



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 10-03 (CSP 02)

EFFECTIVE DATE: May 11, 2010

SUBJECT: FY 2011 On-site Consultation Cooperative Agreement Application Instructions.

ABSTRACT

- Purpose:** This Notice provides instructions and forms that are necessary for the preparation of a FY 2011 On-site Consultation Cooperative Agreement Application.
- Scope:** This Notice applies to all states and U.S. Territories that operate an On-site Consultation Project under Section 21(d) of the Occupational Safety and Health (OSH) Act of 1970.
- References:** OSHA Instruction CSP 02-00-002, Consultation Policies and Procedures Manual (CPPM); 29 Code of Federal Regulations (CFR) 1908, Cooperative Agreements; Occupational Safety and Health Administration Annual Operating Plan for FY 2010; 29 CFR, Part 95, Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and With Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments, and International Organizations; 29 CFR, Part 97, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; Grants and Cooperative Agreements with State and Local Governments (OMB Circular A-102); Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87, Relocated to 2 CFR, Part 225); and Cost Principles for Educational Institutions (OMB Circular A-21, Relocated to 2 CFR, Part 220).
- Cancellations:** None.
- Expiration Date:** This Notice expires on September 30, 2011.
- State Impact:** On-site Consultation Projects operating Cooperative Agreements under Section 21(d) of the OSH Act of 1970 are required to follow the instructions outlined in this Notice.
- Action Offices:** National, Regional, and State Offices.
- Originating Office:** Directorate of Cooperative and State Programs (DCSP).

Contact: Office of Small Business Assistance (OSBA)
Directorate of Cooperative and State Programs
USDOL-OSHA
Frances Perkins Building, Room N-3660
200 Constitution Avenue, N.W.
Washington, DC 20210
(202) 693-2220

By and Under the Authority of

David Michaels, Ph.D., M.P.H.
Assistant Secretary

Executive Summary

This Notice provides instructions and forms that are necessary for the preparation of a FY 2011 On-site Consultation Cooperative Agreement Application.

Significant Changes

- A. This instruction now applies to all On-site Consultation Projects operating Cooperative Agreements under Section 21(d) of the OSH Act of 1970. States that also have 23(g) State Plan grants will no longer submit an integrated application.
- B. Requirements which were previously related to the Integrated Management Information System (IMIS) and WebIMIS will apply to the successor system, the OSHA Information System (OIS).
- C. Appendix F, Projected Program Activities, has been expanded to include the Emphasis Industries and Hazards, as well as the Agency Measures OSHA is focusing on. Definitions for those industries, hazards and measures have also been included. Appendix F has also been split into two parts. Appendix F-1 should be used by all 21(d) programs in Federal jurisdiction states and may be used by 21(d) programs in State Plans that have adopted emphasis industries, emphasis hazards and measures identical to OSHA's emphasis industries, emphasis hazards and Agency measures. Appendix F-2 should be used by 21(d) programs in state-plan states that have identified their own emphasis industries, emphasis hazards or agency measures.
- D. The Assurances and Certifications section of the application now has a signature block.
- E. Specific requirements for computer hardware are now included in Appendix A of the grant instructions.
- F. Projects are required to designate individuals to assist with OIS training or implementation.

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On-site Consultation Cooperative Agreement Application for FY 2011

- I. Purpose. This Notice provides instructions and forms that are necessary for preparing a FY 2011 On-site Consultation Cooperative Agreement Application.
- II. Scope. This Notice applies to all states and U.S. Territories that operate an On-site Consultation Project under Section 21(d) of the Occupational Safety and Health (OSH) Act of 1970.
- III. References.
 - A. OSHA Instruction CSP 02-00-002, Consultation Policies and Procedures Manual (CPPM).
 - B. 29 Code of Federal Regulations (CFR), Part 1908, Cooperative Agreements.
 - C. 29 CFR, Part 95, Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and With Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments, and International Organizations.
 - D. 29 CFR, Part 97, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
 - E. Grants and Cooperative Agreements with State and Local Governments (OMB Circular A-102).
 - F. Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87, Relocated to 2 CFR, Part 225).
 - G. Cost Principles for Educational Institutions (OMB Circular A-21, Relocated to 2 CFR, Part 220).
- IV. Expiration Date. This Notice expires on September 30, 2011.
- V. Action Information.
 - A. Responsible Offices. Directorate of Cooperative and State Programs (DCSP), Office of Small Business Assistance (OSBA), Office of State Programs (OSP); Directorate of Administrative Programs (DAP); Assistant Secretary (AS).
 - B. Action Offices.
 1. National Office. The National Office is responsible for the review and approval of Cooperative Agreement applications that satisfactorily meet all federally required financial, operational, and policy requirements.

- a. Directorate of Cooperative and State Programs. OSBA is responsible for administering the program aspects of the Consultation Program, reviewing all components of the Cooperative Agreement Application and identifying any program deficiencies that need to be rectified before granting approval.
 - b. Directorate of Administrative Programs. The Division of Grants Management within DAP is responsible for reviewing all financial documents for accuracy, posting funding award levels in the Payment Management System, transmitting the award letters to each recipient, and administering the financial aspects of the Cooperative Agreement.
2. Regional Offices. Throughout the application and review process, the Regional Administrator (RA) remains the point of contact with the Project. RAs will provide assistance and negotiate the proposed Consultation Project activity levels with the On-site Consultation Project Manager. Each Regional Consultation Project Officer should coordinate with the National Office personnel assigned to review the Consultation Annual Project Plan (CAPP) for Projects under their jurisdiction to ensure a timely review and approval. By August 20, 2010, RAs must submit to the National Office a transmittal memorandum for each Cooperative Agreement application within their jurisdiction, reflecting recommendations for either approval or disapproval of the application after it has been submitted through Grants.gov. In addition, the transmittal memorandum must reflect the Region's assessment of any unresolved issues in the application and their recommendations along with specific suggested language for any restrictions which should be placed on the Cooperative Agreement. The memorandum should be based on the Region's review of the final application submitted via Grants.gov.
 3. States. On-site Consultation Project Managers are responsible for facilitating discussions with the Regional Office regarding the content of the CAPP. On-site Consultation Project Managers are also responsible for completing and submitting the On-site Consultation Agreement Application in a timely manner.
- VI. State Impact. States and U.S. Territories operating Cooperative Agreements under Section 21(d) of the OSH Act are required to follow the instructions outlined in this Notice.
- VII. Significant Changes.
- A. This instruction now applies to all On-site Consultation Projects operating Cooperative Agreements under Section 21(d) of the OSH Act of 1970. States that also have 23(g) State Plan grants will no longer submit an integrated application.
 - B. Requirements which were previously related to the Integrated Management Information System (IMIS) and WebIMIS will apply to the successor system, the OSHA Information System (OIS).

- C. Appendix F, Projected Program Activities, has been expanded to include the Emphasis Industries and Hazards, as well as the Agency Measures OSHA is focusing on. Definitions for those industries, hazards and measures have also been included. Appendix F has also been split into two parts. Appendix F-1 should be used by all 21(d) programs in Federal jurisdiction states and may be used by 21(d) programs in State Plans that have adopted emphasis industries, emphasis hazards and measures identical to OSHA's emphasis industries, emphasis hazards and Agency measures. Appendix F-2 should be used by 21(d) programs in state-plan states that have identified their own emphasis industries, emphasis hazards or agency measures.
 - D. The Assurances and Certifications section of the application now has a signature block.
 - E. Specific requirements for computer hardware are now included in Appendix A of the grant instructions
 - F. Projects are required to designate individuals to assist with OIS training or implementation.
- VIII. Required Application Components. On-site Consultation Project Managers must ensure that all required application components are completed, approved by their RA, and submitted via Grants.gov on or before the application due date. A checklist of the required documents for the Agreement application package is provided in Appendix B.

In addition to the agreement itself (Appendix A), the On-site Consultation Cooperative Agreement Application package consists of the following components:

- A. Consultation Annual Project Plan (CAPP). The CAPP describes in detail how an On-site Consultation Project's activities will support the OSHA Annual Operating Plan during the forthcoming year.
 - 1. The CAPP must address each area of emphasis in the OSHA Annual Operating Plan that the Project Manager in consultation with the Regional representative(s) will undertake, outlining both strategies and expected results, *See* Appendix E.
 - 2. The CAPP must include: (a) an organizational chart, (b) staffing chart, (c) a description of any changes in the On-site Consultation Project's status, (d) a detailed operational description identifying the year's strategies, activities and their intended outcomes, (e) a projected program activities chart, (f) a description of strategy and targets for promoting On-site Consultation and SHARP, and (g) a detailed description of any changes to a Project's Internal Quality Assurance program. **See Appendix B** for a checklist of required documents.
 - 3. The On-site Consultation Project Manager should send a draft CAPP and financial documents to the Regional Office to facilitate the preliminary discussion which should take place in the **third quarter** of the fiscal year.

Further discussions or negotiations regarding the content of the CAPP must be managed to ensure consensus and submission of the CAPP on or before the designated deadline.

- B. Financial Documents. Each application must include a prepared Cooperative Agreement (Form OSHA-110), Application for Federal Assistance and Budget Information Non-Construction Programs (SF-424 and SF-424A) and supporting details of anticipated costs.

A copy of the Cooperative Agreement Form OSHA-110 is available on the Consultation Limited Access Page and in Appendix L. The Application for Federal Assistance and Budget Information Non-Construction Programs (SF-424 and SF-424A) is available on the Grants.gov website. However, as a courtesy, links to and copies of these documents are provided in Appendix M of this Notice. Please note that the links to the SF-424 and SF-424A are provided to assist you in preparing the application. The actual documents must be completed by accessing the application package found on Grants.gov.

Accuracy of the financial documents is critical for the timely approval of the Cooperative Agreement. Applications containing deficiencies will not be approved. Any application which is not in accord with this Notice will be returned for correction.

The following information provides guidance for completing the required financial documentation.

1. Funding Levels. All amounts entered in the Cooperative Agreement (Form OSHA-110), the Application for Federal Assistance (SF-424) and the related worksheet(s) must be based on the FY 2010 final base awards. Any change in FY 2011 funding for On-site Consultation will be processed through a Cooperative Agreement amendment. States unable to provide the required matching funds for the FY 2010 award level should complete the application to reflect the award level which it can match.
2. Administrative Cap. OSHA will continue the current 25 percent ceiling restriction on administrative costs. This requires that no more than 25 percent of the total funding amount may be budgeted toward administrative costs. Any deviation from this restriction requires prior approval from the Directors of DCSP and DAP.
3. Salary Target. Each project must devote a minimum of 50 percent of the grant amount toward consultant salaries and fringe benefits. Project Managers unable to meet this target must provide a written explanation of the reason they cannot meet this goal.
4. Computer Purchases. Projects **must** consult with the Directorate of Information Technology (DIT), and receive approval from DCSP, prior to purchasing computers using Section 21(d) funds, whether or not such computers are connected to the OSHA system. If computers are connected to the OSHA system, they must also receive approval.

Computers must conform to particular OSHA hardware and software specifications. It is the responsibility of the On-site Consultation Project Manager to contact the DIT 60 or more days in advance of the purchase of new computer equipment for the latest specifications to ensure new hardware and software specifications meet the requirements necessary to run or operate OSHA Applications. Appendix P provides IT and OSHANet Hardware and Software Information and Rules of Behavior.

5. Computer Security. All system users (OSHANet, Extranet, and other OSHA applications) must adhere to Federal, Department of Labor (DOL), and OSHA computer security policies, procedures, and processes. All system users (OSHANet, Extranet, and other OSHA applications) must annually sign Rules of Behavior. All OSHA system users must complete the USDOL Annual Computer Security Awareness Training (CSAT) and federally mandated or DOL-required computer security training to be specified, within the required time frame.
6. Minimum Staffing. At least four professional, full-time equivalents (FTEs)—two full-time safety specialists and two full-time industrial hygienists or their equivalents—must be included in each Project’s personnel plan. All of the Project’s consultants must be employed at least 50 percent of their time in the On-site Consultation Program and must spend at least 50 percent of their time engaged in Consultation Program activity. Any deviation from this minimum must receive prior written approval from the Director of DCSP. If you anticipate requiring this approval, please coordinate with your Region as early as possible.
7. OSHA Restrictions and Conditions. The state designees’ signature on this document certifies that the recipient will be in compliance with the assurances and certifications, lobbying restrictions, and OSHA-specific restrictions and conditions. Potential consequences for noncompliance with any of the grant conditions can be found in 29 CFR 95.62 and 29 CFR 97.43.

IX. Application Format and Submission. All Cooperative Agreement applications must be submitted electronically using the Grants.gov system.

- A. States must ensure that their registration information is up-to-date in Grants.gov. The Organization Registration Checklist can be found at:
http://www.grants.gov/assets/Organization_Steps_Complete_Registration.pdf.
- B. Applications will be accepted in Grants.gov beginning July 19, 2010 for the performance period beginning October 1, 2010 and ending September 30, 2011.
- C. To download the Grants.gov application package go to:
http://www.grants.gov/applicants/apply_for_grants.jsp.
- D. For documents requiring signatures, applicants should submit a scanned signed copy as an attachment for the electronic grant application. Documents should not be submitted online until the Region has directed the Consultation Project to do

so.

