



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 02-13-005H | **EFFECTIVE DATE:** October 1, 2019

**SUBJECT:** Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies

**REGIONAL IDENTIFIER:** Region VII

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## ABSTRACT

**Purpose:** This Instruction continues a Local Emphasis Program (LEP) for comprehensive programmed safety and health inspections of Federal agency sites in the State of Iowa.

**Scope:** This Instruction applies to Federal agency sites within the jurisdiction of the Des Moines Area Office.

**References:** OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998. (Appendix A, December 18, 2018 or most recent version).

OSHA Instruction CPL 02-00-163, Field Operations Manual, September 13, 2019, or the most current version at the time of the inspection opening conference

OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs, November 13, 2018

OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995

OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

**Cancellations:** This Instruction cancels CPL 02-13-005G, Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies, October 1, 2018.

**State Plan Impact:** None

**Action Offices:** Saint Louis Area Office

Originating Office: Kansas City Regional Office

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By and Under the Authority of

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Kimberly A. Stille  
Regional Administrator, VII

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### **Executive Summary**

This Instruction continues a Local Emphasis Program (LEP) for comprehensive programmed safety and health inspections of Federal agency sites in the State of Iowa.

The intent is encouraging employers to take steps to address hazards, evaluate facilities to determine compliance with all relevant OSHA requirements, and help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

## Table of Contents

I.	Purpose.....	5
II.	Scope.....	5
III.	Expiration.....	5
IV.	Action.....	5
V.	References.....	5
VI.	Cancellation .....	5
VII.	Action Offices.....	5
VIII.	Background.....	5
IX.	Inspection Scheduling.....	6
X.	Inspection Procedures .....	7
XI.	OIS Coding .....	7
XII.	Outreach.....	7
XIII.	Program Report.....	7

- I. **Purpose.** This Instruction continues policies and procedures for conducting comprehensive programmed safety and health local emphasis inspections at Federal agency sites in the State of Iowa.
- II. **Scope.** This Instruction applies to Federal agency sites within the Des Moines Area Office's jurisdiction.
- III. **Expiration.** This Instruction will expire September 30, 2024.
- IV. **Action.** OSHA compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.
- V. **References.**
  - A. OSHA Instruction CPL 02-00-111, Citation policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
  - B. OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference.
  - C. OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs (LEPs), November 13, 2018.
  - D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
  - E. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998. (Appendix A, December 18, 2018 or most recent version).
  - F. OSHA Instruction FAP 01-00-008, Federal Agency Targeting Inspection Program, February 11, 2019.
  - G. Executive Order 12196, Occupational Safety and Health Program for Federal Employees, February 26, 1980.
  - H. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- VI. **Cancellations.** This Instruction cancels CPL 02-13-005G, Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies, October 1, 2018.
- VII. **Action Offices.** Des Moines Area Office
- VIII. **Background.** The Occupational Safety and Health (OSH) Act of 1970, does not directly apply to federal agencies. Executive Order 12196, however, provides the authorization for OSHA to conduct Federal agency inspections. Programmed Planned inspections accounted for 92% of all inspection activity in the federal sector in the Des Moines Area Office from FY 2016-2019.

During inspections at federal agency sites, the Des Moines Area Office observed federal contractor employees expose themselves to hazards of their occupation, but also expose adjacent federal employees. Inspections conducted at federal agencies by the Des Moines Area Office during FY 2016-2019 revealed federal agencies are exposing employees to a

high level of serious hazards evident by a 0% Other Than Serious Violation Rate for all inspections conducted under this LEP.

