



**VOSH PROGRAM DIRECTIVE:** 14-203

**ISSUED:** March 3, 1986

**REISSUED:** April 1, 2003

**SUBJECT:** Special (National) Emphasis Program: Trenching and Excavation

**A. Purpose.**

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

This directive continues a National Emphasis Program (NEP) in which VOSH will participate for the programmed safety inspection of trenching and excavation operations in accordance with the VOSH FOM.

*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 Program Directive applies VOSH-wide.

**C. Reference.**

OSHA Instruction CPL 2.69 (September 19, 1985).

***Note:** References in this instruction to the old federal Field Operations Manual (FOM) are struck through followed by references to the 2002 VOSH FOM.*

**D. Cancellation.**

VOSH Program Directive 02-203 (March 3, 1986)

**E. Action**

Directors and Managers shall ensure that the policies and procedures established in this directive to facilitate uniform enforcement are adhered to in conducting inspections.

**F. Effective Date**

April 1, 2003

**G. Expiration Date**

Not applicable.

**H. Background**

This program directive is based on the publication of OSHA Instruction CPL 2.69, (September 19, 1985), pertaining to trenching and excavation.

**I. Summary**

Trenching and excavation work is a double-edged hazard: (1) it is inherently dangerous, mainly due to cave-ins, and (2) it is not always held to standards of compliance because it is usually temporary. There is a general belief in the regulated community that this kind of work, because it is short-term, will go undetected.

Success in handling inspections of this kind of operation is not just by following the normal FOM procedure, but by being constantly on the lookout for such worksites, which come and go quickly. This program directive addresses the special procedures necessary for scheduling inspections of trenching and excavation. (See F.1.(b) of attachment.)

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C. Ray Davenport  
Commissioner

Attachment: OSHA Instruction CPL. 2.69, September 19, 1985 or refer to:

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=DIRECTIVES&p\\_id=1653&p\\_text\\_version=FALSE](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1653&p_text_version=FALSE)

Distribution: Commissioner of Labor and Industry  
Directors and Compliance Managers  
VOSH Compliance Staff  
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OSHA Regional Administrator, Region III  
OSHA Regional Office, Norfolk

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Regional Administrator	Commissioner of Labor and Industry
Area Director	Region Director
Regional Solicitor	Attorney General or VOSH Office of Legal Support (OLS)
Agency	Department
Office of Statistics	VOSH Research and Analysis
Compliance Safety and Health Officer (CSHO) and/or Industrial Hygienist	CSHO
Field Inspection Reference Manual (FIRM)	VOSH Field Operations Manual (FOM)



**Occupational Safety & Health Administration  
U.S. Department of Labor**

**OSHA Directives  
CPL 2.69 - Special Emphasis: Trenching and Excavation**

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Record Type: Instruction  
Directive Number: CPL 2.69  
Subject: Special Emphasis: Trenching and Excavation  
Information Date: 09/19/1985

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OSHA Instruction CPL 2.69  
September 19, 1985  
Office of General Industry  
Compliance Assistance

**Subject: Special Emphasis Program: Trenching and Excavation**

- A. Purpose.** This instruction establishes a National Emphasis Program (NEP) for the programmed safety inspection of trenching and excavation operations in accordance with the provisions of the Field Operations Manual (FOM), ~~Chapter H, E.2.b. (4)~~ [see Chapter I, B.2.c. of the 2002 VOSH FOM].
- B. Scope.** This instruction applies OSHA-wide.
- C. Action.** Regional Administrators and Area Directors shall ensure that the procedures established in this instruction are adhered to in scheduling programmed inspections.
- D. Federal Program Change.** This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:
  - 1. Ensure that this change is promptly forwarded to each State designee.
  - 2. Explain the technical content of this change to the State designee as requested.
  - 3. Ensure that State designees are asked to acknowledge receipt of this Federal program change in writing, within 30 days of notification, to the Regional Administrator. This acknowledgment should include a description either of the State's plan to implement the change or of the reasons why the change should not apply to that State.
  - 4. Review policies, instructions and guidelines issued by the State to determine if

this change has been communicated to State program personnel. Routine monitoring activities shall also be used to determine if this change has been implemented in actual performance.

**E. Background.** Because of the continuing incidence of trench/excavation collapses and accompanying loss of life, the agency has determined that an increased OSHA enforcement presence at worksites where such operations are being conducted is warranted.

1. Trenching and excavation work creates hazards to workers which are extremely dangerous. Compliance with OSHA construction standards applicable to such operations is frequently bypassed because of economic pressures, a belief that compliance is unnecessary or an expectation that these short-term operations will go undetected.
2. Although it would be expected that, after more than 12 years of enforcement activity, most employers would be adhering to shoring and sloping requirements, experience has shown that such is not the case. OSHA believes that the rate of deaths and serious injuries resulting from trench/excavation accidents (mostly cave-ins) can be significantly affected only by a concentration of compliance resources within the area of trenching and excavation operations.
3. Currently 6 of OSHA's 10 Regions are already conducting local emphasis programs in this area. These local emphasis programs are all similar in nature. The decision has been made to replace these programs with a National Emphasis Program extended to all Regions.
4. The construction scheduling procedures outlined in the FOM cannot be used in scheduling inspections of trenching and excavation operations because the timing of such inspections is extremely important. These operations tend to begin and end quickly and must be inspected while they are in operation. Consequently, the following procedures are prescribed in scheduling these inspections.