- E. Grants.gov requires completion of forms SF-424 and SF-424A online. All other documents in the OSHA grant applications must be submitted as attachments.
- F. Acceptable formats for document attachments submitted as part of a Grants.gov application are Microsoft Office 2003 and Adobe Reader. Attachments are limited to 15 documents in Grants.gov. For attachments, it is preferred that applicants scan the documents into one Adobe Acrobat file that can be attached to the Grants.gov application; however, applicants may attach the documents as individual files in the specified formats.
- G. Applicants will submit the SF-424 and SF-424A reflecting Section 21(d) funding under Funding Opportunity Number **OSHA-21D-2011-001**.
- H. Replacement pages cannot be submitted through Grants.gov. If an application requires replacement pages, the National and Regional Offices will coordinate the submission of replacement pages with the applicant. These pages can be submitted via e-mail or fax.
- X. Submission Deadline. Complete Cooperative Agreement applications, including CAPPs and financial documents, are due in Grants.gov on or before **August 16, 2010**. The Office of Management and Budget (OMB) Circulars A-102 and A-110 require that Cooperative Agreement awards be made at least 10 days prior to the beginning of the Cooperative Agreement period. The RA must work with the Projects to review the entire application offline before the final package is submitted via Grants.gov.
- XI. Approval Notification. Final Cooperative Agreement approval letters are to be expected by September 20, 2010.
- XII. Regional Administrator's Review of Application. The RA is responsible for conducting a joint review of the CAPP with the National Office. By August 20, 2010, the RA must transmit a memorandum containing an assessment of the Cooperative Agreement Application to the Director of DCSP, Attn: OSBA, with a courtesy copy furnished to the Division of Grants Management. The memorandum should be based on the Region's review of the final application submitted via Grants.gov. The RA does not need to include a copy of the application since the application will be available in DOL E-Grants.

In reviewing the application, the RA will pay particular attention to the following components:

- A. Consultation Annual Project Plan (CAPP)
 - 1. The RA will review the CAPP to ensure that the plan submitted by the Project Manager conforms to the previously agreed upon plan elements. The RA will be particularly sensitive to issues that have been discussed during the quarterly meetings and ensure that they are addressed satisfactorily.

2. The RA should encourage and support the Project Manager in the marketing of the On-site Consultation Program by combining resources, where possible, to ensure that employers in the state are familiar with services provided by the On-site Consultation Program.

B. Financial Documents

1. The RA should ensure that the Project has budgeted for four full-time professional positions – two safety specialists and two industrial hygienists – and that all safety and health staff spend a minimum of 50 percent of their time working on consultation activities. A transmittal memorandum with detailed explanation(s) and a copy of DCSP approval of deviation(s) must be provided if the Project budget does not meet personnel and staffing requirements.
2. The RA should ensure that the Cooperative Agreement Form OSHA-110, Application for Federal Assistance SF-424, Budget Information for Non-Construction Programs SF-424A, supporting details of anticipated costs and related financial documents are complete and accurate.

XIII. National Office Review.

- A. Directorate of Cooperative and State Programs (DCSP). OSBA staff will review and discuss any deficiencies in each CAPP with the Regional Consultation Project Officer.
- B. Directorate of Administrative Programs (DAP). The Division of Grants Management staff will review and discuss any financial deficiencies with Regional financial staff. Additionally, DAP will post funding award levels in the Payment Management System and administer the financial aspects of the Cooperative Agreement.

APPENDIX A
**Cooperative Agreement for OSHA On-site Consultation under Sections 21(c) and 21(d) of
the Occupational Safety and Health Act of 1970**

Between the State/Commonwealth/Jurisdiction of _____ and
the Occupational Safety and Health Administration (OSHA), United States Department of Labor.

I. AUTHORITY AND PARTIES TO AGREEMENT

A. Pursuant to Sections 21(c) and 21(d) of the Occupational Safety and Health Act of 1970 (the Act), it is hereby agreed that the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) and the _____ (the State)—which affirms that it has been authorized by the Governor to enter into this agreement with full power to perform the obligations hereunder and to receive and expend Federal funds as well as state funds as required herein—will execute all provisions of this agreement.

B. Nothing herein shall preclude the Assistant Secretary from exercising Federal responsibility and authority under the Act or preclude the State from exercising its responsibility and authority under state law when not in conflict with the Federal Act and the terms of this agreement.

II. AGREEMENT TERMS

A. Either party may terminate this agreement upon 30 days notice to the other party.

B. It is agreed by both parties that substantive work and costs incurred under this agreement will be managed and scheduled in a manner to assure adequate program coverage and activity throughout the entire 12-month performance period, without the necessity of requesting a budget modification to increase the amount of Federal funds authorized.

C. This Agreement incorporates the following documents, which the State has agreed to submit.

1. Application for Federal Assistance (SF-424)
2. Budget Information--Non-Construction Programs (SF-424A)
3. Cooperative Agreement (Form OSHA-110)
4. Assurances and Certifications, Lobbying Restrictions, and OSHA Restrictions and Conditions
5. Complete and current Equipment List
6. Approved On-site Consultation Equipment Procurement Listing
7. Performance Projections
8. Annual Training Plan
9. Accompanied Visit Plan
10. Supporting Details of Anticipated Costs

D. Any and all substantive modifications to the conditions and terms stated in this agreement shall be reduced to writing as amendments, numbered and signed by both principal parties to this agreement.

III. PURPOSE AND SCOPE

A. The State shall provide consultation services, including training and education, whereby employers, particularly those with smaller businesses and with high-hazard workplaces (as defined or approved by OSHA), receive assistance in:

- (1) Identifying any safety and health hazards in their workplaces,
- (2) Controlling or eliminating these hazards successfully,
- (3) Establishing or improving a workplace safety and health program,
- (4) Understanding all requirements of applicable Federal (or State) law and implementing regulations.

B. The statewide project operated under this agreement shall conform fully with the requirements in the Code of Federal Regulations (29 CFR 1908), all related formal directives issued by the Assistant Secretary, and the appendices attached to this agreement.

IV. REIMBURSEMENT

The Assistant Secretary will reimburse the State 100 percent of the allowable costs of all OSHA required or approved training and out-of-state travel. All other allowable training costs, and related travel and per diem, will be reimbursed at 90 percent. All such training, travel and per diem must be directly related to the activity performed under this agreement.

V. ALLOCATION OF COSTS

The **Supporting Details of Anticipated Costs** that itemizes the costs by category (Consultation and Administration) and object class shall be submitted with the application (a sample outline is provided in Appendices N and O of this Notice). The Supporting Details of Anticipated Costs should correspond to the information on the Application for Federal Assistance and Budget Information—Non-Construction Programs (SF-424 and SF-424A). In order to ensure uniformity and comparability among agreement submissions, Consultation and Administration costs shall be determined and set forth as follows:

- A. **Consultation.** Consultation costs consist of all direct costs associated with the immediate delivery of consultative services to employers and employees. Costs include but are not limited to: the salaries and fringe benefits of On-site Consultation staff engaged in promotion, scheduling, visit preparation, hazard identification, program assistance, training and education, off-site assistance, report preparation, correction verification and similar authorized consultative activities; and related materials, supplies, equipment and staff training. They also include the consultation portion of total computer costs. Computer costs should be distributed between consultation and administration in the proportion to which computer services support each function. On-site Consultation staff include safety consultants, health consultants, consultant trainees and consultant trainers

who meet the minimum qualifications defined in 29 CFR 1908.8(b). Also included are costs of immediate first-level consultant supervisors, except those costs associated with accompanied visit activity. Additionally, costs of direct clerical support to consultants and first-level consultant supervisors are charged to Consultation.

- B. Administration.** Administrative costs consist of all direct costs and indirect costs associated with the management and support of the On-site Consultation Program. These costs include but are not limited to: the salaries and fringe benefits of personnel engaged in executive, fiscal, data collection, personnel, legal, audit, procurement, data processing, communications, maintenance, related materials, supplies, equipment and staff training. They also include the administration portion of total computer costs (computer costs should be distributed between consultation and administration in the proportion to which computer services support each function). In addition, administrative costs extend to the salaries and fringe benefits of direct program management positions such as project directors, program monitors and program review officers; and costs of direct clerical support to these positions.
- C.** The chart below should be used as a framework to correctly itemize anticipated costs within the appropriate category. The anticipated costs are to be listed under the categories below and charged as follows:

Anticipated Cost	Consultation	Administration
<i>POSITIONS COVERED</i>	Safety consultant (S), safety consultant trainee (TS), safety supervisor (S/S), industrial hygiene consultant (H), industrial hygiene consultant trainee (TH), industrial hygiene supervisor (H/S) and direct clerical support (SEC) to these positions.	Salaries of positions for management (MGT) and direct clerical support (SEC) to these positions.
<i>PERSONNEL</i>	<p><i>Salaries for positions listed in Consultation:</i></p> <p>For consultants and first-level consultant supervisors who also serve in a managerial capacity for the project, salary costs shall be distributed between Administration and Consultation in proportion to the percent of time spent in performing (1) program management, (2) consultant and/or (3) consultant supervisory activities. Salaries reflecting (a) consultant time should be listed separately from salaries reflecting (b) time providing first-level supervision to consultants and salaries of</p>	<p><i>Salaries for positions listed in Administration:</i></p> <p>For management personnel who also serve as consultants and/or consultant supervisors, salary costs must be distributed between Administration and Consultation in proportion to the percentage of time spent in performing (1) program management, (2) consultant duties, and/or (3) supervision of consultants.</p>

	clerical staff that provide direct support to consultants and consultant supervisors.	
FRINGE BENEFITS	<p><i>Fringe Benefits for positions listed in Consultation:</i></p> <p>Costs include payments for retirement, social security, workers' compensation, life insurance, medical insurance, etc. Include the cost formula for each fringe benefit.</p> <p>For consultants and first-level consultant supervisors who also serve in a managerial capacity for the project, fringe benefit costs shall be distributed between Administration and Consultation in proportion to the percent of time spent in performing (1) program management and (2) consultant and/or (3) consultant supervisory activities. Fringe benefits reflecting (a) consultant time should be listed separately from fringe benefits reflecting (b) time providing first-level supervision to consultants and fringe benefits of clerical staff that provide direct support to consultants and consultant supervisors.</p>	<p><i>Fringe benefits for positions listed in Administration:</i></p> <p>Costs include payments for retirement, social security, workers' compensation, life insurance, medical insurance, etc. Include the cost formula for each fringe benefit.</p> <p>For management personnel who also serve as consultants and/or first-level consultant supervisors, fringe benefit costs shall be distributed between Administration and Consultation in proportion to the percentage of time spent in performing (1) program management, (2) consultant duties, and/or (3) supervision of consultants.</p>
CERTIFICATION COSTS: Contact Henry Payne at Payne.Henry@dol.gov with questions regarding certification.	For Consultants seeking professional certification in safety or health, Cooperative Agreement funds may be used to pay for the costs associated with a professional certification examination preparation course approved by the project manager, including travel and per diem. Additionally, if needed, a Project Manager may use Cooperative Agreement funds to pay for the costs associated with applying for and taking a professional certification examination, including travel and per diem.	For Project Managers seeking professional certification in safety or health, Cooperative Agreement funds may be used to pay for the costs associated with a professional certification examination preparation course approved by the employee's supervisor, including travel and per diem. Additionally, if needed, Cooperative Agreement funds may be used to pay for the costs associated with applying for and taking a professional certification examination, including travel and per diem.