Experience and inspection history reveal federal agencies are not always responsive in ensuring a safe and healthful work environment for their employees. Inspections conducted under this LEP between FY 2016 and 2019 yielded a Repeat Violation Rate of 34% (three repeat violations per inspection with repeats). Experience reveals Federal agencies are inexperienced in recognizing when contractors expose their employees, as well as expose Federal employees, to hazards. The national Federal Agency Targeting Inspection Program (FEDTARGET) provides a limited number of Federal agencies for inspection on its listing. The list over the last 12 years has addressed only three of the Federal agencies located in the State of Iowa. Inspections conducted under this program as well as complaint inspections have continued revealing serious safety and health hazards. Therefore, this local emphasis program continues to identify hazards at Federal agency sites. In accordance with the U. S. Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

**IX. Inspection Scheduling and Site Selection.** The Area Office will follow the procedures and the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs.

Inspection scheduling shall be in accordance with the FOM, Chapter 2, Program Planning. The Des Moines Area Office will use the following procedures for scheduling of and inspecting work sites under this program:

- A. Master List. The Area Office will use the Federal Agency Establishment List obtained from the Office of Statistical Analysis (OSA), as well as locally generated lists of Federal agencies in Iowa, to create a master establishment list. All establishments on the master establishment list that have received a comprehensive safety and health inspection 36 months prior to the creation of the Master list will be purged from the list.
- B. The Area Office will randomize the list of counties using a Microsoft Excel spreadsheet and the Microsoft Excel RANDBETWEEN function. The Des Moines Area Office will randomize counties where establishments are located. After randomization, the Des Moines Area Office will select the county list by ascending random number order until it generates 30 establishments. The randomization follows procedures in accordance with the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs. The Des Moines Area Office will establish subsequent cycles in the same manner.
- C. Cycles. The Area Office will inspect all establishments within each county. After randomization, the Des Moines Area Office will select counties from the randomized county list by ascending random number order until it generates 30 establishments. The Des Moines Area Office will establish subsequent cycles in the same manner. Within a cycle, the office will schedule and inspect all

establishments in any order that makes efficient use of available resources prior to initiating a new cycle.

D. Deletions.

1. The Area Office may delete from the list, any establishment that has received a comprehensive health inspection within the previous thirty-six (36) calendar months of the current inspection cycle.
2. The Area Office shall apply deletion criteria to the list of establishments, with the exception of deletion criteria H#, I#, S#, and T#, derived from OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, Paragraph B.1.b.(1)(b)6.d.

X. **Inspection Procedures.** Each location scheduled for inspection shall receive a comprehensive inspection as defined by the FOM.

XI. **OSHA Information System (OIS) Coding.** The Area Office will identify inspections conducted under this LEP in OIS. The Area Office will follow current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form:

- A. Select the "Inspection Type" tab in OIS to fill in the appropriate LEP information. The inspection type for a programmed inspection conducted under this local emphasis program shall be marked "Program Planned" (Initiating Type). Select the "Local Emphasis Program" drop box under Inspection Emphasis Programs and select "FEDCOMP".
- B. CSHOs arriving at a worksite scheduled for an LEP inspection, and discovering the site should have been deleted from the list (e.g., is no longer present), shall choose from the Scope of Inspection drop box "No Inspection". The CSHO shall select a code from the "Reason no Inspection" drop box.
- C. The Des Moines Area Office shall code unprogrammed inspections of sites on the list, generated by complaints, referrals, imminent danger, or fatality/catastrophe investigations, as normally required by the FOM. In addition, the Des Moines Area Office will inspect sites in accordance with the scope of this LEP and record the designation "FEDCOMP" under the "Local Emphasis Program" drop box of the "Inspection Emphasis Program" area.

XII. **Outreach.** In conjunction with conducting inspections under this LEP, the Des Moines Area Office continues providing outreach through the Federal Executive Board, the Field Federal Safety and Health Council, and Federal agencies in its jurisdiction. The outreach consists of pertinent information about the inspection program and providing sources of safety and health information for affected agencies. The Des Moines Area Office initiated no inspections prior to the outreach completion. Requests for technical assistance, compliance assistance, and outreach from Federal Agencies and Federal employees will continue to receive priority consideration from the Area Office.

XIII. **Program Report.** No later than midway through the life of the program and completion of the program, the Area Office will provide a program report of this LEP to the Regional

Office. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VIII, E.