



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER 10-04 (CSP-02)

EFFECTIVE DATE: June 1, 2010

SUBJECT: FY 2011 Instructions for 23(g) State Plan Grants

ABSTRACT

Purpose: This Notice contains instructions and forms necessary for the preparation and submittal of the FY 2011 applications for 23(g) State Plan Grants.

Scope: This Notice applies to the twenty-two States with 23(g) comprehensive State Plans and the five States with 23(g) Public-Employee-Only State Plans. This Notice does not apply to 21(d) On-site Consultation Projects, but does apply to the three States that provide private sector on-site consultation under the 23(g) State Plan.

Effective in FY 2011, the Integrated 23(g) State Plans and 21(d) On-site Consultation Cooperative Agreement Grant application is discontinued. State Plans that operate both 23(g) and 21(d) programs should submit their 21(d) On-Site Consultation Cooperative Agreement Grant application separately in accordance with OSHA Notice 10-03 (CSP 02), FY 2011 On-site Consultation Cooperative Agreement Instructions.

References: OSHA Instruction CSP 01-00-002 (STP 2-0.22B), State Plan Policies and Procedures Manual; 29 CFR 1902 and 1956; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 29 CFR Part 97; Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments, OMB Circular A-102 codified in 29 CFR 97; and Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-87, Relocated to 2 CFR, Part 225.

Cancellations: None.

Expiration Date: This Notice expires on September 30, 2011.

State Impact: Affected States (see Scope) must adhere to the requirements applicable to them as set out in this Notice in submitting their FY 2011 grant applications.

ABSTRACT-1

Action Offices: National, Regional, and State Offices.

Originating Office: The Directorate of Cooperative and State Programs (DCSP) and the Directorate of Administrative Programs (DAP).

Contact: Directorate of Cooperative and State Programs
Office of State Programs
USDOL - OSHA
Frances Perkins Building, Room N3700
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By and Under the Authority of

David Michaels, PhD, MPH
Assistant Secretary

ABSTRACT-2

Executive Summary:

This Notice contains instructions and forms to assist State Plan and Regional Office staff in preparing and reviewing the 23(g) State Plan Grants. Each application must contain a one-year annual performance plan.

Significant Changes:

Outlined within this Notice are the following significant changes:

1. The Integrated Grant application for the 23(g) State Plan and the 21(d) On-site Consultation Cooperative Agreement Grants is discontinued. The 23(g) State Plan Grant applications should be submitted in accordance with this Notice. State Plans that operate both 23(g) and 21(d) programs should submit their 21(d) On-Site Consultation Cooperative Agreement Grant applications separately in accordance with OSHA Notice 10-03 (CSP 02), FY 2011 On-site Consultation Cooperative Agreement Instructions. Consultation programs funded under the 23(g) grant (public sector and private sector in KY, PR, and WA) should be included in the 23(g) grant application.
2. The two-year Annual Performance Plan option is discontinued. The Performance Plan should now cover a one-year period.
3. In addition to the reduction of illnesses, injuries, and fatalities, States may decide to adopt program activities in the areas of emphasis and measures identified in Federal OSHA's Operating Plan for FY 2011 (See Section VII.D).
4. 23(g) OSHA Restrictions and Conditions have been updated to identify new Information Technology issues, including continued training commitments for the OSHA Information System (OIS), recommended means of Internet access and security software for OIS, and restrictions regarding the development of alternative data systems.
5. The general format of the FY 2011 Grant Application Instructions reflects an effort to simplify and consolidate information. The sample forms in the Appendices include auto-calculation functions to reduce error and facilitate completion, and will be posted on OSHA's Intranet/Limited Access Page.
6. For States that do not have a Memorandum of Agreement with the Salt Lake Technical Center, a new requirement has been added. States using multiple laboratories must now list the sample type(s) for each laboratory used.
7. A new chart has been provided to project activities in States that provide private sector consultation under their 23(g) grant (KY, PR, and WA).

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Application for 23(g) State Plan Grants and 23(g) Public Employee Only State Plan Grants

- I. Purpose. This Notice contains instructions and forms necessary for the preparation and submittal of the FY 2011 applications for 23(g) State Plan Grants. States are required to annually submit an application that includes a one-year annual performance plan and financial documents.
- II. Scope. This Notice applies to the twenty-two States with 23(g) comprehensive State Plans and the five States with 23(g) Public-Employee-Only State Plans. This Notice does not apply to 21(d) On-site Consultation Projects, but does apply to the three States that provide private sector on-site consultation under the 23(g) State Plan.