	<p>Project Managers may not use Cooperative Agreement funds to pay for costs associated with a second preparation course for those Consultants who fail on their first attempt at a professional certification examination. However, a Project Manager may use Cooperative Agreement funds to pay for the travel and/or per diem related to taking the professional certification examination a second time, and if needed, costs associated with taking of the professional certification examination a second time.</p> <p>For those Consultants who fail to pass a professional certification examination on their second attempt, a Project Managers may not use Cooperative Agreement funds to pay for any additional costs related to that employee seeking that specific professional certification.</p> <p>Project Manager may not use Cooperative Agreement funds to pay for any costs associated with seeking professional certification for any certifying organization that is not accredited by a nationally recognized accrediting organization. Additionally, Project Managers are not authorized to pay annual maintenance fees for maintaining professional certifications from Cooperative Agreement funds.</p> <p>Project Managers must use 90/10 funds for employee preparation or certification. The Cooperative Agreement cannot pay for certification costs that exceed the percent of time for which that employee is dedicated to the Cooperative Agreement. For example, if a safety professional is dedicated at 0.5 FTE, then no more than 50 percent of the cost</p>	<p>Cooperative Agreement funds may not be used to pay for costs associated with a second preparation course for those Managers who fail on their first attempt at a professional certification examination. However, Cooperative Agreement funds may be used to pay for the travel and/or per diem related to taking the professional certification examination a second time, and if needed, costs associated with taking of the professional certification examination a second time.</p> <p>For those Managers who fail to pass a professional certification examination on their second attempt, Cooperative Agreement funds may not be used to pay for any additional costs related to that employee seeking that specific professional certification.</p> <p>Project Manager may not use Cooperative Agreement funds to pay for any costs associated with seeking professional certification for any certifying organization that is not accredited by a nationally recognized accrediting organization. Additionally, Project Managers are not authorized to pay annual maintenance fees for maintaining professional certifications from Cooperative Agreement funds.</p> <p>Cooperative Agreement funds may not be used to pay for any costs associated with seeking professional certification for any certifying organization that is not accredited by a nationally recognized accrediting organization. Additionally, Project Administrators are not authorized to pay annual maintenance fees for maintaining professional certifications from</p>
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	<p>of the examination preparation or examination fees may be charged to the Cooperative Agreement.</p>	<p>Cooperative Agreement funds.</p> <p>Projects must use 90/10 funds for Managerial preparation or certification. The Cooperative Agreement cannot pay for certification costs that exceed the percent of time for which that Manager is dedicated to the Cooperative Agreement. For example, if a Manager is dedicated at 0.5 FTE, then no more than 50 percent of the cost of the examination preparation or examination fees may be charged to the Cooperative Agreement.</p>
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<p>TRAVEL</p>	<p><i>Travel for positions listed in Consultation:</i></p> <p>Costs shall include travel required to conduct promotional visits, on-site consultation visits, off-site assistance, and travel to OTI courses, regional and national On-site Consultation Program meetings. Intra-agency travel, such as that related to flexi-place programs, must have prior approval from the RA. Appropriate supporting details for out-of-state travel (per diem, airfare, registration fees, miscellaneous, etc.) must be reported in the Annual Training Plan. Deviations from this plan involving out-of-state travel to courses and/or locations other than those proposed must be approved in writing by the RA prior to the actual travel. Travel for the purpose of performing accompanied visits shall be charged to Administration.</p> <p>Attendance at professional development conferences such as Voluntary Protection Program Participants' Association (VPPPA), American Industrial Hygiene Association (AIHA), American Society of Safety Engineers (ASSE), and National Safety Council (NSC) are not considered OSHA-required training and, therefore, may not be funded with 100% federal funds. A Project Manager may use Cooperative Agreement funds to provide an opportunity for each professional safety or health employee to attend a professional development conference of three to five days duration generally once every two years. However, the percentage of Cooperative</p>	<p><i>Travel for positions listed in Administration: .</i></p> <p>Costs shall include travel required to attend safety and health conferences (subject to the restrictions in Section V.A., above), regional and national On-site Consultation Program meetings and professional development/training courses. Appropriate supporting details for out-of-state travel (per diem, airfare, registration fees, miscellaneous, etc.) must be reported in the Annual Training Plan. Deviations from this plan involving out-of-state travel to courses and/or locations other than those proposed must be approved in writing by the RA prior to the actual travel.</p> <p>Attendance at the Annual On-site Consultation Training Conference is required for all Project Managers, and to the extent that funds are available for the safety health supervisors and senior consultants. The conference is considered required Federal travel and, therefore, may be funded 100% with Federal funds. The cost of travel for all participants to the Annual On-site Training Conference must be charged to administration.</p>
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	<p>Agreement funds used to pay for the individual's attendance at such a conference may not exceed the percentage of time for which that employee is dedicated to the Cooperative Agreement. For example, if a safety professional is dedicated at 0.5 FTE, then no more than 50% of the cost of attending the conference may be charged to the Cooperative Agreement.</p> <p>Note: Costs associated with attendance and travel to professional development conferences of individuals in positions that are not funded by the Cooperative Agreement may not be allocated to the Cooperative Agreement.</p>	
<i>EQUIPMENT</i>	<p>Includes the costs of consultant technical equipment having a useful life of more than one year and a unit acquisition cost of \$5,000 or more, except as defined in Special Provisions VI.B.</p> <p>All equipment so defined shall be listed in the Equipment Procurement Request. See OMB Circular A-87.</p>	<p>Includes the costs of office equipment and machinery having a useful life of more than one year and a unit acquisition cost of \$5,000 or more, except as defined in the Special Provisions VI.B.</p> <p>All equipment so defined shall be listed in the Equipment Procurement Request.</p>
<i>SUPPLIES</i>	<p>Includes the costs of all tangible consultant technical property and materials other than equipment as defined above. Please itemize and describe all supply costs.</p>	<p>Includes the costs of all tangible office property and desk-top materials other than equipment as defined in this section. Please itemize and describe all supply costs.</p>
<i>CONTRACTS</i>	<p>Includes the costs of contracts with all sources, whether non-state government, state government or private sources, for the provision of services associated with consultant field activities (e.g., occupational health consultation, laboratory</p>	<p>Include the costs of contracts with all sources, whether non-state government, state government or private sources, for the provision of administrative support services (e.g., service contracts for maintenance of office</p>

	sample analysis in states having a Plan approved under Section 18 of the Act, and consultant health monitoring and medical examinations). The detail for laboratory sample analysis costs shall include the number of samples projected for the fiscal year.	equipment, leasing of photocopiers, fiscal services, etc.).
<i>OTHER COSTS/CHARGES</i>	Includes the costs of equipment calibration and repair services for equipment which cannot be serviced by the OSHA Cincinnati Laboratory (list all equipment), non-travel costs of required or approved training for consultants (limited to tuition fees, registration fees, textbooks, course materials, etc.) and costs of all other miscellaneous consultative items which are not allocated above. Miscellaneous costs include but are not limited to: the proportion of rent, utilities, communications, data processing, postage, freight, etc. associated with the delivery of consultative services by On-site Consultation staff; subscriptions to safety and health journals; and training aids, instructional programs and promotional materials which are used by on-site consultants to perform consultation activities.	Includes non-travel costs of required or approved training for management personnel (limited to tuition fees, registration fees, textbooks, course materials, etc.) and costs of all other miscellaneous administrative items that are not allocated above. These costs include but are not limited to: the proportion of rent, utilities, communications, data processing, postage, freight, etc. associated with the management of the On-site Consultation Program by administrative staff.
<i>TOTAL DIRECT CHARGES</i>	The total of all of the costs for Consultation.	The total of all of the direct costs for Administration.
<i>INDIRECT CHARGES</i>	N/A	Includes charges based on an approved indirect cost rate agreement for the grant period.

VI. SPECIAL PROVISIONS

- A. A listing of approved positions is contained in **Appendix D: Staffing Chart** for this Agreement. Key personnel include the project manager, supervisors, and consultants. Any changes in these positions must be approved in advance by the RA.
- B. Computer equipment (hardware and software), regardless of unit cost, requires prior written approval of DCSP in consultation with DIT and must be listed in the **Approved Equipment Procurement Listing in Appendix H.**
- C. Unless a State has made special provisions for such, substantive programmatic work may not be transferred to another agency (sub-recipient) under this agreement.
- D. The laboratory designated by OSHA to provide analysis of samples for all projects shall be:
- WISCONSIN OCCUPATIONAL HEALTH LABORATORY
2601 Agriculture Drive
Madison, Wisconsin 53718
Telephone: (608) 224-6210
Fax: (608) 224-6213
Contact: Mr. Terry Burk
- E. The federal cost principles applicable to this project are:
1. *Cost Principles for State and Local Governments*
(OMB Circular A-87, relocated to 2 CFR, Part 225)
 2. *Cost Principles for Educational Institutions*
(OMB Circular A-21, relocated to 2 CFR, Part 220)
- F. Financial reporting forms required of all projects and their frequencies of submission are:
1. The Federal Financial Report (FFR) is due 30 days after the end of each Federal fiscal quarter with the close-out report due 90 days after the end of the performance period. All reports will be electronically submitted via the DOL E-Grants System to report the status of all funds awarded. The Region will review the reports once submitted in the DOL E-Grants system.
 - (a) **Quarterly Reporting.** Recipients which have accounting systems that prohibit them from meeting the Office of Management and Budget (OMB) requirements on the submission of financial reports, as outlined in this section, must have written approval from the RA to establish an alternative schedule for submission of

financial reports. The approved State-specific schedule must also be submitted to the National Office for inclusion in the official file.

- (b) **Close-out Reporting.** All agreements must be closed 90 days after the end of the performance period (generally December 31) using the DOL E-Grants system for electronic transmittal.
 - (c) **Close-out Extensions.** Recipients unable to close out by December 31 are required to request a close-out extension in writing by December 1, providing an explanation of why they cannot close out in a timely manner. An interim (preliminary) Federal Financial Report (covering October - December) is due on January 31, even when a close-out extension has been approved. All close-out extensions must be coordinated in advance with the Regional Office and transmitted to the National Office for inclusion in the official file, and any extensions beyond February 28 must be approved by the National Office.
- 2. **Cooperative Agreement (Form OSHA-110)** must accompany the Application for Federal Assistance (SF-424). This is the only time this form is completed.
 - 3. **Cooperative Agreement Amendment (Form OSHA-113)** may be required to amend the Cooperative Agreement as a result of Congressional action.
 - 4. **Other** performance reports and copies of forms that may be required for program management purposes will be distributed as necessary.
- G. Unless different instructions are provided by the Director of DCSP or through the OSHA Directives system, all reports required under this agreement and all requests for agreement modification shall be delivered (or mailed) to the RA.
 - H. It is agreed that OSHA may unilaterally modify this agreement whenever necessary to conform to new regulations, new applications, or official interpretations of Department of Labor or Office of Management and Budget regulations.
 - I. Approval of this agreement is contingent upon Congressional action on the Department of Labor's appropriation for FY 2011.
 - J. It is hereby certified by the State that matching state funds are or will be available during the tenure of this agreement.
 - K. In no case shall the State be liable for more than 10 percent of actual expenditures (exclusive of 100 percent Federal funds) under this agreement.
 - L. Where appropriate, restrictions to the agreement may be added by the Assistant Secretary to ensure that the recipient fully complies with specific terms and conditions of the Cooperative Agreement, Department of Labor administrative requirements set forth at 29 CFR Parts 95 (Institutions of Higher Education) and

97 (State and Local Governments), or provisions set forth in 29 CFR 1908. These include the enforcement provisions found in 29 CFR 95.62 and 29 CFR 97.43. When an Agreement is approved subject to the inclusion of one or more restrictions, it is hereby understood by the recipient that such approval is granted contingent upon meeting the conditions specified within the prescribed time frame.

- M. Recipients shall prepare their agreement packages for the maximum amount they can match within the authorized amount. If a recipient is unable to match the authorized award, the award amount will be reduced to reflect the amount the recipient is able to match. **These reductions will carry over into subsequent years.** Additionally, cost-of-living increases will be based on executed award amounts, not proposed funding levels.
- N. OSHA Information System (OIS) - Training. Training for all OIS users is planned for summer 2010. Training will be ongoing in FY 2011 and beyond and will eventually be housed in the OSHA Training Institute. Current planning is for each user to be trained on those OIS modules that are relevant to their assigned work. The majority of training will take place via the internet/web. A small number of representatives (i.e. 1-2 members) from each Project will be invited to limited in-person training for reports and “super-use.” States should include funding for the travel associated with such training in their grant applications.
- O. Connectivity. As OIS will be a web-based system accessible via OSHANet, Non-OSHANet users will access OIS via the OSHA eAuthentication portal. Non-OSHANet users will need access to the Internet, preferably by high-speed connection, e.g., T1 lines, in order to enter and retrieve data interactively. (OIS is expected to have an offline/standalone capability in a later phase but not as initially deployed.) States not on OSHANet should include plans and appropriate funding in their grant for upgrading their Internet connectivity.
- P. To maximize use of the new OIS’s features and enhanced capabilities, and to address the increasing role of video the following is recommended for incorporation into the State’s Information Technology (IT) capabilities:
 - 1. Network Bandwidth capacity of at least 1.544 MB (e.g., T-1 Line or higher);
 - 2. Compliance with Federal and Department of Labor IT Security Requirements (e.g., Desktop/Mobile encryption); and
 - 3. Compliant with the OSHA Desktop/Mobile hardware/software configuration.
- Q. States must continue to designate individual(s) to assist OSHA with OIS training for newly hired staff; and retraining or additional training of existing staff.

OPTIONAL INSERT(S) TO THE COOPERATIVE AGREEMENT

Below are formats for "Additional Special Provisions" which, if appropriate, would be inserted in the Agreement following Section VI.Q.

I. Provisions below pertain to Items VI.C-D of the Agreement:

Substantive programmatic work is being transferred to another agency (sub-recipient) under this Agreement, as follows:

Scope of transfer:

Agency name:

Address:

Telephone number: ()

Contact person:

II. For some States, the following provision applies (insert "Safety" or "Health" as appropriate):

This Agreement covers consultation for _____ only; a separate agreement between OSHA and the state will cover _____.

Assurances and Certifications Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project. If you have questions, please contact the awarding agency. Some Federal awarding agencies may require applicants to certify to additional assurances. If this is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of the Office of Personnel Management's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) Title VI of the Civil

Rights Act of 1964 (42 U.S.C. 2000d) and Section 188 of the Workforce Investment Act of 1998 (P.L. 105-220), as it relates to the prohibition against national origin discrimination for persons with limited English proficiency (pursuant to Executive Order 13166 issued August 11, 2000); (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply with Executive Orders 12876, 12900, 12928, and 13021 by strongly encouraging contractors to provide subcontracting opportunities to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities.
8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
9. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
10. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction sub-agreements.
11. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234), which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance, if the total cost of insurable construction and acquisition is \$10,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.), related to protecting components or potential components of the national wild and scenic rivers system.

14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
15. Will comply with the National Research Act (P.L. 93-348), regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
16. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.
17. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 (P.L. 98-502), the Single Audit Act Amendments of 1996, and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
20. In accordance with Section 516 of the 1989 Department of Labor Appropriation Act, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program the grantee shall clearly state the percentage of the total costs of the program or project which will be or is being financed with Federal money.
21. In accordance with the Drug-Free Workplace Act of 1988, the grantee certifies that it will provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Lobbying Certification

22. The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or an employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal award, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal award, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activity," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

(d) Section 18 of the "Lobbying Disclosure Act of 1995," signed by the President on December 19, 1995, requires that any organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant or loan.

