



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-13-005G | **EFFECTIVE DATE:** October 1, 2018

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

REGIONAL IDENTIFIER: Region VII

ABSTRACT

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

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

References: OSHA Instructions: CPL 03-00-021, PSM Covered Chemical Facilities National Emphasis Program; CPL 02-00-051, Exemptions and Limitations under the Appropriations Act; CPL 02-00-160, Field Operations Manual; Memo 2014, Procedures for Local and Regional Emphasis Programs; Memo 2014, Establishment Targeting Lists for Emphasis Programs.

Cancellation: CPL 02-13-005F

State Plan Impact: No Impact

Action Offices: Des Moines Area Office – Region VII

Originating Office: Kansas City Regional Office – Enforcement Programs

Contact: Assistant Regional Administrator for Enforcement Programs
(816) 283-8745

By and Under the Authority of

Kimberly A. Stille
Regional Administrator

Executive Summary

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

Significant Changes

This Notice cancels OSHA Regional Notice CPL 02-13-005F, Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies.

Table of Contents

I.	Purpose.....	1
II.	Scope.....	1
III.	References.....	1
IV.	Cancellation	1
V.	Action.....	1
VI.	Expiration Date	1
VII.	Background	1
VIII.	Outreach	2
IX.	Program Procedures	2
X.	OIS Coding	3
XI.	Evaluation	3

I. Purpose.

This Notice continues policies and procedures for conducting comprehensive programmed safety or health local emphasis inspections at Federal agency sites in the State of Iowa.

II. Scope.

This Notice applies to Federal agency sites within the jurisdiction of the Des Moines Area Office.

III. References

- A. OSHA Instruction CPL 02-00-111, Citation policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
- B. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
- C. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- E. OSHA Instruction CPL 02-00-051, Exemptions and Limitations under the Current Appropriations Act, May 28, 1998. (Appendix A, April 25, 2018, or most recent version).
- G. OSHA Instruction FAP 01-00-007, Federal Agency Targeting Inspection Program, May 11, 2017.
- H. Executive Order 12196, Occupational Safety and Health Program for Federal Employees, February 26, 1980.
- I. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
- J. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

IV. Cancellation.

This Notice cancels OSHA Regional Notice CPL 02-13-005F, Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies.

V. Action.

The Area Director shall use this instruction for inspection selection and scheduling for both safety and health inspections at Federal agency sites.

VI. Expiration Date.

This Notice expires September 30, 2019.

VII. Background.

The Occupational Safety and Health (OSH) Act of 1970 does not directly apply to federal agencies. Executive Order 12196, however, provides the authorization for OSHA to

conduct Federal agency inspections. Programmed Planned inspections accounted for 65% of all inspection activity in the federal sector in the Des Moines Area Office from FY 2015-2018.

During inspections at federal agency sites, the Des Moines Area Office observed that federal contractor employees expose not only themselves to the hazards of their occupation, but also adjacent federal employees. Inspections conducted at federal agencies by the Des Moines Area Office during FY 2015-2018 revealed that federal agencies are exposing employees to a high level of serious hazards evident by a 0% Other Than Serious Violation Rate for all inspections conducted under this LEP.

Experience and inspection history reveal that federal agencies are not always responsive in ensuring a safe and healthful work environment for their employees. The Repeat Violation Rate of inspections conducted under this LEP from FY 2015-2018 is 52%. Experience also reveals that Federal agencies are inexperienced in recognizing when contractors expose their employees as well as expose Federal employees to hazards. The national FEDTARGET program provides a limited number of Federal agencies for inspection on its listing. The listing over the last 11 years has addressed only two of the Federal agencies located in the State of Iowa. Inspections conducted under this program as well as complaint inspections have continued to reveal serious safety and health hazards. Therefore, this local emphasis program continues to identify hazards at Federal agency sites. In accordance with the U. S. Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

VIII. Outreach.

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

IX. Program Procedures.

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

- A. The Area Office shall continue to use the Federal Agency Establishment List obtained from the National Office, as well as locally generated lists of Federal agencies in Iowa, to create a master establishment list. All establishments on the master establishment list that have received a comprehensive safety and health inspection between October 1, 2015 and the effective date of this LEP will be purged from the list.
- B. The Des Moines Area Office will enter all remaining establishments compiled on the master list into a Microsoft Excel spreadsheet. Using the Microsoft Excel

RANDBETWEEN function, the Des Moines Area Office will randomize counties where establishments are located. After randomization, the Des Moines Area Office will select the county list by ascending random number order until it generates 30 establishments. The Des Moines Area Office will establish subsequent cycles in the same manner.

- C. Inspect establishments within a cycle in any order that makes efficient use of resources, however all establishments within a cycle must be inspected prior to initiating a new cycle. Each location scheduled for inspection shall receive a comprehensive inspection as defined by the FOM.

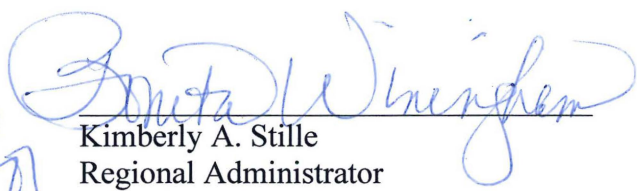
X. OIS Coding.

The Des Moines Area Office will apply current instructions for completing the appropriate inspection classification when recording inspections conducted under the LEP as follows:

- A. Select the Inspection Type tab in OIS to fill in the appropriate LEP information. The inspection type for a programmed inspection conducted under this local emphasis program shall be marked "Program Planned" (Initiating Type). Select the "Local Emphasis Program" drop box under Inspection Emphasis Programs and select "FEDCOMP".
- B. Worksites scheduled for an LEP inspection that should have been deleted from the list (e.g., no longer present), and it is discovered upon arrival, shall be coded under the Scope of Inspection drop box, "No Inspection" and the reason for no inspection shall be coded in the "Reason no Inspection" drop box.
- C. Unprogrammed inspections of locations on the list that are generated by complaints or referrals requiring inspection, imminent danger, and fatality/catastrophe investigations will be coded as normally required under the FOM. In addition, the Des Moines Area Office will inspect the location in accordance with the scope of this LEP and the designation "FEDCOMP" recorded under the "Local Emphasis Program" drop box of the "Inspection Emphasis Program" area.

XI. Evaluation.

No later than October 30, the Des Moines Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.


Kimberly A. Stille
Regional Administrator


(Date)


Concurrence of the Regional Solicitors Office:


(Date)

Distribution: Regional Solicitor
Directorate of Enforcement Programs
Regional Administrator
Deputy Regional Administrator
Assistant Regional Administrators
Area Directors
Supervisory Investigator
Field Review Program Coordinator