Effective in FY 2011, the Integrated 23(g) State Plans and 21(d) On-site Consultation Cooperative Agreement Grant application is discontinued. State Plans that operate both 23(g) and 21(d) programs should submit their 21(d) On-Site Consultation Cooperative Agreement Grant application separately according to OSHA Notice 10-03 (CSP 02), FY 2011 On-site Consultation Cooperative Agreement Instructions.

- III. References.
- A. OSHA Instruction CSP 01-00-002 (STP 2-0.22B), State Plan Policies and Procedures Manual;
 - B. 29 CFR 1902 and 1956;
 - C. Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments (OMB Circular A-102 codified in 29 CFR 97);
 - D. Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87, Relocated to 2 CFR, Part 225).
- IV. Expiration Date. This Notice expires on September 30, 2011.
- V. Action Information.
- A. Responsible Offices. The Directorate of Cooperative and State Programs, Office of State Programs in consultation with the Directorate of Administrative Programs and the Assistant Secretary.
 - B. Action Offices.
 - 1. National Office. National Office personnel are responsible for reviewing and processing the applications for approval, and verifying that the applications meet all required financial, operational, and policy requirements.
 - a. Directorate of Administrative Programs (DAP). The Division of Grants Management is responsible for administering submission of grants via www.grants.gov, reviewing financial documents,

posting funding award levels in the Payment Management System, transmitting the award letters to each recipient and administering all financial aspects of the State Plan grant.

- b. Directorate of Cooperative and State Programs (DCSP). The Office of State Programs (OSP) is responsible for reviewing the applications and resolving any program issues with the appropriate Regional Staff. The OSP has overall responsibility for coordinating comments among DCSP staff and ensuring that DCSP issues are reflected in the award letters transmitted by DAP.

2. Regional Offices. Throughout the application and review process, the Regional Administrator (RA) remains the point of contact with the State(s).

- a. The Regional Office must coordinate with State Plans within their jurisdiction and provide assistance in the development, submission and revisions of grant applications. The Regional Office should work with the State Plans to resolve all issues prior to authorizing the State's submission of the electronic grant application package to minimize the need for replacement pages and expedite approval of the application.
- b. The Regional Office should discuss all identified issues with appropriate staff in DCSP and DAP prior to final resolution with the State.
- c. By August 20, 2010, the RA must submit a memorandum to the Directors of DAP and DCSP for each State application, reflecting recommendations for approval or disapproval of the funding application, the one-year performance plan and, if appropriate, changes to the 5-year Strategic Plan. The memorandum should be based on the Region's review of the final electronic application package submitted by the State via Grants.gov, and must reflect the Region's assessment of any unresolved issues in the application. If an appropriate State response has not been received prior to processing in the National Office, specific suggested language should also be included for any restrictions to be placed in the State Plan grant award letter.
- d. The RA must assure that the State's grant submission meets all requirements and contains all properly completed forms and documents required by these instructions and that any subsequent replacement pages are submitted to the National Office.
- e. The Regional Office does not need to forward a copy of the electronic application package. DCSP and DAP can access the applications in DOL E-Grants.

3. 23(g) State Plans. The Office of Management and Budget (OMB Circulars A-102 and A-110) requires that financial awards be made at least 10 days prior to the beginning of the grant or agreement period. All grant applications must be submitted electronically using Grants.gov. States must meet all the requirements detailed in this Notice when submitting the application. States are responsible for coordinating with their Regional Administrator to an agreed-upon schedule to allow electronic submission of an application package, approved by the Region, to the National Office through Grants.gov by August 16, 2010.
 - 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. The deadline for electronic application submission is August 16, 2010.
 - d. The website to download the Grants.gov application package is:
http://www.grants.gov/applicants/apply_for_grants.jsp.
 - e. For documents requiring signatures, applicant should submit a scanned, signed copy as an attachment to the electronic grant application.
 - f. 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. For 23(g) Applicants, the Funding Opportunity Number is **OSHA-23G-2011-001**. Applicants will submit the SF-424 and SF-424A reflecting the 23(g) funding along with the required attachments.
 - g. Acceptable formats for document attachments submitted as part of a Grants.gov application are Microsoft Office and Adobe Reader. (See www.Grants.gov for further information.) Attachments are limited to 15 documents in Grants.gov. The preferred method for attachments is to scan all documents into one Adobe Reader (PDF) file that can be attached to the Grants.gov application. Documents may also be attached as individual files in the specified formats - Microsoft Office or Adobe Reader (PDF).
 - h. Replacement pages cannot be submitted through Grants.gov. If revisions are made after the grant is submitted to Grants.gov, the State must ensure that the replacement pages are submitted to the

Region. These pages should be submitted electronically via e-mail.