- 1) **This is to certify that we are _____/are not _____ an IRS 501(c)(4) entity.**
- 2) **As an IRS (501(c)(4) entity, we have _____/have not _____ engaged in lobbying activities.**

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

OSHA Restrictions and Conditions

As the duly authorized representative of the applicant, I certify that the applicant:

1. Takes responsibility for encouraging employers to request consultative assistance and shall publicize the availability of its consultative service and the scope of the service that will be provided.
2. Explains to employers that the employer receiving On-site Consultation services remains under statutory obligation to provide safe and healthful working conditions to their employees.
3. Explains to employers that no referrals will be made to OSHA enforcement unless the employer fails to eliminate a serious hazard identified by a consultant.
4. Explains to the employer the requirements for participation in the Safety and Health Achievement Recognition Program (SHARP).
5. Explains to employers requirements for attainment of Pre-SHARP status.
6. Assigns priority in scheduling to requests from businesses with the most hazardous operations, with primary attention to smaller businesses. Preference is given to the smaller businesses that are in high hazard industries or that have the most hazardous conditions at issue in the request.
7. Prepares appropriately for visits including making the appropriate provisions for the personal safety and health of the consultant(s) conducting the visit or activity.
8. Conducts an initial on-site visit consisting of an opening conference, an examination of those aspects of the employer's safety and health program that relate to the scope of the visit, a hazard survey, and a closing conference.
9. Retains the right to confer with employees during an on-site visit.
10. During the opening conference, explains the relationship between On-site Consultation and enforcement and also explains the employer's obligation to protect employees if certain hazardous conditions are identified.
11. Focuses on-site activity primarily on those areas, conditions, or hazards within the requested scope of the visit.
12. During on-site activity, advises the employer of the employer's obligations and responsibilities under applicable Federal or State law and implementing regulations.
13. When identifying hazards, indicates to the employer, using the consultant's best judgment, whether the situation would be classified as a serious or other-than-serious hazard.
14. Informs the employer that the employer is obligated to take immediate action to eliminate

hazards that pose an imminent danger.

15. Establishes a time frame for the correction of each hazard identified during on-site activity, and provides the employer with a "List of Hazards," and advises the employer to post the "List" until the hazard is corrected or for three days, whichever is longer.
16. Ensures that employers granted extensions for the correction of serious hazards demonstrate having made a good faith effort to correct the hazard within the established time frame; show evidence that correction has not been completed because of factors beyond the employer's control; and show evidence that the employer is taking all available interim steps to safeguard the employees against the hazard(s) during the correction period. All assurances regarding the correction of serious hazards must be in writing.
17. Informs the employer that the employer's failure to correct an identified serious hazard within the established time frame (or extension of the time frame) results in notification of the appropriate OSHA enforcement authority.
18. Ensures that the appropriate OSHA enforcement authority is notified if an employer fails to take the action necessary to correct a serious hazard within the established time frame or any extensions granted.
19. Prepares and sends to the employer a written report containing substantive findings or recommendations.
20. Preserves the confidentiality of information which identifies employers who have requested the services of the On-site Consultation Program as well as information pertaining to and/or obtained during an on-site visit, such as the employer's written report.
21. Preserves the confidentiality of information pertaining to commercial or trade secrets that may have been obtained during an on-site visit.
22. Conducts consultative activity independently of any OSHA enforcement activity.
23. Does not provide to OSHA the identity of, or files pertaining to, employers requesting On-site Consultation program services for any compliance inspection or scheduling activity, except in cases where the employer has failed to eliminate an imminent danger, failed to correct or eliminate a serious hazard, or where the employer has elected to participate in SHARP or a cooperative program that permits an exemption or deferral from enforcement inspections.
24. Assures that On-site Consultation visits already in progress have priority over OSHA compliance inspections except in the case of imminent danger, fatality/catastrophe investigations, complaint investigations, referrals, or other investigations deemed critical by the Assistant Secretary.
25. Terminates on-site visits in response to imminent danger, fatality/catastrophe investigations, complaint investigations, referrals, or other investigations deemed critical by the Assistant Secretary.

26. Does not conduct On-site Consultation visits while OSHA enforcement inspections are “in Progress.” On-site consultations shall only take place with regard to those citation items which have become final orders.
27. Explains to the employer that requirements pertaining to serious hazards apply equally to other-than-serious hazards for participation in SHARP.
28. Uses consultants who are employees of the State and are qualified under State requirements for employment in the field of occupational safety and health.
29. Applies minimum requirements for consultants that include the ability to recognize hazards and assess employee exposure and risk, knowledge of OSHA standards, knowledge of hazard correction techniques and practices, knowledge of workplace safety and health program requirements, skill in effective written and oral communication, and any additional degrees or experience required by the Assistant Secretary.
30. Maintains an organized system for monitoring the performance of consultants.
31. Organizes and compiles information relating to the training conducted by consultants, including the type of training, the identity of individuals conducting such training, how often such training is offered, and makes such information available to the Regional Administrator upon request. This should include information related to both training visits and interventions.
32. Submits narrative reports and compiles and submits data, such as Integrated Management Information System (IMIS) data, or its successor the OSHA Information System (OIS), that is needed for monitoring and evaluation purposes, as required, to the Regional Administrator.
33. Agrees to pay OSHA for mainframe processing services, telecommunication and other services provided through IMIS, or its successor, the OIS, based on quarterly bills. The fourth quarter payment will be based on an estimated bill. All bills must be paid upon receipt but no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.
34. Agrees to adhere to all requirements for OSHANet participation (including hardware and software specifications) and to pay OSHA for requested services provided, including telecommunication charges, an annual service fee for operation and maintenance costs, software licenses, set-up of sites, servers, inappropriate use investigations, retrieval of information related to e-discovery requirements, and annual user fees for remote access. States must maintain an appropriate maintenance and repair contract for their OSHANet network equipment (server/backup unit/router/power supply) after initial warranty period expires. (For items billed quarterly, the fourth quarter payment will be based on an estimated bill. All bills must be paid upon receipt but no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.)
35. Consults with the Directorate of Information Technology and any other designated official prior to expending Federal or State matching funds for the purchase of any data

processing/computer equipment or software that will be used to connect to OSHA systems (locally or remotely) or otherwise provide information to OSHA to assure that equipment and software meet the current requirements necessary to run or operate OSHA applications even if not participating in OSHANet. All State recipient representatives must complete, sign and submit a Hardware/Software Purchases Rules of Behavior form to the Director, Directorate of Information Technology in accordance with IT guidelines. Desktop or laptop computers and software that will be used to access OSHA systems, including the CSHO and On-site Consultation PC Applications, Whistleblower application, and new web-based and other applications as deployed, etc., must meet the minimum OSHA specifications. Current hardware and software specifications are posted on the IT Help Desk page on the OSHA Intranet/Limited Access Page and are available in Appendix P.

36. Agrees that all new desktop and laptop computers conform with DIT standard desktop/laptop configurations, operating system and Microsoft products (currently MS XP with current patches and Windows 7 ready).
37. Agrees that all desktops and laptops that connect to the OSHANet must be configured with the OSHA image. Software that is not part of the OSHA standard image must be approved by the Directorate of Information Technology prior to purchase and once received must be approved for installation.
38. If not participating in OSHANet, assures, in order to protect sensitive information, including Personally Identifiable Information, and meet OMB and Department of Labor requirements, that encryption software meeting the requirements of the NIST Federal Information Processing Standards (FIPS) 140-2 has been installed on all computers/devices that access OSHA systems, and its use required by all users. This must include full disk encryption of all mobile computers and file level encryption of data downloaded from OSHA information systems to portable storage devices.
39. If participating in OSHANet submits a consolidated monthly report of staff separations and hires from each State IT person or other designated staff by the 15th of each month for the previous month to OSHA HIRESYSTEM@DOL.GOV. This will allow DIT to perform the required audit of new and deleted accounts from the system and ensure all required account request documentation has been received. State recipients that participate in the OSHA IMIS system or the OIS are also required to provide the same monthly reports. State recipients that participate in the OSHA IMIS system or the OIS are also required to provide the same monthly reports.
40. If participating in OSHANet and the OSHA IMIS system or the OIS submits an account request form with the signed security training form if a new account is requested. Upon separation, an account deletion form is required to be submitted the same day of departure. The form should clearly mark all account(s) to be deleted (i.e., Citrix, OSHANet, IMIS, OIS, etc.) and faxed to the OSHA IT Help Desk at 202-693-1617 (fax).
41. Agrees that all system users (OSHANet and other OSHA applications) must adhere to Federal, Department of Labor (DOL), and OSHA computer security and inventory of Federal Government assets issued (i.e. tokens) policies and procedures.

42. Agrees that all OSHA system users will complete the DOL Information System Security Awareness (ISSA) Training and any other federally mandated or DOL-required computer security training to be specified, within the time frame prescribed by the Directorate of Information Technology.
43. Agrees that all users of the OSHANet and other OSHA applications will sign all annual Rules of Behavior, an example of which can be found at Appendix P.
44. Agrees to all agency requirements for use of Extranet accounts, including assignment of an approving official in each state for all new accounts, review by the approving officials to ensure the validity of all accounts every 6 months, and requirements for passwords for individual accounts.
45. Understands that all desktops, laptops and servers connected to the OSHANet are subject to an annual software audit to ensure compliance with Executive Order 13103, "Computer Software Piracy," the U.S. Copyright Act, Title 17 U.S.C., Department of Labor software management and acceptable use policy, and vendor software license agreements.
46. Understands that no Section 21(d) or matching State funds may be expended for the purchase of internal peripherals or other modifications, except replacement parts, in conjunction with the NCR equipment, without prior approval from the Directorate of Information Technology. States must maintain an appropriate maintenance and repair contract for their NCR equipment, until OIS is fully implemented.
47. Will not expend any 21(d) or matching state funds from this agreement to fund activities or provide services to farms with ten or fewer employees where there has been no temporary labor camp in the previous twelve months. (Only State Plan states may conduct visits on these farms, provided that 100 percent state funds are used, and the state has an accounting system in place to assure that no Section 21(d) or matching funds are expended on these activities.)
48. Will not expend any 21(d) or matching state funds from this agreement to fund the purchase of equipment and/or to support programmatic efforts under the jurisdiction of and/or funded by another Federal agency.
49. Will ensure that any funding provided by another Federal agency related to safety and health training and/or equipment will not undermine 21(d) On-site Consultation activity.
50. States are encouraged to promote safety or health professional certification of their employees by a nationally recognized accrediting organization. Cooperative Agreement funds may be used to pay for the costs associated with a professional certification preparation course and the examination, including travel and per diem. No Section 21(d) or matching State funds may be expended for costs associated with a second or subsequent attempt to obtain certification by employees who fail on their first attempt, except for the cost of the examination itself and related travel and/or per diem for a second attempt only. Certification costs cannot exceed the percentage of time for which an employee is dedicated to the cooperative agreement.

- 51. Will not expend 21(d) or matching state funds for annual fees associated with maintaining professional certifications.

- 52. Agrees to pay OSHA for costs associated with the conduct of OSHA Training Institute (OTI) training courses conducted for the State at the State's request. The State will pay for travel and per diem for OTI instructors, shipping charges, consultant trainer fees, equipment rental and training facility rental. All bills must be paid upon receipt but no later than September 15th. Any adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year, as necessary.

- 53. Agrees to comply with monitoring requirements contained in 29 CFR 1908, the Consultation Policies and Procedures Manual, or in the Cooperative Agreement (including Mandated Activities Report for Consultation (MARC) requirements) and understands that failure to do so may result in noncompliance with the OSHA cooperative agreement.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

APPENDIX B

Checklist of Required Documents for the Federal On-site Consultation Cooperative Agreement

Mandatory Forms (must be electronically completed in Grants.gov)

- Application for Federal Assistance, (SF-424)
- Budget Information - Non-Construction Programs, (SF-424A)

Mandatory Attachments (may be scanned into one Adobe Acrobat file or submitted individually).

(OSHA prefers the entire application be submitted as a single document, but if that is not possible, please note that there is a 15 attachment limit per application.)

The Consultation Annual Project Plan (CAPP):

- Overview of the On-site Consultation Project
 - Organizational Chart
 - Staffing Chart
 - Changes in Project's Status (if any)
- Operational Description by Annual Performance Goal
- Projected Program Activities
- Strategy and Targets for SHARP
- Changes to the Internal Quality Assurance Program

The Cooperative Agreement for OSHA On-site Consultation:

Cooperative Agreement for OSHA On-site Consultation under Sections 21(c) and 21(d) of the Occupational Safety and Health Act of 1970, including:

- Assurances and Certifications Non-Construction Programs
- Lobbying Certifications
- OSHA Restrictions and Conditions
- Equipment Inventory
- Approved On-site Consultation Equipment Procurement Listing
- Training Plan
- Accompanied Visit Plan

Other Financial Forms:

- Cooperative Agreement, (Form OSHA-110)
- Supporting Details of Anticipated Costs

Appendix-B

APPENDIX C Checklist of Required Components of the CAPP

<input type="checkbox"/>	Organizational chart.
<input type="checkbox"/>	Staffing chart (See Appendix D). The chart must contain the number of full and part-time staff employed by the On-site Consultation Project, expressed in full-time equivalents (FTEs), for each category of staff. All projects must have the equivalent of two safety and two health professionals, in addition to managerial and support personnel. The numbers in the chart in Appendix D are examples only.
<input type="checkbox"/>	Description of any changes in the On-site Consultation Project's status. <u>Change(s) in Project's Status</u> . Any changes in the status of the Project, such as the organizational unit within which the On-site Consultation Project is located or the structure of the unit or organization must be provided.
<input type="checkbox"/>	<p>Detailed operational description identifying the year's strategies, activities, and their intended outcomes. List and discuss <i>each</i> of the applicable OSHA Annual Operating Plan area of emphasis to be supported by the Project, local emphasis programs and special initiatives, including a description of each of the following elements:</p> <ol style="list-style-type: none"> 1. <u>Strategies</u>. Describe the specific strategies that will be used to target results for that performance goal (for example, developing and promoting a Web-based chat room for discussion of safety and health program issues, or partnering with other State agencies to promote training around the State). 2. <u>Activities</u>. List the type and projected number of activities. These should correspond to the activities listed in the Projected Activity Chart. 3. <u>Impact</u>. Describe the anticipated impact of performing the activities described. <p>The tabular format in Appendix E contains the categories of all required information.</p>
<input type="checkbox"/>	<p>Projected Program Activities chart. Estimate the total number of On-site Consultation activities to be performed during the year covered by the project plan, broken out by annual performance goal. Include the following information:</p> <ol style="list-style-type: none"> 1. Visits 2. Combined Total visits 3. SHARP 4. Pre-SHARPs 5. Interventions/Other Non-Visit Related Activities 6. Industries, hazards and measure statistics <p>The tabular format in Appendix F-1 contains the categories of all required information for 21(d) projects in federal jurisdiction states and State Plans adopting the Federal emphasis industries, hazards and measures. 21(d) Projects in state-plan states may substitute their state's emphasis industries, hazards, and measures, and should utilize the tabular format in Appendix F-2.</p>
<input type="checkbox"/>	Description of the On-site Consultation Project's strategy and targeted industries for marketing On-site Consultation services and SHARP.
<input type="checkbox"/>	Detailed description of changes to its Internal Quality Assurance program.

