



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2016-09 (CPL 2)

EFFECTIVE DATE: October 1, 2015

SUBJECT: Local Emphasis Program - **Federal Agencies**

REGIONAL IDENTIFIER: Region II

BSTRACT

Purpose: This instruction transmits the policy and procedures to be followed when making programmed safety or health local emphasis inspections at federal agencies in New York, New Jersey, Puerto Rico, and the US Virgin Islands.

Scope: This instruction applies Region-wide.

References: OSHA Instruction CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs*. CPL 02-00-150, *Field Operations Manual (FOM)*, April 22, 2011, OSHA Instruction CPL 02-00-051 *Enforcement Exceptions and Limitation under the Appropriations Act*, OSHA Instruction CPL 02-00-025 *Scheduling System for Programmed Inspections*

Cancellations: None

Action Offices: Region II Area Offices

Expiration: This notice expires on September 30, 2016. Exception: Any inspection begun prior to September 30, 2016 may continue until conclusion.

State Plan Impact: None.

Originating Office: New York Regional Office

Contact: Office of the Regional Administrator (212)337-2378
201 Varick Street, Room 670
New York, New York 10014

By and Under the Authority of

Robert D. Kulick
Regional Administrator

Executive Summary

Federal agencies are not covered directly by the OSH Act and may be inspected by OSHA only through the authorization of Executive Order 12196. Inspection activity in the federal sector has been limited to unprogrammed inspections and a limited number of "targeted" inspections where advance notice is provided. Region II Area Offices, in their inspection activity at federal installations via these two means, have identified a multitude of safety and health violations while on site. Numerous complaints have also been received alleging safety and health hazards at federal agencies. Many of the complaints result in letters being sent to the agency requesting corrective action. Experience and inspection history has found that the federal agencies are not always responsive in ensuring a safe and healthful work environment for their employees. For this reason, along with the announced goal of providing "impartial and firm but fair" enforcement, this Local Emphasis Program has been developed.

TABLE OF CONTENTS

- I. PURPOSE.
- II. SCOPE.
- III. REFERENCES.
- IV. CANCELLATIONS.
- V. POLICY.
- VI. PROCEDURES.
- VII. RESPONSIBILITIES.

- I. **Purpose** This instruction transmits the policy and procedures to be followed when making programmed safety or health local emphasis inspections at federal agencies in New York, New Jersey, Puerto Rico, and the US Virgin Islands.
- II. **Scope.** This instruction applies to all federal agency activities involving occupational safety and health located within the jurisdiction of the Region II Area Offices.
- III. **References.**
 - A. OSHA Instruction CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs*.
 - B. CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
 - C. OSHA Instruction CPL 02-00-051 Enforcement Exceptions and Limitation under the Appropriations Act,
 - D. OSHA Instruction CPL 02-00-025 Scheduling System for Programmed Inspections,
 - E. OSHA Instruction CPL 02-00-111 Citation policy for Paperwork and Written Program Requirement Violations,
- IV. **Policy.** Area Directors shall use this instruction for inspection selection and scheduling for both safety and health inspections at federal agencies.
- V. **Procedures.** The following procedures shall be followed for the scheduling and inspection of work sites under this program:
 - A. Inspection Targeting and Scheduling:
 - 1. The Regional Office of Technical Support shall obtain from the Office of Workers' Compensation Programs (OWCP) a list of all federal agencies with installations in New York, New Jersey, Puerto Rico, and the US Virgin Islands. Accompanying the list will be a log of Lost Workday incidents for the previous fiscal year. The lists will be forwarded to the Area Offices.
 - 2. The Area Offices will rank the work sites by both frequency and nature of the incident. Those injuries with high frequency and seriousness (as defined by the FOM) rank highest. Other factors such as local knowledge, complaint rate, occurrence of fatalities, nationwide history, and so forth, may also be used to adjust the ranking of installations.
 - 3. Based upon both ranking and resource availability, the Area Director will designate the order in which specific locations will be inspected.
 - 4. The number of inspections under this LEP will be specified in each year's performance plan, and it is expected that the planned number of inspections will be completed in

each fiscal year. Any inspections not completed will be added to the next year's list.

5. Follow-up and/or monitoring inspections shall be conducted according to criteria established in the FOM and Area Director discretion.
6. Press releases for significant cases such as willful violations and high gravity serious and repeat violations will be issued in accordance with Region II policy and procedures.

B. Special Instructions:

1. OSHA Inspection form Coding. Inspections conducted under this program shall be coded on the OSHA Inspection form with the designation "FEDSAFE" in the Local Emphasis Program field.
2. Unprogrammed Federal Agency inspections should address both the "unprogrammed" issues and the LEP. Such inspections shall also be classified and coded under this local emphasis program.
3. Evaluation Procedures. Upon completion of the scheduled cycle on inspections, but not later than the end of the fiscal year, the ARA/Technical Support shall evaluate whether this local emphasis program should be continued.

C. The Local Emphasis Program shall be evaluated by the Area Director as well as the Technical Support staff.

D. Toward the end of the effective period of the Local Emphasis Program, an evaluation of the effectiveness of the LEP will be made by the Area Director in conjunction with Technical Support staff.

E. The Area Director shall ensure that an evaluation of the LEP is completed and submitted no later than September 15, 2016. In turn, the Technical Support staff will prepare a final evaluation report.

F. Based on the findings of the Area Director and input from the ARA/TS a final report shall be prepared to the Regional Administrator assessing the effectiveness of the program. That report shall also make recommendations as to whether or not the LEP should be renewed by October 15, 2016.

VI. **Outreach Activities**. All area offices participating in this LEP will address this program by contacting the Federal Executive Boards and Field Federal Safety and Health Councils in their area to provide speeches and outreach presentations during the time the Regional Emphasis Program is in effect. Inspections may be initiated prior to any outreach being completed. Requests for technical assistance, compliance assistance, and outreach from Federal Agencies and Federal employees will receive priority consideration from the area offices. The Compliance Assistance Specialist in each area office will assist with outreach initiatives.

VII. **Responsibilities**. ARA/TS shall evaluate the Local Emphasis Program. The evaluation shall consist of a report of the program's success in accomplishing its identified goals.