VI. Significant Changes.

- A. The Integrated Grant application for the 23(g) State Plan and the 21(d) On-site Consultation Cooperative Agreement Grants is discontinued. The 23(g) State Plan Grant applications should be submitted in accordance with this Notice. State Plans that operate both 23(g) and 21(d) programs should submit their 21(d) On-Site Consultation Cooperative Agreement Grant applications separately in accordance with OSHA Notice 10-03 (CSP 02), FY 2011 On-site Consultation Cooperative Agreement Instructions. Consultation programs funded under the 23(g) grant (public sector and private sector in KY, PR, and WA) should be included in the 23(g) grant application.
- B. The two-year Annual Performance Plan option is discontinued. The Performance Plan should now cover a one-year period.
- C. In addition to the reduction of illnesses, injuries, and fatalities, States may decide to adopt program activities in the areas of emphasis and measures identified in Federal OSHA's Operating Plan for FY 2011 (See Section VII.D).
- D. 23(g) OSHA Restrictions and Conditions have been updated to identify new Information Technology issues, including continued training commitments for the OSHA Information System (OIS), recommended means of Internet access and security software for OIS, and restrictions regarding the development of alternative data systems.
- E. The general format of the FY 2011 Grant Application Instructions reflects an effort to simplify and consolidate information. The sample forms in the Appendices include auto-calculation functions to reduce error and facilitate completion, and will be posted on OSHA's Intranet/Limited Access Page.
- F. For States that do not have a Memorandum of Agreement with the Salt Lake Technical Center, a new requirement has been added. States using multiple laboratories must now list the sample type(s) for each laboratory used.
- G. A new chart has been provided to project activities in States that provide private sector consultation under their 23(g) grant (KY, PR, and WA).

VII. Strategic Plans. Strategic and Annual Performance Plan requirements are included in this year's grant instructions in much the same manner as previous years. The Department of Labor will continue to have a multi-year Strategic Plan and OSHA's Annual Operating Plan will support the Department. (Revisions to these grant requirements will be considered as part of the review of the State Plan monitoring system.)

The following basic principles govern a State's development of a Strategic Plan:

- A. Each State Plan must have a five-year Strategic Plan made up of outcome-oriented strategic and performance goals. If a State's five-year Strategic Plan expires in FY 2010 - FY 2011, the grant application must include a new five-year Strategic Plan or a one-year extension of the current Strategic Plan.
- B. In addition to its strategic and performance goals, each State's occupational safety and health program must continue to satisfy the mandated activities of the OSH Act and 29 CFR Parts 1902 or 1956 (e.g., standards, enforcement program, prohibition against advance notice, etc.) and so certify in its application and demonstrate in actual performance.
- C. All State Plans must include in their Strategic Plan a goal directed towards the reduction of fatalities, injuries, and illnesses. In addition, States must develop reasonable performance goals that are broad enough to encompass all major components of the State program, including private and public sector enforcement, consultation, compliance assistance, training and cooperative programs. Support activities, such as laboratories, need not be addressed specifically in strategic goals.
- D. The Department of Labor's FY 2010 – 2016 Strategic Plan and OSHA's FY 2011 Operating Plan are expected to contain the following areas of emphasis and measures. For those States wishing to adopt goals, strategies, and measures similar to Federal OSHA's, a detailed definition of these areas may be found in Appendix K (Appendix K is currently a draft and will be replaced when the final version is issued):
 - 1. Emphasis Industries
 - a. Oil and Gas
 - b. Residential Building Construction
 - c. Commercial and Institutional Building Construction
 - d. Highway, Street and Bridge Construction
 - 2. Emphasis Safety and Health Hazards
 - a. Lead
 - b. Silica
 - c. Combustible Dust
 - d. Flavoring (Diacetyl)
 - e. Hexavalent Chromium
 - f. Refineries
 - g. Trenching
 - 3. Agency Measures
 - a. Number of construction fatalities associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by
 - b. Number of general industry fatalities associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by
 - c. Number of hazards abated associated with hearing loss in manufacturing

- d. Number of hazards abated associated with illnesses in general industry and construction
 - e. Number of hazards abated associated with workplace amputations.
- E. State strategic plans and performance plans must contain outcome/results oriented goals. If a goal is measured only by activities, the lack of an outcome/results oriented goal must be justified. Plans relying solely on activity based goals and measures will not be acceptable. The Performance Plans must describe the specific activities the State will perform to accomplish its performance goals, must be aligned with the State's five-year Strategic Plan and must identify the expected outcome of these activities. Each Performance Plan must include a section that addresses the data elements and informational needs outlined in this section.
- F. State Plans are responsible for identifying the data necessary to establish an appropriate measurement and reporting system for their strategic and performance goals (e.g., IMIS, BLS, ODI data, or data from State-based systems, such as workers' compensation). These data are to be agreed upon by the States and Regions.