APPENDIX D Staffing Chart (Sample)

ON-SITE CONSULTATION PROJECT STAFF CATEGORY	OCCUPIED POSITIONS*		NUMBER OF VACANT POSITIONS***
	NUMBER OF PERSONNEL	NUMBER OF FTEs	
1. Managerial Staff	1	0.75	0
2. Consultants–Safety	2	1.50**	1
3. Consultants–Health	2	2.00	0
4. 100% State-Funded Consultants –Safety	1	0.50	0
5. 100% State-Funded Consultants – Health	1	0.50	0
6. Clerical/data systems support	2	2.00	0
7. Marketing Staff	1	0.25	0
8. Trainers	1	1.00	0
9. Other (identify)	1	0.25	0
TOTALS	12	8.75	1

* Report only occupied positions at the time of application submission.

** Prior Approval received from Director of DCSP

*** Positions vacant at the time of application submission.

APPENDIX E Operational Description by Strategy, Activities and Outcomes

Federal Area of Emphasis Statement	On-site Consultation Strategy	Description of Planned On-site Consultation Activities	Anticipated Impact of On-site Consultation Activities
Area of Emphasis EXAMPLE: Reduce occupational hazards through direct interventions.	EXAMPLE: 1.1. Improve targeting to maximize the impact of direct interventions. a. Annually analyze data to identify best targets for direct interventions. b. Annually communicate priorities and effective intervention approaches. 1.2. Reduce hazards by intervening at targeted worksites. a. Provide on-site consultation services to high hazard worksites. : 1-3 Improve effectiveness of direct interventions. a. Analyze results and effectiveness of direct interventions to determine their impact on fatality, injury and illness rates. b. Identify and implement adjustments, including targeting new areas that will increase the impact of direct intervention activities.	Activity 1 EXAMPLE: Provide information here on # visits; will eventually be looking for # of hazards abated, if available. Activity 2	Result 1 EXAMPLE: Reduction of occupational hazards through direct interventions. Result 2
Area of Emphasis		Activity 1..... Activity 2.....	Result 1 Result 2
Area of Emphasis			
Local Emphasis Program			
Special Initiative			

Appendix F-1 PROJECTED PROGRAM ACTIVITIES

(NAME OF STATE) FY 2011 OPERATING PLAN

Consultation Federal States and States that have adopted emphasis industries, hazards and measures identical to OSHA's

ACTIVITY & AREAS OF EMPHASIS	Safety	Health	Total
1. TOTAL VISITS	0	0	0
a. Construction			0
b. Non-construction			0
2. Total Area of Emphasis Visits	0	0	0
3. Percentage Area of Emphasis Visits of Total Visits	#DIV/0!	#DIV/0!	#DIV/0!
4. Emphasis Industries (see definitions)	0	0	0
a. Oil & Gas Field Services			0
b. Residential Building Construction			0
c. Commercial & Institutional Building Construction			0
d. Highway, Street & Bridge Construction			0
5. Emphasis Safety & Health Hazards (see definitions)	0	0	0
a. Lead			0
b. Silica			0
c. Combustible Dust			0
d. Flavoring (Diacetyl)			0
e. Hexavalent Chromium			0
f. Refineries			0
g. Trenching			0

1. Total of all visits in all industries. The total number will be used as part of the funding formula.

1a. Estimate of all visits in NAICS 23. Include those visits in areas of emphasis estimated below and all local emphasis visits. Combine Initial, T&A and follow-up visits.

1b. Estimate of total visits in industries other than construction. Include those visits in areas of emphasis estimated below, other local emphasis visits and all non-emphasis visits. Combine all Initial, T&A and follow-up visits.

2. Count any visit in an area of emphasis only once; whichever category is the primary purpose of the visit.

ACTIVITY & AREAS OF EMPHASIS	Safety	Health	Total
h. Manufacturing Amputations			0
i. Other LEPs			0

5i. Estimate the number of visits in support of other Regional and Area Office LEPs.

6. Activities related to Agency Measures (see definitions)	Safety	Health	Total
a. Activities related to fatalities in the construction industry associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by			0
b. Activities related to fatalities in general industry associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by			0
Number of hazards abated associated with hearing loss in construction and manufacturing			0
d. Number of hazards abated associated with illnesses in general industry and construction			0
Number of hazards abated associated with workplace amputations			0
f. Number of employees removed from hazards through voluntary requests from employers participating in the Consultation program.			0

7. This number should represent the projected SHARPs at the end of the fiscal year.

7a. Estimate the number of new employers to be awarded SHARP status during the fiscal year.

7b. Provide the number of current active SHARP sites.

7. TOTAL SHARP SITES	0	8. TOTAL RENEWALS	0
a. New	0		
b. Current	0		
9. TOTAL PRE-SHARP SITES	0		
10. Total Interventions (Form 66)	0		

9. Estimate the total Pre-SHARPs approved during the fiscal year.

10. Estimate the number of interventions, especially speeches, presentations, and off-site (non-visit related) training.

Definitions for the FY 2011 Operating Plan Projected Program Activities Areas of Emphasis

(Please note, if a change occurs to the NAICS listings during the fiscal year, contact your Regional Administrator for guidance)

4. Emphasis Industries

a. Oil & Gas Field Services

NAICS 213111 Drilling Oil and Gas Wells

This U.S. industry comprises establishments primarily engaged in drilling oil and gas wells for others on a contract or fee basis. This industry includes contractors that specialize in spudding in, drilling in, re-drilling, and directional drilling.

Cross-References. Establishments primarily engaged in --

- Performing exploration (except geophysical surveying and mapping) services for oil and gas on a contract or fee basis -- are classified in U.S. [Industry 213112](#), Support Activities for Oil and Gas Operations; and
- Performing geophysical surveying and mapping services for oil and gas on a contract or fee basis -- are classified in [Industry 541360](#), Geophysical Surveying and Mapping Services.

NAICS 213112 Support Activities for Oil and Gas Operations

This U.S. industry comprises establishments primarily engaged in performing support activities on a contract or fee basis for oil and gas operations (except site preparation and related construction activities). Services included are exploration (except geophysical surveying and mapping); excavating slush pits and cellars, well surveying; running, cutting, and pulling casings, tubes, and rods; cementing wells, shooting wells; perforating well casings; acidizing and chemically treating wells; and cleaning out, bailing, and swabbing wells.

Cross-References. Establishments primarily engaged in --

- Contract drilling for oil and gas -- are classified in U.S. [Industry 213111](#), Drilling Oil and Gas Wells;
- Operating oil and gas field properties on a contract or fee basis -- are classified in Subsector 211, Oil and Gas Extraction, based on the activity;
- Performing geophysical surveying and mapping services for oil and gas on a contract or fee basis -- are classified in [Industry 541360](#), Geophysical Surveying and Mapping Services;
- Oil and gas pipeline and related structures construction -- are classified in [Industry 237120](#), Oil and Gas Pipeline and Related Structures Construction; and
- Site preparation and related construction activities on a contract or fee basis -- are classified in [Industry 238910](#), Site Preparation Contractors.

b. Residential Building Construction

Activities involving construction or remodeling and renovation of single-family or multifamily residential buildings. Note that "multifamily housing construction" includes high-rise, garden, and town house apartments and condominiums where each unit is not separated from its neighbors by a ground-to-roof wall. This includes operations in NAICS 23611 and operations related to jobs that fall into other industry classifications, such as sub-contractors and construction services listed in the table "NAICS codes applying to residential, commercial, and highway/street/bridge construction" at the end of this section.

NAICS 23611 This industry comprises establishments primarily responsible for the construction or remodeling and renovation of single-family and multifamily residential buildings. Included in this industry are residential housing general contractors (i.e., new construction, remodeling or renovating existing residential structures), operative builders and remodelers of residential structures, residential project construction management firms, and residential design-build firms.

Cross-References. Establishments primarily engaged in --

- Performing specialized construction work on houses and other residential buildings, generally on a subcontract basis -- are classified in Subsector 238, Specialty Trade Contractors;
- Performing manufactured (mobile) home setup and tie-down work -- are classified in [Industry 238990](#), All Other Specialty Trade Contractors; and
- Constructing and leasing residential buildings on their own account -- are classified in [Industry 531110](#), Lessors of Residential Buildings and Dwellings.

c. Commercial and Institutional Building Construction

Activities involving construction (including new work, additions, alterations, maintenance, and repairs) of commercial and institutional buildings and related structures, such as stadiums, grain elevators, and indoor swimming pools. This also includes on-site assembly of modular or prefabricated commercial and institutional buildings. Also included are commercial and institutional building general contractors, commercial and institutional building operative builders, commercial and institutional building design-build firms, and commercial and institutional building project construction management firms. This includes operations in NAICS 23622 and operations related to jobs that fall into other industry classifications, such as sub-contractors and construction services listed in the table “NAICS codes applying to residential, commercial, and highway/street/bridge construction” at the end of this section.

NAICS 23622 This industry comprises establishments primarily responsible for the construction (including new work, additions, alterations, maintenance, and repairs) of commercial and institutional buildings and related structures, such as stadiums, grain elevators, and indoor swimming pools. This industry includes establishments responsible for the on-site assembly of modular or prefabricated commercial and institutional buildings. Included in this industry are commercial and institutional building general contractors, commercial and institutional building operative builders, commercial and institutional building design-build firms, and commercial and institutional building project construction management firms.

Cross-References. Establishments primarily engaged in --

- Constructing structures that are integral parts of utility systems (e.g., storage tanks, pumping stations) or are used to produce products for these systems (e.g., power plants, refineries) -- are classified in [Industry Group 2371](#), Utility System Construction, based on type of construction project;
- Performing specialized construction work on commercial and institutional buildings generally on a subcontract basis -- are classified in Subsector 238, Specialty Trade Contractors; and
- Constructing buildings on their own account for rent or lease -- are classified in [Industry Group 5311](#), Lessors of Real Estate.

d. Highway, Street, and Bridge Construction

Activities involving the construction of highways (including elevated), streets, roads, airport runways, public sidewalks, or bridges. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily

related to highway, street, and bridge construction (e.g., installing guardrails on highways). This includes operations in NAICS 23731 and operations related to jobs that fall into other industry classifications such as sub-contractors and construction services listed in the table “NAICS codes applying to residential, commercial, and highway/street/bridge construction” at the end of this section.

NAICS 23731 This industry comprises establishments primarily engaged in the construction of highways (including elevated), streets, roads, airport runways, public sidewalks, or bridges. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to highway, street, and bridge construction (e.g., installing guardrails on highways).

Cross-References. Establishments primarily engaged in--

- Constructing tunnels -- are classified in [Industry 237990](#), Other Heavy and Civil Engineering Construction;
- Highway lighting and signal installation -- are classified in [Industry 238210](#), Electrical Contractors;
- Painting bridges -- are classified in [Industry 238320](#), Painting and Wall Covering Contractors; and
- Constructing parking lots and private driveways and sidewalks, or erecting billboards -- are classified in [Industry 238990](#), All Other Specialty Trade Contractors.

NAICS codes applying to residential, commercial, and highway/street/bridge construction

NAICS	Industry
221122	Electric power distribution
221210	Natural gas distribution
221300	Water, sewage, and other systems
236115	New single-family housing construction (except operative builders)
236116	New multifamily housing construction (except operative builders)
236117	New housing operative builders
236118	Residential remodelers
236210	Industrial building construction
236220	Commercial and institutional building construction
237110	Water and sewer line and related structures construction
237120	Oil and gas pipeline and related structures construction
237130	Power and communication line and related structures construction
237210	Land subdivision
237310	Highway, street, and bridge construction
237990	Other heavy and civil engineering construction
238110	Poured concrete foundation and structure contractors
238120	Structural steel and precast concrete contractors
238130	Framing contractors
238140	Masonry contractors
238150	Glass and glazing contractors
238160	Roofing contractors
238170	Siding contractors
238190	Other foundation, structure, and building exterior contractors
238210	Electrical contractors
238220	Plumbing, heating, and air-conditioning contractors

NAICS codes applying to residential, commercial, and highway/street/bridge construction

NAICS	Industry
238290	Other building equipment contractors
238310	Drywall and insulation contractors
238320	Painting and wall covering contractors
238330	Flooring contractors
238340	Tile and terrazzo contractors
238350	Finish carpentry contractors
238390	Other building finishing contractors
238910	Site preparation contractors
238990	All other specialty trade contractors
321213	Engineered wood member (except truss) manufacturing
321214	Truss manufacturing
321911	Wood window and door manufacturing
321918	Other millwork (including flooring)
321991	Manufactured home (mobile home) manufacturing
321992	Prefabricated wood building manufacturing
327111	Vitreous china plumbing fixture and china and earthenware bathroom accessories manufacturing
327120	Clay building material and refractories manufacturing
327320	Ready-mix concrete manufacturing
327330	Concrete pipe, brick, and block manufacturing
327420	Gypsum product manufacturing
327991	Cut stone and stone product manufacturing
332300	Architectural and structural metals manufacturing
332400	Boiler, tank, and shipping container manufacturing
423300	Lumber and other construction materials merchant wholesalers
423600	Electrical and electronic goods merchant wholesalers
423700	Hardware, and plumbing and heating equipment and supplies merchant wholesalers
423800	Machinery, equipment, and supplies merchant wholesalers
442200	Home furnishings stores
444000	Building material and garden equipment and supplies dealers
486000	Pipeline transportation
531000	Real estate
532120	Truck, utility trailer, and RV (recreational vehicle) rental and leasing
532300	General rental centers
532410	Construction, transportation, mining, and forestry machinery and equipment rental and leasing
541300	Architectural, engineering, and related services
541400	Specialized design services
562000	Waste management and remediation services
811310	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance

5. Occupational safety and health hazard abatement emphasis areas

a. Lead: Activities related to the lead NEP, in the following SICs.

