

VOSH PROGRAM DIRECTIVE: 14-221E**ISSUED: 01 May 2018****SUBJECT: State Emphasis Program: "Overhead High Voltage Line Safety for both General Industry and Construction"**

Purpose **CHANGE II:** Revisions in this Change include updating the Penalty section and the coding system from Integrated Management Information System ("IMIS") to the current OSHA Information System ("OIS"). **CHANGE I:** 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.

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

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

Cancellation VOSH Program Directive 14-221D (April 1, 2003)

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.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
VOSH DLS and OIS Staffs

Consultation Programs Manager
VOSH Compliance & Cooperative Programs Staffs
OSHA Region III & OSHA Norfolk Area Offices

Effective Date

CHANGE II: 01 May 2018

CHANGE I: 01 April 2003

Expiration Date

Not Applicable – remains in effect until cancelled or superseded.

I. 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 12-246A (02/15/04), or its successor].

Additionally, a fatality analysis, prepared by VOSH Safety Compliance, concluded that a special emphasis program effort is warranted. By increasing VOSH compliance presence, this State Emphasis Program (SEP), formerly 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 SEP 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.

II. 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 IV.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 SEP.

- 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 OIS system according to the guidelines in IV.C. 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 SEP, 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 II.1.a. of this Directive, is also permitted under this SEP.
 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 Division of Legal Support.
 5. The scope of inspections conducted under this SEP 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.

III. 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 SEP, or during other inspections where general industry and construction activities are found within close proximity to overhead high voltage lines. The maximum allowable penalty for situations where a powerline is contacted or an arc flash occurs shall be based on the classification of the violation in accordance with Va. Code §40.1-49.4.O.

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

IV. Recording in OIS. The following guidelines shall be applied when recording inspections conducted under this State Emphasis Program (“SEP”) or other inspections where general industry and construction activities within close proximity to overhead high voltage lines are found:

- A. Programmed Inspections.** A programmed inspection conducted under this SEP shall be coded as “OHPWRLNE” in the State Emphasis Program block and as Programmed Planned” in the Initiating Type block OIS. Inspections under this SEP will be typically coded as “Safety” inspections in the “Inspection Category” block.
- B. Complaint Inspections.** On the OIS Inspection Form, inspections involving activities conducted within close proximity to overhead high voltage lines which are initiated as a result of a complaint, referral, or fatality/catastrophe, shall be coded as “OHPWRLNE” in the *State Emphasis Program* block and as the appropriate “unprogrammed” activity in the *Initiating Type* block regardless of whether they are listed on a cycle list.
- C. No Inspection Conducted.** When no inspection of activities conducted within close proximity to overhead high voltage lines is done for any of the reasons listed in II.1 through I.5 of this Program Directive, the OIS shall be updated in the *Reason No Inspection* block.
- D.** Code placement of “OHPWRLNE” is necessary in the State Emphasis Program field for all consultation activities, i.e., requests, visits, and compliance assistance conducted at establishments in the NAICS codes included in this SEP.

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