VIII. Annual Performance Plans.

- A. As part of the application, each State Plan must develop a one-year Performance Plan describing the specific actions to be undertaken by the State to accomplish its strategic and performance goals during the period covered, as well as meet all program requirements. This Performance Plan will serve as the required grant narrative and must include performance goals that are broad enough to encompass all major components of the State program including private and public sector enforcement programs, 23(g) On-site Consultation programs, and any compliance assistance activities.
- B. In addition to providing information in Appendix D on compliance and consultation activities and projections as to the number of inspections (separately for private and public sectors, as well as for construction and non-construction) and consultation visits anticipated during the upcoming performance year, States must provide projections regarding the following compliance assistance activities.
1. Voluntary Protection Programs (VPP) participants - number of **new** participants, the **total** number of participants at the end of the grant year for FY2009, FY2010 (estimated), and FY2011 (estimated), separated for general industry, construction and public sector, as applicable;
 2. Cooperative Programs – similar to OSHA's Partnerships and Alliances or other State developed programs for joint cooperative efforts with employers, employees, groups, separated into those providing enforcement incentives, such as exemptions, and those not involving enforcement incentives (number of **new** and **total** at the end of the grant year for FY2009, FY2010 (estimated), and FY2011 (estimated));

3. Outreach Participants - total number of trainees/participants anticipated to be affected by State Outreach activities during the period, e.g., formal training, workshops, seminars, speeches, conferences, informal worksite training; and
 4. Safety and Health Achievement Recognition Programs (SHARP) participants for KY, WA, PR, plus public sector - (number of **new** and **total** at the end of the grant year for FY2009, FY2010 (estimated), and FY2011 (estimated).
- C. The Personnel Funding Breakout Chart (Appendix E) should include entries for onboard staffing as of the application submission date, and should identify which of those positions are funded by a mix of Federal and State funds, and which are funded by 100 percent State funds.
- D. Appendix B lists the Annual Performance Plan elements in detail, and Appendix C provides a template for documentation.
- IX. General Application Requirements.
- A. Forms SF-424 and SF-424A are available on Grants.gov. The links listed below are provided for informational purposes only to assist in preparing the application online. The actual application submitted to Grants.gov must use the mandatory forms found in the Funding Opportunity posted in Grants.gov:
- http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf
<http://apply07.grants.gov/apply/forms/sample/SF424A-V1.0.pdf>
- B. Funding Level and Matching Funds. Initial FY 2011 23(g) grant agreement documents should be prepared at the FY 2010 final base award level (see **Appendix L** for funding levels). However, those States that were unable to match the full amount available to them in FY 2010 may submit their FY 2011 request at that level if they will be able to match those funds in FY 2011 (3rd column, Appendix L.) States will have until the FY 2012 grant cycle to match available funds.
- C. Administrative Cap. The 25 percent ceiling on administrative costs remains in effect. Administrative costs include the cost of all personnel, budget, and management staff above first-line supervisors (salaries, fringe benefits, and related support expenses) as well as costs associated with the approved State Indirect Rate. For staff who perform both administrative and program functions, and first-level supervisors who also serve in a managerial capacity for the program, salary costs shall be distributed between Administration and Program in proportion to the percent of time spent in performing duties in those categories. Staff who perform administrative functions, such as human resources and budget, should be included in the administrative category as well. No more than 25 percent of the total 50/50 funding (Federal award plus 50% State match, not to include State overmatch) may be budgeted for administrative costs without an approved justification. (Note: Although submission of the approved indirect cost

rate agreement is not required, the Regional Administrator should assure that the indirect costs contained in the grant application are based on the approved indirect cost rate agreement.)

- D. Budget Categories. All costs on the Application for Federal Assistance (SF- 424A) may be identified under two budget categories, Administration and Program. A third category must be added where 100 percent State funds are used, and a fourth category for private sector consultation (KY, PR, and WA).