Industries in the Lead NEP

SIC	Industry
1521	GC Single Family Residential Construction
1522	GC Other Residential Construction
1541	GC Non Residential Construction
1622	Bridge Tunnel Construction
1629	Heavy Construction, NEC
1721	Painting & Paper Hanging
1791	Steel Erection
1795	Wrecking and Demolition Work
1799	Special Trade Contractors NEC
2816	Manufacturing: Inorganic Pigments
2819	Manufacturing: Inorganic Chemicals NEC
2821	Plastics Materials, Synthetic Resins, & Non-Vulcanizable Elastomers
2851	Mfr of Paints, Varnishes, Lacquers, Enamels
3053	Mfr of Gaskets, Packing and Sealing Devices
3211	Manufacturing: Flat Glass
3229	Manufacturing: Pressed & Blown Glass Products
3231	Mfr of Glass Products Made of Purchased Glass
3312	Steel Works-Blast Furnaces
3331	Primary Smelting of Copper
3339	Primary Smelting of Non Ferrous Metals
3341	Secondary Smelting of Non-Ferrous Metals
3351	Rolling, Drawing, Extruding of Copper
3356	Rolling of Non Ferrous Metals Except Cu and Al
3366	Copper Foundries
3369	Non-Ferrous Foundries Except Cu and Al
3399	Primary Metal Products, NEC
3489	Ordinance & Accessories, NEC
3491	Manufacture of Industrial Valves
3492	Manufacture of Fluid Power Valves
3568	Mechanical Power Transmission Equipment
3675	Manufacture of Electronic Capacitors
3691	Storage Batteries
3692	Primary Batteries
3713	Manufacture of Truck/Bus Bodies
3715	Manufacture of Truck Trailers
5093	Scrap and Waste Materials
7532	Automotive Repair & Painting.
7539	Automotive Repair Shops NEC

Industries in the Lead NEP

SIC	Industry
7997	Membership Sports & Recreation Clubs
7999	Misc. Sports, Recreation & Amusement, NEC

b. Silica: Activities where a potential exposure to crystalline silica exists, regardless of whether air sampling is conducted.

c. Combustible dust: OSHA issued a Combustible Dust National Emphasis Program on October 18, 2007, to inspect facilities that generate or handle combustible dusts which pose a deflagration/explosion or other fire hazard. Some industries that handle combustible dusts include agriculture, chemicals, textiles, forest and furniture products, wastewater treatment, metal processing, paper products, pharmaceuticals, and recycling operations (metal, paper, flour, sugar, and plastic). The NEP was expanded on March 11, 2008 (CPL 03-00-008), to focus on industries with more frequent and high-consequence dust incidents. The revised NEP focuses on 64 industries, shown in the two tables below. OSHA has determined that all sugar refineries (beet and sugarcane) in the Federal jurisdiction shall be inspected under the Combustible Dust National Emphasis Program (NEP).

NEP Industries With More Frequent And/Or High Consequence Combustible Dust Explosions/Fires

SIC	Industry	NAICS
2046	Wet Corn Milling	311221
4911	Electric Services --Establishments engaged in the generation, transmission, and/or distribution of electric energy for sale	221112
2041	Flour and Other Grain Mill Products	311211
2493	Reconstituted Wood Products	321219
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified	325510, 325998
2099	Prepared foods and miscellaneous food specialties, not elsewhere classified	311212
3471	Electroplating, Plating, Polishing, Anodizing, and Coloring	332813
3341	Secondary Smelting and Refining of Nonferrous Metals	331314
2834	Pharmaceutical Preparations	325412
2499	Wood Products, Not Elsewhere Classified	321920, 321219
2421	Sawmills and Planing Mills, General	321113
2062	Cane Sugar Refining	311312
2063	Beet Sugar (Establishments primarily engaged in manufacturing sugar from sugar beets.	311313
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods	326291
3714	Motor Vehicle Parts and Accessories	336322
3365	Aluminum Foundries	331524

NEP Industries That May Have Potential For Combustible Dust Explosions/Fires

SIC	Industry	NAICS
723	Crop Preparation Services for Market, Except Cotton Ginning	115114, 115111

NEP Industries That May Have Potential For Combustible Dust Explosions/Fires

SIC	Industry	NAICS
2052	Fresh cookies, crackers, pretzels, and similar "dry" bakery products.	311821
2087	Flavoring extracts, syrups, powders, and related products, not elsewhere classified.	311930
2221	Broadwoven Fabric Mills, Manmade Fiber and Silk	313210
2262	Finishers of Broadwoven Fabrics of Manmade Fiber and Silk	313311
2299	Textile Goods, Not Elsewhere Classified	313111
2431	Millwork	321911
2434	Wood Kitchen Cabinets	337110
2439	Structural Wood Members, Not Elsewhere Classified	321213, 321214
2452	Prefabricated Wood Buildings and Components	321992
2511	Wood Household Furniture, Except Upholstered	337122
2591	Drapery Hardware and Window Blinds and Shades	337920
2819	Industrial Inorganic Chemicals, Not Elsewhere Classified	325188, 325998, 331311
2821	Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers	325211
2823	Cellulosic Manmade Fibers	325221
2841	Soap and Other Detergents, Except Specialty Cleaners	325611
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	325510
2861	Gum and Wood Chemicals	325191
3011	Tires And Inner Tubes	326211
3069	Fabricated Rubber Products, Not Elsewhere Classified	326299
3081	Unsupported Plastics Film and Sheet	326113
3082	Unsupported Plastics Profile Shapes	326121
3086	Plastics Foam Products	326140, 326150
3087	Custom Compounding of Purchased Plastics Resins	325991
3089	Plastics Products, Not Elsewhere Classified	326199
3291	Abrasive Products	327910
3313	Alumina and Aluminum Production and Processing	331312
3334	Primary Production of Aluminum	331312
3354	Aluminum Extruded Products	331316
3363	Aluminum Die-Castings	331521
3369	Nonferrous Foundries, Except Aluminum and Copper	331528
3398	Metal Heat Treating	332811
3441	Metal Cans	332431
3469	Metal Stampings, Not Elsewhere Classified	332116
3479	Coating, Engraving, and Allied Services, Not Elsewhere Classified	332812
3496	Miscellaneous Fabricated Wire Products	332618

NEP Industries That May Have Potential For Combustible Dust Explosions/Fires

SIC	Industry	NAICS
3499	Fabricated Metal Products, Not Elsewhere Classified	332999
3548	Electric and Gas Welding and Soldering Equipment	335129
3644	Noncurrent-Carrying Wiring Devices	335932
3761	Guided Missiles and Space Vehicles	336414
3799	Transportation Equipment, Not Elsewhere Classified	333924
3995	Burial Caskets	339995
3999	Manufacturing Industries, Not Elsewhere Classified	321999, 325998, 326199
4221	Farm product warehousing and storage	493130
4952	Sanitary treatment facilities.	221320
4953	Refuse Systems	562920
5093	Scrap and waste materials	423930
5162	Plastics materials and basic forms and shapes	424610

d. Flavoring (Diacetyl): OSHA issued the National Emphasis Program - Facilities that Manufacture Food Flavorings Containing Diacetyls directive (CPL 02-00-011) on October 30, 2009, to identify and reduce or eliminate hazards associated with exposures to flavoring chemicals in facilities that manufacture food flavorings containing diacetyl. This NEP does not apply to diacetyl that occurs naturally, nor does it apply to facilities that use flavoring chemicals in the manufacturing of food products.

e. Hexavalent Chromium: OSHA issued the National Emphasis Program - Hexavalent Chromium directive (CPL 02-02-076) on February 23, 2010, to identify and reduce or eliminate the health hazards associated with occupational exposure to hexavalent chromium and other toxic substances often found in conjunction with hexavalent chromium.

f. Refineries: OSHA issued a National Emphasis Program - Petroleum Refinery Process Safety Management National Emphasis Program directive (CPL 03-00-010) on August 18, 2009, to reduce or eliminate the workplace hazards associated with the catastrophic release of highly hazardous chemicals at petroleum refineries.

g. Trenching: Activities where trenching exists.

h. Manufacturing Amputations: Activities in the following SICs only, where there is a potential exposure to an amputation hazard from working with power presses, saws, slicers, or shears.

2011	Meat Packing Plants
2013	Sausages and Other Prepared Meat Products
2015	Poultry Slaughtering and Processing
2022	Natural, Processed, and Imitation Cheese
2051	Bread and Other Bakery Products, Except Cookies and Crackers
2099	Food Preparations, NEC

2299	Textile Goods, NEC
2411	Logging
2421	Sawmills and Planing Mills, General
2426	Hardwood Dimension and Flooring Mills
2431	Millwork
2434	Wood Kitchen Cabinets
2448	Wood Pallets and Skids
2511	Wood Household Furniture, Except Upholstered
2621	Paper Mills
2653	Corrugated and Solid Fiber Boxes
2671	Packaging Paper and Plastics Film, Coated and Laminated
2673	Plastics, Foil, and Coated Paper Bags
2752	Commercial Printing, Lithographic
3089	Plastics Products, NEC
3272	Concrete Products, Except Block and Brick
3315	Steel Wiredrawing and Steel Nails and Spikes
3316	Cold-Rolled Steel Sheet, Strip, and Bars
3317	Steel Pipe and Tubes
3325	Steel Foundries, NEC
3423	Hand and Edge Tools, Except Machine Tools and Handsaws
3441	Fabricated Structural Metal
3443	Fabricated Plate Work (Boiler Shops)
3444	Sheet Metal Work
3446	Architectural and Ornamental Metal Work
3462	Iron and Steel Forgings
3465	Automotive Stampings
3469	Metal Stampings, NEC
3496	Miscellaneous Fabricated Wire Products
3499	Fabricated Metal Products, NEC
3544	Special Dies and Tools, Die Sets, Jigs, and Fixtures, and Industrial Molds
3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment
	Air-Conditioning and Warm Air Heating Equipment and Commercial and
3585	Industrial Refrigeration Equipment
3599	Industrial and Commercial Machinery and Equipment, NEC
3714	Motor Vehicle Parts and Accessories

6. Agency Measures:

a. and b. Fatality measures

- Fatalities in the construction industry associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by

- Fatalities in general industry associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by

Falls: Activities where a potential injury from a fall from elevation exists. For performance measurement, fatalities with event code 05 (fall (from elevation)) on the OSHA-170 are counted as fall fatalities. Falls from elevation are injuries produced by impact between the injured person and the source of injury, when the motion producing contact was generated by gravity, and the point of contact with the source of injury was lower than the surface supporting the person at the inception of the fall. The following are examples of falls that would be recorded:

- Falls from elevation to lower levels.
- Falls from ground level to a lower level (into storm drains, excavations, etc.).
- Falls through existing floor or roof openings (skylights, etc.).
- Falls through the floor or roof surface (floor or roof collapses).
- Jumps from structures and equipment.

Electrocutions: Activities where a potential injury from an electrical hazard exists. For performance measurement, fatalities with nature code 10 (electric shock) on the OSHA-170 are counted as electrocution fatalities. Electrocutions are injuries resulting from contact with electricity, including lightning. Contact may be made directly from the power source to the person or indirectly, such as when a pipe being held contacts a power line. In instances where an electric shock initiates a chain of events which results in an impact injury, the resulting accident event should be used. For example, if an electric shock knocks a worker from a ladder, the event should be coded as a *Fall*. Examples that would be recorded as *Electrocutions* include:

- Contact with overhead powerlines
- Contact with electrical wiring, transformers, equipment, etc.
- Contact with buried powerlines

Caught in/between: Activities where a potential injury from a caught in or between hazard exists. For performance measurement, fatalities with event code 02 (caught in or between) on the OSHA-170 are counted as caught in/between fatalities. Caught in/between injuries result from a person being squeezed, caught, crushed, pinched or compressed between two or more objects, or between parts of an object. This includes individuals who get caught or crushed in operating equipment, between other meshing objects, between a moving and stationary object, or between two or more moving objects. It also includes injuries from people trying to free themselves after being caught in an object or machine and from strangulation occurring when clothing is caught in running equipment. The key factor in making a determination between a *Caught in/between* event and a *Struck by* event is whether the impact of the object alone caused the injury. When the impact alone creates the injury, the event should be recorded as *Struck by*. Also, when the source of injury is free-flying or falling, or collapsing material, the event should be recorded as *Struck by*. When the injury is created more as a result of crushing injuries between objects, the event should be recorded as *Caught in/between*. Examples of events that should be classified as *Caught in/between* include:

- Being pulled into or caught in machinery and equipment (this includes strangulation as the result of clothing caught in running machinery and equipment).
- Being compressed or crushed between rolling, sliding, or shifting objects such as semi-trailers and a dock wall, or between a truck frame and a hydraulic bed that is lowering.

