



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 10-01 (CPL 02)

EFFECTIVE DATE: March 10, 2010

SUBJECT: Cancellation and Revision of OSHA Instructions Related to Standard Alleged Violation Elements (SAVEs)

ABSTRACT

- Purpose:** This Notice cancels OSHA instructions related to Standard Alleged Violation Elements (SAVEs), and it revises SAVEs references in other OSHA instructions.
- Scope:** This Notice applies OSHA-wide.
- References:** 29 CFR Part 1903, *Inspections, Citations and Proposed Penalties*. See other references in Section III, below.
- Cancellations:** OSHA Instruction CPL 02-00-032, *Maritime Standard Alleged Violation Elements (SAVEs) Manual*, December 21, 1983, and subsequent changes; OSHA Instruction CPL 02-00-034, *Construction SAVEs Manual*, September 1, 1979, and subsequent changes; OSHA Instruction CPL 02-00-035, *Regulatory and General Industry SAVEs Manual*, September 1, 1979, and subsequent changes except CH-25, August 29, 1994; and OSHA Instruction CPL 02-00-036, *Changes to the Agriculture Standard Alleged Violation Elements (SAVEs) Manual*, 29 CFR Part 1928, August 30, 1993, and subsequent changes.
- State Impact:** States with standards identical to the Federal are expected to use the SAVEs in the IMIS and other data systems and to develop their own SAVEs for standards that differ (see Section VI).
- Action Offices:** OSHA National, Regional and Area Offices, State Plan Offices.
- Originating Office:** Directorate of Enforcement Programs.

Abstract-1

Contact: Office of Health Enforcement
Directorate of Enforcement Programs
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By and Under the Authority of

David Michaels, PhD, MPH
Assistant Secretary

Executive Summary

Since Standard Alleged Violation Elements (SAVEs) are wholly based on standards promulgated by OSHA, and contain no additional regulatory or interpretive language, they are being changed to an internal procedure, to be managed and communicated through internal OSHA policies and programming. Therefore, it is no longer necessary to formally issue or update SAVEs through directives or manuals. All existing SAVEs manuals and directives are hereby cancelled and rescinded. This Notice cancels the four original SAVEs manuals and their numerous subsequent updates: OSHA Instruction CPL 02-00-032, *Maritime Standard Alleged Violation Elements (SAVEs) Manual*, December 21, 1983; CPL 02-00-034, *Construction SAVEs Manual*, September 1, 1979; CPL 02-00-035, *Regulatory and General Industry SAVEs Manual*, September 1, 1979 (except CH-25, August 29, 1994); and CPL 02-00-036, *Changes to the Agriculture Standard Alleged Violation Elements (SAVEs) Manual, 29 CFR Part 1928*, August 30, 1993. This Notice also cancels unnecessary references to the cancelled SAVEs manuals from all other OSHA instructions. Additionally, as part of the directive revision process, OSHA has also removed and archived interpretations from its public website that no longer reflect current policy and/or are superseded by this OSHA Notice.

Significant Changes

This Notice cancels CPL 02-00-032, CPL 02-00-034, CPL 02-00-035 (except CH-25, August 29, 1994), and CPL 02-00-036, plus this Notice cancels unnecessary references to the cancelled SAVEs manuals from all other OSHA instructions and letters.

- I. Purpose. This Notice cancels OSHA instructions related to Standard Alleged Violation Elements (SAVEs), and it revises SAVEs references in other OSHA instructions. SAVEs will continue to be generated by OSHA internally and incorporated into the Integrated Management Information System (IMIS) Enforcement Data Processing Manual, per OSHA Instruction, IRT 01-00-007.

- II. Scope. This Notice applies OSHA-wide.

- III. References.
 - A. Title 29 United States Code 651, Occupational Safety and Health Act of 1970.
 - B. OSHA Standard 29 CFR Part 1903, Inspections, Citations and Proposed Penalties.
 - C. OSHA Instruction CPL 02-00-148, Field Operations Manual (FOM), November 9, 2009, and subsequent changes.
 - D. OSHA Internal Instruction, IRT 01-00-006, The Enforcement User Skills Manual for Use with the NCR Computer System, July 19, 1993, and subsequent changes.
 - E. OSHA Internal Instruction, IRT 01-00-007, The IMIS Enforcement Data Processing Manual for Use with the NCR Computer System, September 20, 1993, and subsequent changes.
 - F. OSHA Internal Instruction, IRT 02-01-003, The System Administration and Maintenance Manual for use with the NCR, July 26, 1993, and subsequent changes.

- IV. Cancellations.
 - A. OSHA Instruction CPL 02-00-032, *Maritime Standard Alleged Violation Elements (SAVEs) Manual*, December 21, 1983, and subsequent changes.
 - B. OSHA Instruction CPL 02-00-034, *Construction SAVEs Manual*, September 1, 1979, and subsequent changes.
 - C. OSHA Instruction CPL 02-00-035, *Regulatory and General Industry SAVEs Manual*, September 1, 1979, and subsequent changes except CH-25, August 29, 1994.
 - D. OSHA Instruction CPL 02-00-036, *Changes to the Agriculture Standard Alleged Violation Elements (SAVEs) Manual, 29 CFR Part 1928*, August 30, 1993, and subsequent changes.

