



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-02-2405

SUBJECT: Regional Emphasis Program- Federal Agencies

REGION: II

SIGNATURE DATE: October 1, 2023

EFFECTIVE DATE: October 1, 2023

ABSTRACT

Purpose: This instruction continues the Regional Emphasis Program for programmed safety or health inspections at federal agencies in New York, New Jersey, Puerto Rico and the U.S. Virgin Islands.

Scope: This instruction applies to all Region II Area Offices.

References:

- A. CPL 02-00-164, Field Operations Manual (FOM), 5/14/2020.
- B. CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs) 10/1/2018.
- C. CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995.
- D. CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.

Cancellations: This instruction cancels Regional Emphasis Program – Federal Agencies 2019-09 (CPL 2).

State Impact: No Impact

Action Offices: All Region II Area Offices

Originating Office: Office of Regional Administrator

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By and Under the Authority of

Richard Mendelson
Regional Administrator

Executive Summary

This regional instruction provides guidance to the OSHA Regional and Area Offices when inspecting federal agencies.

Significant Changes

None.

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I. Purpose.

This regional instruction continues the implementation of a Regional Emphasis Program (REP) for programmed safety or health regional emphasis inspections at federal agencies in New York, New Jersey, Puerto Rico and the U.S. Virgin Islands.

II. Scope.

This instruction applies to all Region II Area Offices.

III. References.

- A. CPL 02-00-164, Field Operations Manual (FOM), 5/14/2020.
- B. CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs) 10/1/2018.
- C. CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995.
- D. CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.

IV. Expiration Date

This instruction expires on September 30, 2028.

EXCEPTION: Any inspection begun prior to September 30, 2028, may continue until its conclusion.

V. Cancellations.

This instruction cancels Regional Emphasis Program – Federal Agencies, 2019-09 (CPL 2).

VI. Action Offices.

A. Responsible Office.

OSHA Region II, NY Regional Office.

B. Action Office.

OSHA Area Offices.

VII. Federal Program Change.

None

VIII. Significant Changes.

None

IX. Background

Federal agencies are not covered directly by the OSH Act and may be inspected by OSHA only through the authorization of Executive Order 12196. Inspection activity in the federal sector has been limited to unprogrammed inspections and a limited number of “targeted” inspections where advance instruction is provided. Region II Area Offices, in their inspection activity at federal installations via these two means, have identified a multitude of safety and health violations while on site. Numerous complaints have also been received alleging safety and health hazards at federal agencies. Many of the complaints result in letters being sent to the agency requesting corrective action.

Experience and inspection history has found that the federal agencies are not always responsive in ensuring a safe and healthful work environment for their employees. For this reason, along with the announced goal of providing “impartial and firm but fair” enforcement, this Local Emphasis Program has been developed.

X. Procedures

- A. The Regional Office of Technical Support shall obtain from the Office of Workers’ Compensation Programs (OWCP) a list of all federal agencies with installations in New York, New Jersey, Puerto Rico, and the US Virgin Islands. Accompanying the list will be a log of Lost Workday incidents for the previous fiscal year. The lists will be forwarded to the Area Offices.
- B. The Area Offices will rank the work sites by both frequency and nature of the incident. Those injuries with high frequency and seriousness (as defined by the FOM) rank highest. Other factors such as local knowledge, complaint rate, occurrence of fatalities, nationwide history, and so forth, may also be used to adjust the ranking of installations.
- C. Based upon both ranking and resource availability, the Area Director will designate the order in which specific locations will be inspected.
- D. The number of inspections under this REP will be specified in each year’s performance plan, and it is expected that the planned number of inspections will be completed in each fiscal year. Any inspections not completed will be added to the next year’s list.
- E. Follow-up and/or monitoring inspections shall be conducted according to criteria established in the FOM and Area Director discretion.
- F. Press releases for significant cases such as willful violations and high gravity serious and repeat violations will be issued in accordance with Region II policy and procedures.
- G. Unprogrammed Inspections. Inspections based upon fatalities/catastrophes, complaints, or referrals related to establishments covered under this REP shall be expanded to address the workplace hazards targeted by this REP. In addition to the guidelines provided in this REP, the inspections must be handled in accordance with FOM, including Chapter 9, Complaint and Referral Processing, and Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response.
- H. OSHA may expand the scope of the inspection when there is information or evidence (e.g., injuries or illnesses recorded in OSHA forms 300 and/or 301, employee statements, employee or union complaints, fatalities, referrals, or “plain view” observations) that violative conditions may be found in other areas of that establishment.

XI. Outreach

All area offices participating in this REP will address this program by contacting the Federal Executive Boards and Field Federal Safety and Health Councils in their area to provide speeches and outreach presentations during the time the Regional Emphasis Program is in effect. Inspections may be initiated prior to any outreach being completed. Requests for technical assistance, compliance assistance, and outreach from Federal Agencies and Federal employees will receive priority consideration from the area offices.

The Compliance Assistance Specialist in each area office will assist with outreach initiatives.

XII. Recording in OIS

Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report, as found in the OIS manual shall be applied when recording inspections conducted under this REP, as follows:

- a. Inspections conducted under this program shall be coded on the OSHA Inspection form with the designation "FEDSAFE" in the Regional Emphasis Program field.
- b. Unprogrammed Federal Agency inspections should address both the "unprogrammed" issues and the REP. Such inspections shall also be classified and coded under this regional emphasis program.

XIII. Evaluation

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. Upon completion of the scheduled cycle on inspections, but not later than the end of the fiscal year, the ARA/Technical Support shall evaluate whether this local emphasis program should be continued.
- C. The Regional Emphasis Program shall be evaluated by the Area Director as well as the Technical Support staff.
- D. Toward the end of the effective period of the Regional Emphasis Program, an evaluation of the effectiveness of the REP will be made by the Area Director in conjunction with Technical Support staff.
- E. The Area Director shall ensure that an evaluation of the REP is completed and submitted no later than September 15, 2028. In turn, the Technical Support staff will prepare a final evaluation report.

- F. Based on the findings of the Area Director and input from the ARA/TS a final report shall be prepared to the Regional Administrator assessing the effectiveness of the program. That report shall also make recommendations as to whether the REP should be renewed by October 15, 2028.