Struck by: Activities where a potential injury from being struck by an object (**other than a vehicle, including powered industrial vehicles**) exists. For performance measurement, fatalities with event code 01 (struck by) on the OSHA-170 are counted as struck by fatalities. Struck-by injuries are produced by forcible contact or impact between the injured person and an object, piece of equipment, or falling material, when the motion producing the contact is primarily that of the object, equipment, or falling material, rather than the person. When the motion producing the contact is primarily that of the injured person, the event should be recorded as *Struck against*. Examples of accidents that should be recorded as *Struck by* include:

- Struck by moving vehicle, machinery or equipment.
- Struck by materials that are falling, flying, swinging, slipping, etc.

c. Hearing loss in manufacturing and construction: Violations of 1910.95, 1926.52; 1926.101

d. Illnesses in general industry and construction: Violations of

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart G—Occupational Health and Environmental Control

1910.94 Ventilation.

1910.97 Non-ionizing radiation.

Subpart H—Hazardous Materials

1910.120 Hazardous waste operations and emergency response.

Subpart I—Personal Protective Equipment

1910.132 General requirements.

1910.134 Respiratory protection.

1910.138 Hand protection.

Subpart Z—Toxic and Hazardous Substances

1910.1000 Air contaminants.

1910.1001 Asbestos.

1910.1002 Coal tar pitch volatiles; interpretation of term.

1910.1003 13 Carcinogens (4-Nitrobiphenyl, etc.).

1910.1004 alpha-Naphthylamine.

1910.1006 Methyl chloromethyl ether.

1910.1007 3,2—Dichlorobenzidine (and its salts).

1910.1008 bis-Chloromethyl ether.

1910.1009 beta-Naphthylamine.

1910.1010 Benzidine.

1910.1011 4-Aminodiphenyl.

1910.1012 Ethyleneimine.

1910.1013 beta-Propiolactone.

1910.1014 2-Acetylaminofluorene.

1910.1015 4-Dimethylaminoazobenzene.

1910.1016 N-Nitrosodimethylamine.
1910.1017 Vinyl chloride.
1910.1018 Inorganic arsenic.
1910.1025 Lead.
1910.1026 Chromium (VI).
1910.1027 Cadmium.
1910.1028 Benzene.
1910.1029 Coke oven emissions.
1910.1030 Bloodborne pathogens.
1910.1043 Cotton dust.
1910.1044 1,2-dibromo-3-chloropropane.
1910.1045 Acrylonitrile.
1910.1047 Ethylene oxide.
1910.1048 Formaldehyde.
1910.1050 Methylenedianiline.
1910.1051 1,3-Butadiene.
1910.1052 Methylene Chloride.
1910.1096 Ionizing radiation.
1910.1200 Hazard communication.
1910.1450 Occupational exposure to hazardous chemicals in laboratories.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart C—General Safety and Health Provisions

1926.28 Personal protective equipment.

Subpart D—Occupational Health and Environmental Controls

1926.53 Ionizing radiation.
1926.54 Non ionizing radiation.
1926.55 Gases, vapors, fumes, dusts, and mists.
1926.57 Ventilation.
1926.59 Hazard communication.
1926.60 Methylenedianiline.
1926.62 Lead.
1926.65 Hazardous waste operations and emergency response.

Subpart E—Personal Protective and Life Saving Equipment

1926.101 Hearing protection.
1926.103 Respiratory protection.

Subpart Z—Toxic and Hazardous Substances

1926.1101 Asbestos.
1926.1102 Coal tar pitch volatiles; interpretation of term.
1926.1103 13 carcinogens (4-Nitrobiphenyl, etc.).
1926.1104 alpha-Naphthylamine.
1926.1106 Methyl chloromethyl ether.

1926.1107 3,32-Dichlorobenzidienne (and its salts).
1926.1108 bis-Chloromethyl ether.
1926.1109 beta-Naphthylamine.
1926.1110 Benzidine.
1926.1111 4-Aminodiphenyl.
1926.1112 Ethyleneimine.
1926.1113 beta-Propiolactone.
1926.1114 2-Acetylaminofluorene.
1926.1115 4-Dimethylaminoazobenzene.
1926.1116 N-Nitrosodimethylamine.
1926.1117 Vinyl chloride.
1926.1118 Inorganic arsenic.
1926.1126 Chromium (VI).
1926.1127 Cadmium.
1926.1128 Benzene.
1926.1129 Coke oven emissions.
1926.1144 1,2-dibromo-3-chloropropane.
1926.1145 Acrylonitrile.
1926.1147 Ethylene oxide.
1926.1148 Formaldehyde.
1926.1152 Methylene chloride.

e. Workplace amputations: Violations of

1910.147, The Control of Hazardous Energy (LO/TO)
1910.212, General Requirements for all Machines
1910.213, Woodworking Machinery
1910.217, Mechanical Power Presses
1910.219, Mechanical Power-transmission Apparatus

f. Employees Removed from Risk:

This number represents the total of employees exposed to hazards for each particular hazard instance. It is the equivalent of totaling all instances of Field 7 on the OSHA Form 40 as long as all hazards are corrected.

Appendix F-2 PROJECTED PROGRAM ACTIVITIES

(NAME OF STATE) FY 2011 OPERATING PLAN

Consultation Projects in state-plan states that have not adopted Federal measures and goals (Replace the Emphasis Industries, Emphasis Hazards and Agency Measures as appropriate to your program).

ACTIVITY & AREAS OF EMPHASIS	Safety	Health	Total
1. TOTAL VISITS	0	0	0
a. Construction			0
b. Non-construction			0
2. Total Area of Emphasis Visits	0	0	0
3. Percentage Area of Emphasis Visits of Total Visits	#DIV/0!	#DIV/0!	#DIV/0!
4. Emphasis Industries	0	0	0
a. Emphasis Industry 1			0
b. Emphasis Industry 2			0
c. Emphasis Industry 3 (etc.)			0
5. Emphasis Safety & Health Hazards	0	0	0
a. Emphasis Hazard 1			0
b. Emphasis Hazard 2			0
c. Emphasis Hazard 3 (etc.)			0
6. Activities related to Agency Measures			
a. Strategic Measure 1			0
b. Strategic Measure 2			0
c. Strategic Measure 3 (etc.)			0

1. Total of all visits in all industries. The total number will be used as part of the funding formula.

1a. Estimate of all visits in NAICS 23. Include those visits in areas of emphasis estimated below and all local emphasis visits. Combine Initial, T&A and follow-up visits.

1b. Estimate of total visits in industries other than construction. Include those visits in areas of emphasis estimated below, other local emphasis visits and all non-emphasis visits. Combine all Initial, T&A and follow-up visits.

2. Count any visit in an area of emphasis only once; whichever category is the primary purpose of the visit.

7. TOTAL SHARP SITES	0	8. TOTAL RENEWALS	0
a. New	0		
b. Current	0		
9. TOTAL PRE-SHARP SITES	0		
10. Total Interventions (Form 66)	0		

7. This number should represent the projected SHARPs at the end of the fiscal year.

7a. Estimate the number of new employers to be awarded SHARP status during the year.

7b. Provide the number of current active SHARP sites.

9. Estimate the total Pre-SHARPs approved during the year.

10. Estimate the number of interventions, especially speeches, presentations, and off-site (non-visit related) training.

APPENDIX G EQUIPMENT INVENTORY

A complete and current equipment inventory is required of each On-site Consultation Project. For this inventory, all capital equipment, general equipment (excluding furniture or office supplies), and special purpose equipment (as defined by OMB Circular A-87, Attachment B) must be included. Therefore, the inventory should include all sampling equipment (pumps, dosimeters, sound level meters, octave band analyzers, etc.), computers (hardware and software), vehicles, etc. Do not include furniture or office supplies in the inventory. The inventory should include information regarding the description, manufacturer, model number, serial number (if applicable), location, condition, acquisition date and acquisition cost of each item of equipment.

The table below provides a sample format for the equipment inventory. *Projects can submit their inventories in a different format as long as the information requested is provided.*

EQUIPMENT/ ITEM DESCRIPTION	MANUFACTURER/ MODEL NUMBER	SERIAL NUMBER (if available)	ACQUISITION DATE (MM/DD/YYYY)	ACQUISITION COST (if available)	CONDITION

Appendix-G

APPENDIX H EQUIPMENT PROCUREMENT REQUEST FY _____

Federal Catalog # 17.504

List all non-expendable, personal property having a useful life of more than one year and a unit acquisition cost of \$5,000 or more, and all computer-related equipment the grantee requests to purchase this grant year. Ref: 29 CFR 97.32(g) & OMB Circular A-87, Attachment B, C.1.

	QUANTITY		COST PER UNIT	TOTAL COST	NATIONAL OFFICE USE ONLY						
	Date:				APPROVED		TITLE TRANSFER		REMARKS		
	ON HAND	State:FOR PURCHASE			YES	NO	YES	INITIALS			
<i>EXAMPLE: Laptop: Dell Latitude 630</i>	4	2	\$2,300	\$4,600							

NOTE: List equipment by category: technical, office/administrative. Equipment which was requested and approved - but not procured in the previous award year - *should be clearly identified.*

APPENDIX I ANNUAL TRAINING PLAN

State: _____

FY _____

Date: _____

List Personnel by Name, ID Number, and Type (Mgt/S/IH/etc.)	Training Activity & Location	Estimated Costs (Include Per Diem/Airfare/Reg. Fee/Misc./etc.)	Indicate by Number the Competency Area that Training Will Address.*
TOTAL			

- | | |
|--|---|
| <ul style="list-style-type: none"> * 1. Recognition and Evaluation of Occupational Hazards 2. Evaluate Safety and Health Management Systems 3. Provide Occupational Safety and Health Training 4. Manage Program Processes and Reports | <ul style="list-style-type: none"> 5. Provide Hazard Prevention and Control Assistance 6. Provide Off-site Technical Support 7. Promote OSHA Consultation Services 8. OSHA Consultant Professionalism 9. Other (specify) |
|--|---|

NOTES:

- Funds sufficient to cover travel requirements to conduct proposed training should be budgeted in **Part A: Consultation** and **Part B: Administration**. These costs must be specific to the activities identified as determined by the location and duration of the training. The Annual Training Plan should only list out-of-state travel and training that is eligible for 100% federal funding and is subject to approval by the Director of the Office of Small Business Assistance. The total amount on this form must agree with the amount reported on the OSHA 110 – Line 2.
- Deviations from this plan involving out-of-state travel to courses and/or locations other than those proposed must be approved in writing by the Regional Administrator prior to the actual travel.

APPENDIX J
Accompanied Visit Plan FY _____

The plan for accompanied visits should state the policies which will govern activity for the fiscal year, rather than who will be accompanied by whom on specific visits.

Funds sufficient to cover travel for these activities should be budgeted in **Part B: Administration**, under Item c.2, Travel, unless the project indicates that travel is local and the costs are nominal in amount.

APPENDIX K FY 2010 FINAL BASE AWARD LEVELS

Recipient	Region	FY 2010 Base Award	Recipient	Region	FY 2010 Base Award
Connecticut	1	\$1,014,000	Ohio	5	\$1,572,000
Maine	1	\$471,000	Wisconsin	5	\$1,729,000
Massachusetts	1	\$1,413,000	Wisconsin Laboratory	5	\$1,834,000
New Hampshire	1	\$438,000	Arkansas	6	\$996,000
Rhode Island	1	\$456,000	Louisiana	6	\$791,000
Vermont	1	\$400,000	New Mexico	6	\$502,000
New Jersey	2	\$1,866,000	Oklahoma	6	\$1,207,000
New York	2	\$3,641,000	Texas	6	\$2,628,000
Virgin Islands	2	\$249,000	Iowa	7	\$627,000
Delaware	3	\$438,000	Kansas	7	\$601,000
District of Columbia	3	\$463,000	Missouri	7	\$914,000
Maryland	3	\$896,000	Nebraska	7	\$563,000
Pennsylvania, IU	3	\$1,701,000	Colorado State Univ.	8	\$996,000
Virginia	3	\$1,043,000	Montana	8	\$438,000
West Virginia	3	\$469,000	North Dakota	8	\$305,000
Alabama University	4	\$1,054,000	South Dakota	8	\$422,000
Florida	4	\$2,118,000	Utah	8	\$489,000
Georgia Tech	4	\$1,287,000	Wyoming	8	\$431,000
Mississippi State Univ.	4	\$583,000	Arizona	9	\$750,000
North Carolina	4	\$1,344,000	California	9	\$5,277,000
South Carolina	4	\$782,000	Guam	9	\$273,000
Tennessee	4	\$910,000	Hawaii	9	\$466,000
Univ. of S. Florida Training	4	\$142,000	Northern Mariana Islands	9	\$196,000
Illinois	5	\$1,895,000	Nevada	9	\$600,000
Indiana	5	\$805,000	Alaska	10	\$641,000
Michigan	5	\$1,641,000	Idaho, Boise State Univ.	10	\$480,000
Minnesota	5	\$973,000	Oregon	10	\$388,000

