



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 14-08 (CPL 04)	EFFECTIVE DATE: December 23, 2014
SUBJECT: Regional Emphasis Program for Federal Agencies	
REGIONAL IDENTIFIER: Region 10	

ABSTRACT

- Purpose:** This Notice renews the policies and procedures to be followed when making programmed safety or health local emphasis inspections at federal agencies in Alaska, Oregon, Washington, and Idaho.
- Scope:** This Notice applies region-wide.
- References:**
- OSHA Instruction CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.
 - OSHA Instruction CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs*, November 10, 1999.
 - OSHA Instruction CPL 02-00-150, *Field Operations Manual (FOM)*, April 22, 2011.
 - OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs," November 13, 2014.
 - OSHA Memorandum for Regional Administrators, Subject: "*Procedures for Local and Regional Emphasis Programs*," December 3, 2014
- Cancellation:** OSHA Regional Notice 13-28 (CPL 04), November 26, 2013.
- Expiration Date:** This Notice will expire December 31, 2015, but may be renewed.

State Plan Impact: None.

Significant Changes: None.

Action Offices: Anchorage, Bellevue, Boise and Portland Area Offices and the Office of Federal and State Operations.

Originating Office: Office of Federal and State Operations

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By and Under the Authority of:

KEN NISHIYAMA ATHA
Acting Regional Administrator

EXECUTIVE SUMMARY

This Notice provides the framework for a Regional emphasis program to reduce and/or eliminate hazards associated with work performed by Federal Agency employees under the enforcement jurisdiction of Region X.

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- I. Purpose.** This Notice renews the policies and procedures to be followed when making programmed safety or health local emphasis inspections at federal agencies in Alaska, Oregon, Washington, and Idaho.
- II. Scope.** This Notice applies to all federal agency activities involving occupational safety and health located within the jurisdiction of the Anchorage, Alaska; Portland, Oregon; Bellevue, Washington; and Boise, Idaho Area Offices.
- III. Action Offices.** Anchorage, Bellevue, Boise and Portland Area Offices and the Office of Federal and State Operations
- IV. State Plan Impact.** None.
- V. References.**
- A. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.

- C. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
- D. OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs," November 13, 2014.
- E. OSHA Memorandum for Regional Administrators, Subject: "*Procedures for Local and Regional Emphasis Programs*," December 3, 2014

VI. Cancellation. OSHA Regional Notice 13-28 (CPL 04), November 26, 2013.

VII. Background.

This LEP supports the DOL 2014-2018 Strategic Plan, Strategic Objective 2.1, to secure safe and healthy workplaces, particularly in high-risk industries. This LEP will also address OSHA's performance measures OSHA- HPPG-03, Federal Agency total case rate for injuries and illnesses – Annual Goal and OSHA-HPPG-04, Federal Agency lost time case rate for injuries and illnesses – Annual Goal.

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 10 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.

Two FEDSAFE inspections were conducted in FY 2014 that resulted in significant cases based on equivalent private sector penalty when the notices are issued in FY 2015. One of these cases involved several failure-to-abate notices. Multiple serious and repeat violations were issued under this LEP in FY 2014. Considering that 406 serious and 97 repeat violations were issued during FY 2014 under this LEP, it is estimated that at least 503 serious safety or health hazards were identified and eliminated on these work sites. Depending on the agency and the type of work conducted, a variety of the 29 CFR 1910 and 29 CFR 1960 standards were cited, including hazard communication, electrical, powered industrial trucks, and amputation hazards. The Region investigated one fatal incident in FY 2014, two fatal incidents during FY 2013 and one fatal incident in FY 2012 related to Federal employees. It is anticipated that the new recordkeeping rules for Federal agencies will improve the targeting methods currently utilized by the area offices.

VIII. Policy.

Area directors shall use this Notice for inspection selection and scheduling for both safety and health inspections at federal agencies.

IX. Procedures.

The following procedures shall be followed for the scheduling and inspection of work sites under this program:

A. Outreach Program.

This LEP has been in place for several years and outreach is a continual effort through programs such as Safety Fests and meetings with local federal organizations and safety committees. The Area Offices will provide updated information to employers on topics such as the OSHA standards that apply to their operations, how to implement a safety and health program, and details about the LEP. Information will be disseminated via the Boise Area Office electronic newsletter to employers and industry representatives.

B. Inspection Targeting and Scheduling.

1. The Regional Office of Federal and State Operations shall obtain from the Office of Federal Agency Programs a list of all federal agencies with installations in Alaska, Oregon, Washington and Idaho. 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 10 policy and procedures.

C. Special Instructions.

1. Inspections conducted under this program shall be coded on OSHA Information System (OIS) as described below. Unprogrammed inspections of federal agencies shall also be classified and coded under this local emphasis program.
2. Inspection Record forms will be coded as follows:
 - a. Inspection Type: Mark as referral, complaint or accident if *unprogrammed*, or mark as Programmed Planned if *programmed*.
 - b. Local Emphasis Program: Mark as FEDSAFE.
 - c. Unprogrammed Activity Forms: Optional Information mark as FEDSAFE.
 - d. Compliance Assistance Activity forms: Outreach activities more than 30 minutes in length will be recorded on the compliance assistance activity form. *Local Emphasis* shall be coded as FEDSAFE. The following strategic plan codes may be selected, as appropriate: Small Business, Amputations, Immigrant, and Youth.

D. Evaluation Procedures.

1. Upon completion of the scheduled cycle on inspections, but not later than the end of the fiscal year, the ARA/FSO shall evaluate whether this local emphasis program should be continued. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.
2. The Area Director will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.
3. The Office of Federal and State Operations (FSO) shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.