States may, however, continue to use the previously required nine categories (general administration; safety inspections; health inspections; consultation and other voluntary programs; training and education; standards; management information systems; laboratories; and review process and non-discrimination) or any others that better reflect the State's actual organizational structure. States that provide private sector consultation services through their 23(g) grant must separately identify the staffing and total funding devoted to this program in a manner that clearly delineates the program. Financial information for all Object Class categories, i.e., personnel, fringe benefits, travel, equipment, supplies, contractual, other, total direct charges, indirect charges, and total object categories, must be shown for each of the Budget Categories on the SF- 424A.

- E. Object Classes/Supportive Cost Breakout. States are required to provide detailed financial information for the following eight object class categories: personnel, fringe benefits, travel, equipment, supplies, contractual, other, and indirect charges, based on either the Administration/Program budget categories or the categories used based on the State's actual organizational structure, in a Supportive Cost Breakout format. States may use the suggested format in Appendix F or a form of their own design provided that all information is provided.

1. The **personnel** information provided on the Supportive Cost Breakout Listing must correspond to the organizational chart included in the Performance Plan and should identify the number of on-board staff/vacant positions. All supervisory positions above the first level of supervision must be reflected in Administration. Compliance Assistance position(s) must be identified. Activities of this staff must be limited to Compliance Assistance which may also include VPP, Partnerships, Alliances, speeches, training and other cooperative program outreach efforts, but not activities directly related to Compliance or Consultation, including the Safety and Health Achievement Recognition Program (SHARP) . Positions devoted to private sector On-site Consultation must be separately identified (KY, PR, WA). Staff time (FTE) may be apportioned among several functions and between 23(g) and 21(d) in the separate grant applications.
2. **Fringe benefits** should include information on the components and cost formula used.

3. **Travel** refers to the travel costs of personnel that are reasonable and necessary to effectively manage and carry out grant activities, provide oversight or measure program effectiveness.
 4. **Equipment** having a useful life of over one year and a unit acquisition cost of \$5,000 or more must be separately identified, as well as all computer related equipment.
 5. **Supplies** refers to all consumable materials costing less than \$5,000 per unit.
 6. The **contractual** information must identify the purpose of each contract, the contractor, and the amount of the contract. Contracts for such things as laboratory sample analysis, equipment calibration, NCR maintenance and computer services, especially for the development of alternative or substitute IMIS/OIS systems, must be clearly identified.
 7. If not included elsewhere, **Other** should identify costs associated with such things as reimbursement to the OSHA Training Institute and associated costs for courses brought to the State.
 8. **Indirect Costs** shall be included under Administration only and should be based on an approved indirect cost rate agreement for the grant period.
- F. **Program Income.** States that are collecting fees associated with grant activities should report the estimated amount of income expected to be generated from the grant on line 7 of the Application for Federal Assistance (SF-424A). States should also include the income collected during the preceding year. States should include a narrative description of the program income, including the nature and source of the income, in the grant application. The program income may be reflected as part of the State's matching funds contribution. Also, States must report program income on the Federal Financial Report (FFR) submitted each quarter. For more information on program income, please refer to OMB Circular A-102, Section 2e. The website is:
- <http://www.whitehouse.gov/omb/circulars/a102/a102.html>
- G. **Assurances & Certifications/Restrictions and Conditions.** By signing Appendix H, the recipient certifies that it will comply 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 at 29 CFR 95.62 and 29 CFR 97.43.
- H. **Financial Reports.** The following financial reports are required:
1. **Federal Financial Report (FFR).** The Federal Financial Report is due 30 days after the end of each Federal fiscal quarter with the closeout report due 90 days after the end of the performance period. All reports will be electronically submitted using the DOL E-Grants System to report the status of all funds awarded. *Note: Recipients that 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 Regional Administrator 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.