Appendix-K

Appendix L Cooperative Agreement Form OSHA-110

<p>U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration</p> <p>COOPERATIVE AGREEMENT</p> <p>OSHA 21(d) ON-SITE CONSULTATION PROGRAM</p>	<p style="text-align: right;">(1) Page 1 of 1</p> <p>Region: _____</p> <p>State: _____</p> <p>Grantee: _____</p> <p>Grant Number: <u>CS</u> _____</p> <p>Starting Date: October 1, 2010 Ending Date: September 30, 2011</p>												
<p>(2) Recipient</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____ Recipient Liaison Representative</p> <p>_____ Area Code and Telephone Number</p>	<p>(3) U.S. Department of Labor</p> <p>_____ OSHA Liaison Representative</p> <p>_____ Area Code and Telephone Number</p>												
<p>(4) Authorized under P.L. 105-197, under Section 21(d)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;"></td> <td style="text-align: right; vertical-align: bottom;">Percent Total Funds (Nearest 0.1%)</td> </tr> <tr> <td>1. Federal Base Award Amount:</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>2. 100% Federal Funds for Travel and Training: (Please include in line 1)</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>3. Total Recipient Share:</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>4. Recipient 100% Funding: (Please include in line 3)</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>5. Total State and Federal Funds Allocated to This Agreement (Line 1 plus Line 3)</td> <td style="text-align: right;">_____ %</td> </tr> </table> <div style="background-color: #f0f0f0; padding: 5px; margin-top: 10px;"> Terms and Conditions of the Cooperative Agreement This COOPERATIVE AGREEMENT consists of the entire application, including all attachments, exhibits, enclosures, etc. </div>			Percent Total Funds (Nearest 0.1%)	1. Federal Base Award Amount:	_____ %	2. 100% Federal Funds for Travel and Training: (Please include in line 1)	_____ %	3. Total Recipient Share:	_____ %	4. Recipient 100% Funding: (Please include in line 3)	_____ %	5. Total State and Federal Funds Allocated to This Agreement (Line 1 plus Line 3)	_____ %
	Percent Total Funds (Nearest 0.1%)												
1. Federal Base Award Amount:	_____ %												
2. 100% Federal Funds for Travel and Training: (Please include in line 1)	_____ %												
3. Total Recipient Share:	_____ %												
4. Recipient 100% Funding: (Please include in line 3)	_____ %												
5. Total State and Federal Funds Allocated to This Agreement (Line 1 plus Line 3)	_____ %												
<p>(5) Recipient Approval</p> <p>Signature _____ Date _____</p> <p>_____ Type Name and Title</p>	<p>(6) Federal Approval</p> <p>Signature _____ Date _____</p> <p>Kimberly A. Locey, Director Administrative Programs</p>												
Form OSHA 110 Revised February 2001													

APPENDIX M
Application for Federal Assistance and Budget Information -
Non-Construction Programs (SF-424 and SF-424A)

Forms SF-424 and SF-424A are available on Grants.gov, accessible at:

<http://www.grants.gov/techlib/SF424-V2.0.pdf>
<http://www.grants.gov/techlib/SF424A-V1.0.pdf>

Note: These links are provided for informational purposes only to assist in preparing your application off-line. The actual application submitted to Grants.gov must use the mandatory forms found in the Funding Opportunity posted in Grants.gov.

APPENDIX N SUPPORTING DETAILS OF ANTICIPATED COSTS

PART A: CONSULTATION

A. PERSONNEL: (List all positions having salary charged to Consultation.)						Total	
<u>Position</u>	<u>Type</u> ¹	<u>Status</u> ²	<u>Cond.</u> ³	<u>Location</u>	<u>% Time 21(d)</u>	<u>Salary</u>	
1. Consultant				Subtotal:			
2. Supervisory consultant/clerical				Subtotal:			
B. FRINGE BENEFITS: (List Cost Formula[s])						Total	
1. Consultant				Subtotal:			
2. Supervisory consultant/clerical				Subtotal:			
C. TRAVEL: (100% Describe in Training Plan)						Total	
1. Out-of-State (100% Federal)				Subtotal:			
Training							
Other (specify)							
2. Within State (90% Federal)				Subtotal:			
Training							
Promotion							
Consultative Visits							
Other (specify)							
D. EQUIPMENT: (tech/list in Equipment Listing)						Total	
E. SUPPLIES: (tech/itemize & describe)						Total	
F. CONTRACTS: (all sources)						Total	
1. Lab Analysis (include #samples)				Subtotal:			
2. Industrial Hygiene Services				Subtotal:			
3. Other (specify)				Subtotal:			
G. OTHER (items not covered elsewhere)						Total	
1. 100% non-travel costs of training				Subtotal			
2. Other (itemize and describe)				Subtotal			
H. TOTAL OF DIRECT CHARGES: (A. through G.)						Total	

¹ S—TS—S/S—H—TH—H/S—SEC For definitions, see Appendix A-Cooperative Agreement-3

² Encumbered/Vacant

³ Previously Approved/New

APPENDIX O SUPPORTING DETAILS OF ANTICIPATED COSTS PART B: ADMINISTRATION

A. PERSONNEL: (List all positions having salary charged to Administration.) **Total** _____

<u>Position</u>	<u>Type</u> ¹	<u>Status</u> ²	<u>Cond.</u> ³	<u>Location</u>	<u>% Time 21(d)</u>	<u>Salary</u>
-----------------	--------------------------	----------------------------	---------------------------	-----------------	---------------------	---------------

B. FRINGE BENEFITS: (List Cost Formula[s]) **Total** _____

C. TRAVEL: (100% Describe in Training Plan) **Total** _____

1. Out-of-State (100% Federal) Subtotal: _____

Training _____

Annual On-site Consultation _____

Training Conference _____

Other (specify) _____

2. Within State (90% Federal) Subtotal: _____

Training _____

Promotion _____

Accompanied visits _____

Other (specify) _____

D. EQUIPMENT: (office/list in Equipment Listing) **Total** _____

E. SUPPLIES: (office/itemize & describe) **Total** _____

F. CONTRACTS: (all sources) **Total** _____

1. Computer Costs Subtotal _____

2. Lease of office equipment Subtotal _____

3. Service of office equipment Subtotal _____

4. Other (specify) Subtotal _____

G. OTHER (items not covered elsewhere) **Total** _____

1. 100% non-travel costs of training Subtotal _____

2. Other (itemize and describe) Subtotal _____

H. TOTAL OF DIRECT CHARGES: (A. through G.) **Total** _____

I. INDIRECT CHARGES **Total** _____

J. TOTAL ADMINISTRATION (H. plus I.) **Total** _____

¹ MGT – SEC

² Encumbered/Vacant

³ Previously Approved/New

APPENDIX P

IT and OSHANET Hardware and Software Information and Rules of Behavior
(for most current forms, please go to the DIT LAP)

Purchasing Hardware and Software Checklist

In an effort to assist OSHANet State and Consultation sites with purchasing Information Technology (IT) equipment and software, DIT has provided a checklist for purchasing Hardware and/or Software.

Following these simple steps will ensure timely processing of your request. Not following these steps may result in request delays, as we have no other alternative but to return all incomplete packages without action.

1. The **First Step** in requesting hardware and software products is completing the Acquisition Certification Form, along with the following supporting documents:

- Acquisition Certification Form
- Energy Star - you can find this on the product website (*for hardware only*)
- Section 508 - <http://www.govconnection.com/IPA/Content/GovPromos/Section508.htm>.
- Quote
- *For Connectivity of Network Hardware Devices* – (Printers, Multi-function copiers, All-In-One etc.) -Your OSHANet/Help DeskTeam, or your Regional Site Administrator must complete and certify the IT Security Policy Certification Checklist for Networked Devices
- Network Hardware Device Specifications (can be found on product website)

Once we have completed the *Acquisition Certification Form* with the supporting documents, your package is then submitted to the Directorate of Information Technology for approval. After the *Acquisition* is approved, it will be e-mailed to you, which gives you authorization to purchase the product.

2. The **Second Step**, when applicable, in this process is the completion of the Installation Authorization Form along with the following supporting information/documents:

- Installation Authorization Form
- Copy of software license
- PO/Receipt
- Machine Names (for individual) (attached is guide on “*Steps How to Find the Computer (Machine Name) for Your Workstation*”) or Server Name (for network devices connection)
- User Name(s)

The purpose of the *Installation Authorization Form* is to collect information required to populate fields in our Software Tracking System Database as a formal notification that the product has undergone the necessary checks and balances for installation.

3. These forms, along with the supporting documentation, should be scanned and e-mailed to: oshahswrequest@dol.gov

4. If you need immediate assistance, please call: (202) 693-1818 or (202) 693-1737.

Checklist

Listed below is a checklist to assist users with providing the required supporting documentation before submitting your package for approval. All items may not apply for your request, so contact our IT Policy and Planning Specialist with questions concerning your request via e-mail at oshahwsrequest@dol.gov or by phone at (202) 693-1737.

(Step 1) Acquisition Requirement

- Acquisition Certification Form
- Section 508 Information
- Energy Star (for hardware products)
- Quote
- IT Security Policy Certification Network Device Checklist (for hardware products)
- Product Specification (for hardware products)

(Step 2) Installation Requirements:

- Installation Authorization Form (Machine Name(s) / User Name(s) or Server Name (OSHANet connectivity products))
- License/Lease
- PO/Receipt

OSHANet

Rules of Behavior

This document describes the Rules of Behavior for the OSHA network (OSHANet). The OSHA Directorate of Information Technology (DIT) owns and manages the OSHA Network (OSHANet). The rules contained herein clearly delineate responsibilities of and expectations for all individuals that use the OSHANet. Please read this document carefully, and keep it for future reference. Non-compliance with these rules may result in disciplinary actions.

Responsibilities

1. The OSHA DIT is responsible for IT security for the OSHANet system.
2. The OSHA DIT is responsible for program policies and procedures that relate to all OSHANet-wide applications and configuration.
3. Users are required to adhere to these Rules of Behavior.
4. Users are required to report violations of this policy to the OSHA helpdesk.

Related DOL\OSHA Polices

5. OSHA Instruction ADM 1-0.19, "OSHANet Acceptable Usage Policy".
6. Appendix A: DOL Enterprise Wide Directory Services (EWDS) System Security Plan, "EWDS Rules of Behavior", June 2004.
7. DOL Technical Security Standards Manual (TSSM), Logical Access Controls & Audit Trails Requirements.
8. DOL Computer Security Handbook.

Rules of Behavior

User Accounts

9. Any process or user attempting to access the system without a valid user account is unauthorized.
10. A unique user account must be assigned to every OSHANet user. Shared or generic accounts are not permitted. This includes network, application, and database user accounts.
11. User accounts that are inactive over 90 days will be disabled, and accounts that have been disabled over 120 days will be deleted.

Passwords

12. Passwords must have at least 8 characters, consisting of mixed case, alphanumeric, and special characters.
13. Passwords will expire after 90 days and must be changed.

14. Passwords shall not be reused for at least 5 iterations. Password history shall be maintained to prevent the reuse of passwords.

Notice of Auditing and Monitoring

15. Users of OSHANet resources have no expectation of privacy while using any government-owned or leased information technology resources including, but not limited to: information systems; networks; and related hardware and software, such as workstations, servers, word processors, e-mail, spreadsheets, Internet browsers, etc. Anything and everything done while logged into the system is subject to monitoring and recording.
16. Activity using OSHA information technology resources is subject to Freedom of Information Act (FOIA) requests, to monitoring in the course of system administration, and to audit or law enforcement reviews to protect resources from inappropriate use.
17. The system will be checked periodically to ensure that no unauthorized accounts exist, and that the membership of security groups used to grant permissions to control or manage the information system resources have not changed.

Incident Response

18. Users are required to report any suspected or actual security incident to the OSHA helpdesk.

Web Usage

19. Use of the Internet is authorized for OSHANet users for legitimate OSHA business purposes and for limited personal use.
20. OSHANet users are not authorized to use OSHANet resources to engage in any fund-raising activity, endorse any product or services, participate in any lobbying activity, or engage in any active political activity.
21. OSHANet users are not authorized to use OSHANet resources to deliberately attempt to degrade the performance of an information system (including computers, microcomputers, networks, and telephone systems) or affect the availability or access to OSHANet resources.
22. No software licensed to the Government may be uploaded or sent to other sites without explicit authorization from OSHA.
23. Users shall not connect to a site that contains sexually explicit, offensive or other inappropriate material, and must disconnect from that site immediately.

Authorized Software, Hardware, and Downloading

24. Only OSHA-provided software upgrades, patches, service packs, and other updates made available from network drives or other OSHA authorized distribution methods may be applied to operating systems or software programs that comprise the standard OSHANet software configuration.

25. No software product or program that is not properly licensed for use by OSHA may be installed or run on any OSHANet workstation or server.
26. Installation of any software package which is not included in the list of OSHA's approved software requires explicit authorization from OSHA DIT.
27. OSHA will require the removal of any non-standard software product or program installed on an OSHANet server or workstation, if it is determined that the product or program interferes with the operation or security of any OSHANet resources or services.
28. No software product or program that is not properly licensed for use by OSHA may be downloaded, installed, or run on any OSHANet workstation or server.
29. Only DIT authorized hardware shall be connected to the OSHANet. DIT approval must be granted for all hardware devices, including non-DIT owned laptops, external USB drives, etc., prior to their connection to the OSHANet.
30. Any file that is downloaded must be scanned for viruses before it is run or accessed.

Change Management

31. All changes to OSHANet infrastructure, servers, applications, and networking equipment must follow the OSHANet change management procedures.
32. Only staff and contractors who have been authorized by the Consultation Program or State Program designated Approving Official can use Extranet to access internal agency resources. All users must change their Extranet account password every 90 days. Accounts that have not been used in the past 120 days will be suspended. Approving officials must recertify all Extranet accounts, that they have responsibility for, every six months.

I have read the above Rules of Behavior for OSHANet. I understand these terms and agree to abide by them while using OSHANet resources.