



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 23/13 (CPL 04)

SUBJECT: Region IV Guidance for Expedited Informal Settlement Agreements (EISA)

REGION: Atlanta - Region IV

SIGNATURE DATE: September 15, 2023

EFFECTIVE DATE: October 1, 2023

ABSTRACT

- Purpose:** This instruction establishes the policy for Expedited Settlement Agreements (EISA) within Region IV.
- Scope:** This instruction applies to all Region IV Area Offices.
- References:** [OSHA Instruction CPL 02-00-164, Field Operations Manual \(FOM\)](#), April 14, 2020, or current version.
[OSHA Instruction ADM 03-01-005 \(ADM 12-0.5A\), OSHA Compliance Records](#), August 3, 1998.
- Cancellations:** Atlanta Regional Instruction CPL 02-00-001, February 1, 2013. This Instruction updates and replaces an earlier version.
- State Impact:** No Impact
- Action Offices:** All Region IV Area Offices
- Originating Office:** Atlanta Regional Office
- Contact:** Assistant Regional Administrator for Enforcement Programs

By and Under the Authority of

KURT A. PETERMEYER
Regional Administrator

Executive Summary

This Instruction establishes Region IV Policy on Expedited Informal Settlement Agreements (EISA) and provides a comprehensive framework of guidance and direction on the use of this tool during settlement conferences.

Significant Changes

This Instruction substantially revises OSHA Regional Instruction CPL 02-00-001. The Instruction's major changes include:

- Cancellation of OSHA Regional Instruction CPL 02-00-001, Effective February 1, 2013.
- Addition of the Mobile Area office to the scope.
- Update Directive number.

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I. Purpose.

This instruction establishes the policy for Expedited Settlement Agreements (EISA) within Region IV.

II. Scope.

This instruction applies to all Region IV Area Offices.

III. References.

- A. [OSHA Instruction CPL 02-00-164, Field Operations Manual \(FOM\)](#), April 14, 2020, or most current version.
- B. [OSHA Instruction ADM 03-01-005 \(ADM 12-0.5A\), OSHA Compliance Records](#), August 3, 1998.

IV. Cancellations.

- A. Atlanta Regional Instruction CPL 02-00-001, February 1, 2013.

V. Expiration.

This instruction will remain in effect until canceled or revised.

VI. Action Offices.

A. Responsible Office.

Atlanta Regional Office – Enforcement Programs.

B. Action Office.

All Region IV Area Offices. Area Directors shall ensure the procedures contained in this instruction are followed.

VII. Federal Program Change.

None.

VIII. Significant Changes.

This Instruction substantially revises OSHA Regional Instruction CPL 02-00-001. The Instruction's major changes include:

- A. Cancellation of OSHA Regional Instruction CPL 02-00-001, Effective February 1, 2013.
- B. Addition of the Mobile Area office to the scope.
- C. Update Directive number.

IX. Background

Area Directors are authorized to enter into informal settlement agreements with employers by OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM). By this authority, Area Directors may change abatement dates, reclassify violations, modify or withdraw a penalty, and/or modify or withdraw a citation or citation item. In many cases, the only issue of dispute is penalty amount. For these uncomplicated cases, this Instruction will provide a procedure to execute an Expedited Informal Settlement Agreement (EISA) entirely through mail, fax, or electronic mail, thereby eliminating time-consuming face-to-face informal conferences.

X. Procedures

- A. Every investigative file shall be reviewed, prior to issuance of citations, to determine whether the employer meets the following eligibility requirements for an EISA:
 - 1. The case is not an accident and/or fatality/catastrophe investigation.
 - 2. The case does not include failure to abate, repeat, or willful violations.
 - 3. The case does not include more than two (2) high gravity serious violations.
 - 4. The employer is not delinquent in any penalty payments due to the Occupational Safety and Health Administration (OSHA).
 - 5. The employer has no other cases in contest.
- B. There may be other factors which, in the opinion of the Area Director, would indicate that the employer (or case) is not a suitable candidate for the EISA program. Such other factors might be poor history of previous penalty payments, poor cooperation, and the lack of a safety and health program. Employers who have been identified as eligible candidates shall be mailed, along with the citations, a letter explaining the EISA program and a fully prepared Expedited Informal Settlement Agreement.
- C. The Expedited Informal Settlement Agreement shall include the following requirements:
 - 1. The employer must abate all violations by the abatement dates set forth in the citation.

2. The employer must provide evidence of abatement actions, along with written and certified verification of abatement upon final completion of abatement. Failure to provide verification will result in reinstatement of the original penalty amounts. The final verification notice must be posted at the worksite for a period of three (3) working days.
 3. OSHA will agree to a 40% reduction in total penalty.
 4. The employer must remit a check for the full amount of the reduced penalty amount with the return of the signed Expedited Settlement Agreement.
 5. Once all requirements are confirmed, the Area Director can sign the Expedited Settlement Agreement.
- D. The Area Office will provide a copy of the Expedited Informal Settlement Agreement to employee representatives, if applicable.

XI. Recording in OIS

When updating the Event tab in OIS under ISA/EISA Details, the EISA details (EISA Offered and EISA Accepted, if applicable) should be marked to ensure accurate data collection.