2. 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.
 3. Close-out Extensions. Recipients unable to close out by December 31 are required to request a close-out extension from the Regional Office 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 in the Regional Office on January 31, even when a close-out extension has been approved. All close-out extensions must be coordinated in advance with, 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.
- I. Salt Lake Technical Center (SLTC). States wishing to use the SLTC services exclusively for all their industrial hygiene sample analysis in FY 2011 will need to submit a new Memorandum of Agreement (MOA) with their current fiscal year grant application package. The MOA can be downloaded from the State Plans section of the OSHA Limited Access Page and must be modified to include State-specific information. As indicated in an April 3, 2002 memorandum, States without Memoranda of Agreements may send samples to SLTC on a periodic, as-needed basis. The cost per sample for States that wish to use the SLTC laboratory exclusively is \$175; the cost per sample for States that use the SLTC laboratory on an occasional basis is \$220.00. There will be a special charge for all States for four exceptional sample types – CO Methoxyhemoglobin calculation - \$1,150, Explosibility - \$710, Gas Chromatograph/Mass Spectrometer Identification - \$465, and Materials Failure - \$2,820.
1. States **without** a Memoranda of Agreement with SLTC **must provide the following information:**
 - the name and address of the laboratory used for sample analysis;
 - **if using multiple laboratories, sample types for each laboratory used;**
 - funding amount for each lab/contract;
 - assurance of participation in the AIHA Proficiency Analytical Testing (PAT) program; and
 - an estimate of the number of samples anticipated for analysis.
 2. States should include sufficient funds in their grant application, and identify those funds, to cover payment for an appropriate level of sample

analysis whether by a State or private lab with occasional use of SLTC or on an ongoing basis through an MOA with SLTC.

- J. OSHA Training Institute (OTI). States wishing to have the OSHA Training Institute deliver courses within their State, at the State's request, are expected to reimburse OSHA for the cost of the travel and per diem expenses for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, equipment rental and training facility rental related to the training.
- K. OSHANet Participation. State recipients who participate in OSHANet agree to adhere to all requirements for such participation (including hardware and software specifications). 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 pre-approved prior to purchase and, once approved and received, must be approved for installation. All new computers must be Microsoft (MS) Windows 7-ready. All computers with OSHA network connectivity must follow DIT standard desktop image guidelines for the operating system (currently it is MS Windows XP Professional). All States on OSHANet must adhere to all requirements for such participation. All desktops, laptops and servers on the OSHANet are subject to an annual software audit to ensure compliance with E.O. 13103, Computer Software Piracy, the U.S. Copyright Act (Title 17, U.S.C.), USDOL software management and acceptable use policy, and vendor software license agreements. States participating in OSHANet agree to pay OSHA for certain services provided, including an annual service fee and quarterly telecommunication charges. OSHANet States that also choose to use Citrix for remote access will receive annual bills. The fourth quarter payment will be based on an estimated bill. **All bills must be paid 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.
- L. Information Systems (IMIS, Web IMIS, and OIS) for All States. Continued participation in the Integrated Management Information System (IMIS), Web IMIS, and the OSHA Information System (OIS) is a program requirement and includes all its components. All 23(g) State Plans will continue to be charged for data processing services, telecommunications, specialized training, and other costs provided through OSHA's data systems based on quarterly bills. The fourth quarter payment will be based on an estimated bill. **All bills must be paid 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.
- M. Alternative or Supplement to IMIS. States electing to pursue the development of an alternative or supplement to the NCR Integrated Management Information System (IMIS) or its successor, the OIS, may use 23(g) grant funds for this purpose, but there are no additional Federal grant funds available for this purpose.
1. The State must identify the funding devoted to such a project either by creating an additional category in the Supportive Cost Breakout for this purpose, or appropriately annotating the specific personnel, contract, equipment, etc., items devoted to this effort.

2. The resulting alternative or supplemental system must continue to provide data to OSHA that are identical to that required by the Federal IMIS and OIS, and that are submitted in the same manner and to the same extent as though continuing to participate in the IMIS system and the OIS. Data must be timely submitted through download (e.g., an interface) into IMIS or OIS, and must be provided in a manner and format that meets OSHA's current as well as any future requirements. There may be no interruption in submission of data to OSHA during the development or modification of such alternative or supplemental systems. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system, or modification of an existing system.
 3. A State with such alternative/supplemental system must plan to meet all requirements upon deployment of the OIS. There may be no interruption or delay in submitting data to OSHA at that time.
- N. Connectivity. As OIS will be a web based system, all users will need access to the internet, preferably by high-speed connections with bandwidth capacity of at least 1.544 MB (e.g. T-1 lines or higher) or through an internet service provider, in order to enter and retrieve data interactively and take advantage of the video and other social media capabilities they will be provided by OSHA. States not on the OSHANet should include plans and appropriate funding in their grant applications for upgrading their internet connectivity.
- O. Computer Equipment Purchases. All State recipients must consult with the Directorate of Information Technology (DIT) 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, or provide information to OSHA to ensure that equipment and software meets the requirements necessary to run or operate OSHA applications. 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, new web-based and other applications as deployed, etc., must meet the minimum OSHA specifications (Refer to "IT Help Desk" on the OSHA Intranet for current and updated computer specifications). All new computers must be Microsoft (MS) Windows 7-ready. All computers with OSHA network connectivity must follow DIT standard desktop image guidelines for the operating system (currently it is MS Windows XP Professional). All States on OSHANet must adhere to all requirements for such participation and pay all related charges on a quarterly basis.
- P. 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, including requirements for encryption. 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 any other federally mandated or DOL-required computer security training to be specified, within the required time frame.

