followed for this LEP and transmits it to field personnel.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope

This directive applies to all VOSH personnel, and specifically to Occupational Safety Compliance and Cooperative Programs personnel.

C. References

Overhead High Voltage Line Safety Act, Va. Code §§59.1-406 through 59.1-414

VOSH Program Directive 12-246 (August 1, 1992)

Memorandum from Elizabeth A. Andrews, dated October 24, 1996

D. Cancellation

VOSH Program Directive 02-221D (April 15, 1999)

E. Action

Directors and Managers shall assure that procedures established in this directive are adhered to in conducting inspections which comply with this local emphasis program.

F. Effective Date

April 1, 2003

G. Expiration Date

Not Applicable.

H. Background and Summary

The Overhead High Voltage Line Safety Act, Va. Code §§ 59.1-406 through 59.1-414, defines the conditions under which work may be carried on safely and provides for the safety arrangement to be taken when any person engages in work or other activity in close proximity to overhead high voltage lines [see also VOSH Program Directive 12-246 (8/1/92)].

Additionally, a fatality analysis, prepared by VOSH Safety Compliance, concluded that a special emphasis program effort is warranted. By increasing VOSH compliance presence, this local emphasis program (LEP) will increase general industry and construction industry awareness of the hazardous conditions existing on their worksites concerning overhead high voltage lines.

This revised LEP provides procedures which will more effectively guide the CSHO during inspections of general industry and construction activities in close proximity to overhead high voltage lines. Inspection scheduling procedures, outlined in the VOSH FOM, cannot be used in scheduling inspections for activity in close proximity to overhead high voltage lines. These operations tend to begin and end quickly and must be inspected while they are in progress. Consequently, the following procedures are prescribed in scheduling these inspections.

I. Procedures

1. All compliance personnel shall be instructed to be on the lookout for general industry and construction activities in close proximity to overhead high voltage lines. Every observation of these general industry and construction activities shall be handled as follows:

- a. Regardless of whether or not a violation is observed, whenever a CSHO sights or receives any other notice of a general industry or construction operation in close proximity to overhead high voltage lines (including nonformal complaints, other government agency referrals, and reports from members of the public), the CSHO shall:
 - (1) Make note of the state and condition of the work operation insofar as it is known, including any apparent serious hazards.
 - (2) Note the name and address or location of the worksite and the contractor (where applicable) performing the operation, if known.
 - (3) Note if violations or unsafe conditions are observed in plain view. Refer to I.1.c., below, if no violations or unsafe conditions are observed.
 - b. All general industry and construction work activities in close proximity to overhead high voltage lines brought to the attention of the Occupational Safety Division shall be inspected if violations or unsafe conditions are observed in plain view. The CSHO shall notify his supervisor at the earliest convenient time that an inspection has been opened pursuant to this LEP.
 - c. No inspection of a general industry or construction work activity in close proximity to overhead high voltage lines shall be conducted if it is apparent that there is compliance with all VOSH standards governing general industry or construction operations. When no inspection is conducted, the CSHO shall record this for the purposes of the IMIS system according to the guidelines in K.3 of this directive.
 - d. Nonformal complaints and other referrals involving general industry and construction activities in close proximity to overhead high voltage lines shall be scheduled as unprogrammed inspections under the LEP, conducted in accordance with procedures found in the VOSH FOM. Such notices, therefore, need not be responded to with the usual letter to the employer.
2. Although sightings normally will be those which occur during the course of routine travel during duty or nonduty hours, the discovery of these work activities may be the result of a specific search to find activities in close proximity to overhead high voltage lines, at the discretion of the Commissioner. Verification of information received from sources other than CSHO observation, as indicated in I.1.a. of this directive, is also permitted under this LEP.

3. Documentation of the events leading up to the observation or the reporting of general industry and construction activities within close proximity of overhead high voltage lines shall be maintained by the regional office in case of denial of entry.
4. When an inspection is not conducted because consent has not been obtained, a warrant normally shall be sought in accordance with the current procedures for handling such cases. A warrant may not be necessary, however, if the violations are in plain view. In such situations, the Regional Director shall contact the Director of the Office of Legal Support.
5. The scope of inspections conducted under this LEP shall normally be limited to activities in close proximity to overhead high voltage lines. If the inspection is to be expanded, the principles given in the VOSH FOM shall be followed.

J. Penalties

No penalty reduction factors may be applied to any violation of § 59.1-408 of the Overhead High Voltage Line Safety Act observed during inspections conducted under this LEP, or during other inspections where general industry and construction activities are found within close proximity to overhead high voltage lines. Such violations shall be penalized at \$7,000 for each serious and \$70,000 for each willful or repeat.

During settlement discussions, Directors may consider penalty reductions for financial distress and employer size, as provided in the VOSH FOM.

K. Recording in IMIS

The following guidelines shall be applied when recording inspections conducted under this LEP or other inspections where general industry and construction activities within close proximity to overhead high voltage lines are found:

1. For IMIS purposes, the VAOSH-1 form will be completed as follows:

For Inspection Type, find item 24, and enter an “H” after the colon. (This will yield “**Programmed Planned**” on the screen.)

For Inspection Classification, find item 25c and enter a “Y” after the colon. (This will yield “**Local Emphasis Program**” on the pop-up box. Enter "OHPWRLNE" in all caps in the left-hand column of the pop-up box.

2. Nonformal complaints, other government agency referrals and reports from the public reporting potential hazards related to construction operations within close proximity to overhead high voltage lines shall be recorded on a VAOSH-7 (Notice of Alleged Safety or Health Hazards) or on VAOSH-90 (Referral Report), if appropriate. Follow current IMIS instructions. They shall also be recorded as unprogrammed inspections under the LEP.

3. No Inspection Conducted: When no inspection of activities conducted within close proximity to overhead high voltage lines is conducted for any of the reasons listed in I.1 through I.5, the VAOSH-1 form shall be marked "No inspection" (Item 35, marked "D" after the colon; "Close" (Item 44, marked "A"); "No Citations Issued": (Item 44, marked "B"); and "Other" (Item 45, marked "I"). Record "OHPWRLNE" in the space in 45I. "Opening Conference Date" (Item 20) which will be the date of entry, (enter the date--month/day/year) and "Closing Conference Date" (On Site) (Item 46) will be the date of exit (enter the date--month/day/year). Opening and closing dates are the same date when no inspection is conducted.

[NOTE: If you have any questions regarding the proper way to record in IMIS, please contact the VOSH IMIS section.]

John Mills Barr
Commissioner

Attachment: None

Distribution: Commissioner of Labor and Industry
Directors and Managers
Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III
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