- V. Action Offices.
- A. Responsible Office. Office of Health Enforcement (OHE), Directorate of Enforcement Programs.
 - B. Action Offices. OSHA National, Regional and Area Offices, State Plan Offices.
 - C. Information Offices. State Designees.
- VI. Federal Program Change. This Notice cancels OSHA instructions related to SAVEs, as they are out of date and no longer necessary. SAVEs are incorporated into the IMIS, available through the OSHA Intranet/Extranet, and will be part of the OSHA Information System (OIS). States are encouraged to use the SAVEs available through these sources for standards identical to the Federal and should make appropriate changes to their enforcement procedures to reflect this change. States with different standards should develop and maintain appropriate alternative SAVEs.
- VII. Significant Changes.
- A. This Notice cancels CPL 02-00-032, CPL 02-00-034, CPL 02-00-035, and CPL 02-00-036, and all subsequent changes to these manuals. The only exception is [CPL 02-00-035, CH-25, 8/29/1994](#), which shall remain in effect until its guidance on creating new SAVEs is incorporated into the next update of the OSHA Field Operations Manual (FOM), [CPL 02-00-148](#).
 - B. This Notice cancels unnecessary references to the cancelled SAVEs manuals from all other OSHA instructions, directives, and letters of interpretation.
- VIII. Background. SAVEs are a component of every citation written by OSHA. The SAVEs are a means to communicate to employers the specific OSHA standards being cited. A SAVE simply states that the employer "did not provide..." or "did not ensure..." etc., to clarify what specific OSHA standard was violated. The SAVEs are wholly based upon the OSHA standards, and the SAVEs contain no additional regulatory or interpretive language. Following every SAVE in each written citation, OSHA also describes the alleged violative conditions found at the employer's workplace during the inspection. OSHA terms this part of the written citation as the alleged violative description (AVD). OSHA's written citations implement [Section 9\(a\) of the OSH Act](#), which states, in part, "*Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated.*" 29 USC §658 [See also, [29 CFR 1903.14\(b\)](#)]
- Since SAVEs are wholly based on standards promulgated by OSHA, and contain no additional regulatory or interpretive language, they are being changed to an internal procedure, to be managed and communicated through internal OSHA policies and programming.

- IX. General Procedures. SAVEs shall no longer be formally issued or updated through directives or manuals. All existing SAVEs manuals and directives are hereby cancelled and rescinded, with one exception. Specifically, this Notice cancels the four original SAVEs manuals plus their numerous subsequent updates: OSHA Instruction CPL 02-00-032, *Maritime Standard Alleged Violation Elements (SAVEs) Manual*, December 21, 1983; CPL 02-00-034, *Construction SAVEs Manual*, September 1, 1979; CPL 02-00-035, *Regulatory and General Industry SAVEs Manual*, September 1, 1979 (except CH-25, August 29, 1994); and CPL 02-00-036, *Changes to the Agriculture Standard Alleged Violation Elements (SAVEs) Manual, 29 CFR Part 1928*, August 30, 1993.

Although the SAVEs Manuals are being cancelled, parts of these manuals provided helpful guidance and examples on how to develop and write new SAVEs, including those requiring multi-step abatement in grouped, overexposure citations. These instructions are collected in [CPL 02-00-035, Change 25, 8/29/1994](#), which shall remain in effect until such time that this information is inserted into the new OSHA Field Operations Manual (FOM), CPL 02-00-148, during its next revision.

This Notice also cancels unnecessary references to SAVEs manuals from all other OSHA instructions. Additionally, as part of the directive revision process, OSHA has also removed and archived interpretations from its public website that no longer reflect current policy and/or are superseded by this OSHA Notice. If there are any other OSHA documents, instructions, etc., in the public domain that contain references to SAVEs manuals, and that are not specifically listed herein this cancellation notice, such references are hereby cancelled as well.

OSHA's internal programming guidance will continue to remain applicable for SAVEs, as primarily provided by three internal directives and subsequent changes: IRT 01-00-006, *The Enforcement User Skills Manual for Use with the NCR Computer System*, July 19, 1993; IRT 01-00-007, *Integrated Management Information System (IMIS) Enforcement Data Processing Manual*; and, IRT 02-01-003, *The System Administration and Maintenance Manual for use with the NCR*, July 26, 1993. The National Office shall ensure that new and revised SAVEs guidance continues to be incorporated into these internal directives.