- Q. OIS Training. States must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly hired staff; and retraining or additional training of existing staff. (Initial OIS training should be completed during FY 2010)

- R. Professional Certification. State Plan grant funds may be used to pay for the costs associated with obtaining professional certification for safety and health staff by a certifying organization that has been accredited by a nationally recognized accrediting organization. These include such things as a preparation course, the examination, travel and per diem. Grant funds may not be used to pay for costs associated with preparation for a second attempt for employees who initially fail a professional certification examination. However, grant funds may be used to pay for the expenses associated with taking the professional certification examination a second time, including travel and per diem. For those who fail to pass a professional certification examination on their second attempt, grant funds may not be used for any additional attempts. Certification costs cannot exceed the percent of time for which an employee is dedicated to the grant/cooperative agreement. Grant funds may also not be used to pay annual fees for maintaining professional certifications.

- S. State attendance at joint OSHA/OSHSPA meetings is expected and is essential to State Plan effectiveness. States may allocate associated costs to 23(g) and/or State matching funds.

- T. States that provide private sector consultation services under the 23(g) grant must plan to attend the Annual On-Site Consultation Training Conference and otherwise meet equivalent effectiveness requirements

- U. Appendix A shows the Table of Contents format for the State's application, including all required documents.

Appendix A

[STATE PLAN] 23(g) FY 2011 Grant Application Documents Table of Contents Template

5-Year Strategic Plan (applies only if submitting a new or revised plan)	p. x
One-Year Annual Performance Plan	p. x
a. Overview of the State Plan.....	p. x
b. Profile of the State Agency.....	p. x
1. State Demographic Profile.....	p. x
2. Covered Issues.....	p. x
3. Organizational Chart.....	p. x
4. 23(g) Personnel Funding Breakout.....	p.x
c. Mandated Activities.....	p. x
d. Projected Activities/Goals.....	p. x
23(g) Object Class/Supportive Cost Breakout	p. x
SF 424 and 424A	p. x
OSHA 110 form – 23(g) Grant Agreement	p. x
23(g) Assurances & Certifications, Restrictions and Conditions	p. x
23(g) MOA with Salt Lake Technical Center (SLTC) or State/Private Laboratory Sample Analysis Information	p. x

Appendix B

Performance Plan Elements

Overview	A comprehensive overview of the State’s current occupational safety and health program, including identification of any program changes or new initiatives since the previous grant application.
Profile of the State Agency	<p>Provide a detailed organizational chart of the components involved in the State OSHA effort. In addition, the total number of allocated staff and a breakout of compliance, compliance assistance, and On-site Consultation staff, expressed in full-time equivalents (FTEs), need to be included. (See Appendix E Personnel Funding Breakout Chart).</p> <ul style="list-style-type: none"> • <u>State Demographic Profile</u>. Number of covered employers broken out by major North American Industrial Classification System (NAICS) Division and number of covered employees, by major NAICS Division, including separate identification of State and local government employers and employees. • <u>Identification of Covered Issues</u>. List those issues that the State’s OSH program covers and those that remain a Federal responsibility.
Mandated Activities	<p>Activities mandated under the OSH Act (e.g., inspections and citations) are considered core elements of an effective occupational safety and health program. They should be tied to the State’s strategic goals where possible. The Performance Plan should discuss the performance of mandated activities as strategic tools wherever appropriate to achieve State goals. For example, issuing standards, conducting inspections, and issuing citations are among the activities which could be used to achieve the strategic goal of reducing injuries and illnesses.</p> <p>Where the mandated activities are neither tied to specific strategic goals nor addressed through the State Activity Mandated Measures report, they are covered by the grant assurances. (See Appendix H, 23(g) OSHA Restrictions and Conditions).</p>
Projected State Plan Activities	<ul style="list-style-type: none"> • <u>Inspections</u>. Provide total projections broken out by safety and health, as well as by private sector and public sector. • <u>Consultation Visits in Private Sector</u>. Provide total projections broken out by safety and health for anticipated number of consultation visits in the private sector. • <u>Consultation Visits in Public Sector</u>. Provide projections broken out by safety and health for the anticipated number of consultation visits in the public sector. • <u>Compliance Assistance</u>. Provide the current number, the projected growth, and end-of-year total for: <ul style="list-style-type: none"> • Voluntary Protection Programs (by general industry, construction, public sector as applicable). • State Cooperative Programs: <ul style="list-style-type: none"> ○ Partnerships and other similar programs providing enforcement incentives such as inspection exemptions or penalty reductions for participating employers. ○ Alliances and other similar programs that do not involve enforcement incentives. • Outreach Participants/Trainees affected by outreach activities during the period. • Safety and Health Achievement Recognition Program (SHARP) participants.