**F. Procedures.**

1. All compliance personnel shall be instructed to be on the lookout for trenching or excavation worksites. Every observation of such operations 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 trenching or excavation operation (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 performing the operation, if known.
  - (3) Contact the Area Office supervisor for a decision as to whether an inspection is required.
- b. All trenching and excavation worksites brought to the attention of the Area Office shall be inspected as follows:
- (1) If the worksite has been inspected within the last 30 days, the results of the inspection shall be considered along with the current observations of the CSHO.
    - (a) If trenching/excavation work was not in progress during the last inspection and there are apparent serious violations present at the current site, the supervisor shall authorize an inspection.
    - (b) If trenching/excavation work was in progress during the last inspection, the supervisor shall authorize an inspection only if apparent serious violations are present or can reasonably be expected at the current site.
  - (2) If the worksite has not been inspected within the last 30 days, an inspection shall be conducted unless it is apparent that the trench or excavation is less than 5 feet in depth or is in compliance with all OSHA standards governing such operations
- c. Reports of imminent danger, fatality/catastrophe reports, formal complaints, safety and health agency referrals and media reports shall be scheduled as unprogrammed inspections, conducted as described in the relevant chapters of the FOM.
- d. Nonformal complaints and other referrals involving trenching or excavation operations shall be scheduled as unprogrammed inspections under the NEP, conducted in accordance with procedures found in ~~Chapter IX of the FOM~~ ~~Chapter IX of the FOM~~ [see Chapter I of the 2002 VOSH FOM]. Such notices, therefore, need not be responded to with the usual letter to the employer.
- e. An inspection scheduled under this NEP does not necessarily need to be inspected by the person making the original observation. A CSHO referral may be appropriate under the guidelines given in the FOM,

~~Chapter IX, B~~ [see Chapter 1, C. 13 of the 2002 VOSH FOM].

2. The discovery of these worksites may be the result of a specific search to find this type of operation, at the discretion of the Regional Administrator. Although sightings normally will be those which occur during the course of routine travel during duty or nonduty hours, Regional policy may provide that the Area Director saturate areas of high construction activity for the purpose of identifying all trenching and excavation sites within that area as far as reasonably possible verification of information received from sources other than CSHO observation, as indicated in F.1.a. is also permitted under this NEP.
3. Documentation of the events leading up to the observation or the reporting of the trenching or excavation worksite shall be maintained by the Area 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 procedure for handling such cases. A warrant may not be necessary, however, if the violations are in plain view. In such situations, the Regional Administrator shall contact the Regional Solicitor for guidance.
5. If the CSHO initially observing the work operation involving a trenching or excavation operation sees an apparently serious hazard in plain view, and if it is not convenient to contact the supervisor at the time, an inspection shall be conducted and the supervisor informed as soon as practical after the inspection has been completed.
6. The scope of inspections conducted under this NEP shall normally be limited to the trenching or excavation operation. If the inspection is to be expanded, the principles given in the FOM, ~~Chapter VII, C.1.b. and d.~~ [see Chapter IIA, A.3 of the 2002 VOSH FOM] shall be followed.
7. When conducting inspections in trenching or excavation operations, CSHOs shall be alert to the presence of minors who may be employed at such worksites. Because the Employment Standards Administration (ESA) has regulations related to the employment of minors between 16 and 18 years old in hazardous occupations (Hazardous Occupations Order No. 17), any indication during a trenching or excavation inspection that minors are so employed shall be reported as soon as reasonably possible to the Area Director who shall relay this information to the nearest Wage-Hour Area Office immediately upon receipt. The Regional Administrator shall be informed whenever such a referral has been made.

**G. Recording in IMIS.** The following guidelines shall be applied when recording inspections conducted under this NEP or other inspections where trenching or excavation operations are found:

1. Current instructions for completing the appropriate inspection classification boxes (Items 24 and 25) on the Inspection Report, VAOSH-1 Form, as found in the IMIS Manual shall be followed for inspections under this NEP.
  - a. The VAOSH-1 for any programmed inspection scheduled under the procedures in the FOM, ~~Chapter II, E.2.b. (2)~~ [see Chapter I, D.2 of the 2002 VOSH FOM] shall be marked "Planned" (Item 24h.), "Construction" (Item 25a.) and "National Emphasis Program" (Item 25d.). Record "TRENCH" in the space in Item 25d.
  - b. The VAOSH-1 for any programmed inspection scheduled under this National Emphasis Program shall be marked "Planned" (Item 24h.) and "National Emphasis Program" (Item 25d.) Record "TRENCH" in the space in Item 25d.
  - c. The VAOSH-1 for any unprogrammed inspection of a trenching or excavation operation shall be marked as unprogrammed (Item 24 a. through g. as appropriate) In addition it shall be marked National Emphasis Program" (Item 25d.). Record "TRENCH" in the space in Item 25d.
2. Nonformal complaints, other government agency referrals and reports from the public reporting potential hazards related to trenching or excavation operations shall be recorded on an OSHA-7, Notice of Alleged Safety or Health Hazards, or an OSHA-90, Referral Report, if appropriate, in accordance with current IMIS instructions. They shall be recorded as unprogrammed inspections under the NEP as outlined in G.1.c.

**I. Full-Service Program Support.** The Area Office is encouraged to develop outreach programs which will support the enforcement effort. Such programs might consist in letters to employers who engage in trenching or excavation operations explaining the hazards involved and what OSHA standards require. Wide publicity could be given to the National Emphasis Program. Fatality reports involving accidents related to trenches or excavations could be widely distributed in the construction industries. Attention should be focused on the assistance offered by the 7(c)(1) consultation projects in the State.

Patrick R. Tyson  
Acting Assistant Secretary

DISTRIBUTION: National, Regional and Area Offices  
All Compliance Officers  
State Designees  
7(c)(1) Project Managers  
NIOSH Regional Program Directors