The National Office shall incorporate SAVEs into the OSHA Information System (OIS), currently under development. Specifically, the National Office's Directorate of Enforcement Programs (DEP) will develop and update SAVEs, and DEP will make all SAVEs available to Regional and Area Offices. DEP shall maintain an intranet webpage with guidance and instruction on SAVEs. In addition, DEP will forward all new SAVEs to the OIS Project Executive for incorporation into the Agency's improved IMIS application.

All Regional Offices shall ensure that citations are written using SAVEs, as directed by internal instructions IRT 01-00-006, IRT 01-00-007, and IRT 02-01-003, and all subsequent updates, as well as the OSHA FOM, CPL 02-00-148, soon to be updated with general guidance on SAVEs, and during the interim, in accordance with CPL 02-00-035,

CH-25, 8/29/1994. Additionally, Area Offices shall refer their compliance officers to the OSHA intranet for the DEP webpage that provides further guidance and instruction on SAVES.

X. Revisions to Existing Instructions.

- A. CPL 02-00-045, CH-4, Revised Field Operations Manual (FOM), December 13, 1993.
1. Revise "V. Citations, B. Writing Citations, 2. Specific Instructions, b. SAVES Manual," to read, "V. Citations, B. Writing Citations, 2. Specific Instructions, b. SAVES."
 2. Revise "Appendix (SAVES and AVDs), B. SAVES Manual," to read, "Appendix (SAVES and AVDs), B. SAVES."
- B. CPL 02-00-045, CH-5, Changes to the Field Operations Manual (FOM), March 3, 1995.
1. Delete Reference C.2, OSHA Instruction CPL 2.35 CH-25, August 29, 1994, Regulatory and General Industry SAVES Manual.
 2. Revise "APPENDIX (SAVES and AVDs) Removed. Refer to OSHA Instruction CPL 2.35, CH-25," to read, "APPENDIX (SAVES and AVDs) Removed."
 3. Revise Chapter V, Citations, "The Appendix (SAVES and AVDs) has also been removed. Refer to OSHA Instruction CPL 2.35, CH-25," to read, "The Appendix (SAVES and AVDs) has also been removed."
- C. CPL 02-00-045, Revised Field Operations Manual (FOM), June 15, 1989.
1. Delete Reference C.2, OSHA Instruction CPL 2.35 CH-25, August 29, 1994, Regulatory and General Industry SAVES Manual.
 2. Revise "APPENDIX (SAVES and AVDs) Removed. Refer to OSHA Instruction CPL 2.35, CH-25," to read, "APPENDIX (SAVES and AVDs) Removed."
 3. Revise Chapter V, Citations, "The Appendix (SAVES and AVDs) has also been removed. Refer to OSHA Instruction CPL 2.35, CH-25," to read, "The Appendix (SAVES and AVDs) has also been removed."
- D. CPL 02-00-087, Inspection Procedures for Enforcing the Excavation Standard, 29 CFR 1926, Subpart P, February 20, 1990.
1. Delete Reference C.3., OSHA Instruction CPL 2.34, September 1, 1979,

- the Construction SAVES Manual.
2. Delete first sentence, Section J. SAVES, "Existing SAVES for 29 CFR 1926.651 and 1926.652 as found in the existing Construction SAVES Manual, OSHA Instruction CPL 2.34, shall not be used for citation of excavation or trenching violations after March 5, 1990."
- E. [CPL 02-00-135, Recordkeeping Policies and Procedures Manual](#), December 30, 2004.
1. Delete first Abstract Reference, "All 29 CFR Part 1904 SAVES of OSHA Instruction CPL 2.35, CH-1 and CH-5, Regulatory and General Industry SAVES, September 1, 1979."
 2. Delete Chapter 1, Section IV, Reference A, OSHA Instruction CPL 2.35, CH-1 and CH-5, Regulatory and General Industry SAVES, September 1, 1979.
 3. Renumber Chapter 1, Section IV, Reference B to A, and Reference C to B.
 4. Delete second sentence of Chapter 3, Standard Alleged Violation Elements, Section I, Introduction, which reads, "The SAVES for 29 CFR Part 1904 (old rule) in OSHA Instruction CPL 2.35, CH-1 and CH-5, will not be used for the new rule."
- F. [CPL 02-02-045, Process Safety Management of Highly Hazardous Chemicals – Compliance Guidelines and Enforcement Procedures](#), September 28, 1992.
1. Delete Section IV.F, SAVES manual.
 2. Renumber Section IV.G to IV.F and Section IV.H to IV.G.
- G. [CPL 02-00-148, Field Operations Manual \(FOM\)](#), November 9, 2009. Under a separately issued change, the OSHA FOM will be revised with a general section on SAVES. This guidance (currently contained in CPL 02-00-035, CH-25, 8/29/1994) shall include instructions and examples on how to develop and write new SAVES, including those requiring multi-step abatement in grouped, overexposure citations.
- H. IRT 01-00-006, *The Enforcement User Skills Manual for Use with the NCR Computer System*, July 19, 1993. Revise second sentence of Chapter XI, Section C.14, to read, "Refer to the FOM for more detailed instructions."