Appendix C

Annual Performance Goals Template

Performance Goals: For each performance goal, provide the following information in the format listed below. Performance goals should relate to the specific strategic goal. A strategic goal may have more than one performance goal.

Strategic Goal #	
Annual Performance Goal #	
Strategy	
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	
Data Source(s)	
Baseline	
Comment	

Appendix D

23(g) State Plans Projected Program Activities

23(g) Compliance and Consultation

23(g) Compliance & Consultation	Actual FY 2009		Estimated FY 2010		Projected FY 2011	
	Safety	Health	Safety	Health	Safety	Health
Private Sector Inspections - Non Construction						
Private Sector Inspections - Construction						
Public Sector Inspections - Total						
Total Inspections	0	0	0	0	0	0
Public Sector Consultation Visits						
Private Sector Consultation Visits - 23(g) (KY, PR, and WA Only)						
Total Consultation Visits	0	0	0	0	0	0

23(g) Compliance Assistance

23(g) Compliance Assistance	Actual FY 2009		Estimated FY 2010		Estimated FY 2011	
	New	Total	New	Total	New	Total
VPP Participants - General Industry						
VPP Participants - Construction						
VPP Participants - Public Sector						
Participants in Cooperative Programs with Enforcement Incentives (i.e., Strategic Partnerships)						
Participants in Cooperative Programs without Enforcement Incentives (i.e., Alliances)						
SHARP Participants - 23(g) (KY, PR, and WA Only)						
Outreach Participants						

- New participants* are those that become active during the fiscal year. The total number of participants is the number that is active at the end of the fiscal year, and includes all new sites from that year.

- **Cooperative Programs with Enforcement Incentives:** Programs similar to OSHA's Strategic Partnership Program that provide enforcement incentives to approved participants, such as inspection exemption or deferral, or reduced penalties.
- **Cooperative Programs without Enforcement Incentives:** Programs similar to OSHA's Alliance Program that involve joint cooperative efforts by employers, workers, other groups and the State but do not provide enforcement incentives.
- **Outreach Participants:** Projected total number of trainees/participants in formal training, workshops, seminars, speeches, conferences, informal worksite training, etc., during the year.

Note: Fiscal year based on Federal fiscal year.

Appendix E

23(g) Personnel Funding Breakout Chart

23(g) Grant Positions	Allocated FTE Funded 50/50	Allocated FTE 100% State Funded	Total	50/50 Funded FTE On Board as of 8/14/10	100% State Funded FTE On Board as of 8/14/10
Managers/Supervisors			0.00		
Safety Compliance Officers			0.00		
Health Compliance Officers			0.00		
Private Sector Safety Consultants (KY, PR, WA)			0.00		
Private Sector Health Consultants (KY, PR, WA)			0.00		
Public Sector Safety Consultants			0.00		
Public Sector Health Consultants			0.00		
Compliance Assistance Specialist			0.00		
Trainers			0.00		
Clerical/Admin/Data System			0.00		
Other (all positions not elsewhere counted)			0.00		
Total 23(g) FTE	0.00	0.00	0.00	0.00	0.00

Notes:

- *FTEs should be expressed in percentage of time allocated to 23(g) grant/agreement.*
- *For managers/supervisors, provide FTEs for all management, including first-line supervisors.*
- *For compliance officers, include all allocated or onboard positions or portions thereof, as appropriate, devoted to field enforcement activities (on-site, case documentation, informal conferences, and other CSHO-related activities).*
- *All information on this chart must correspond to the Organizational Chart and Object Class/Supportive Cost Breakout chart, and must not include personnel outside the 23(g) program.*

Appendix F 23(g) Object Class/Supportive Cost Breakout

A. PERSONNEL (Indicate whether position(s) is Enforcement (safety/health), 23(g) Consultation, Compliance Assistance, Outreach /Training/ Cooperative Programs, Standards, Mgt. Information Systems, Laboratories, Review Process, Non-discrimination.)

Title	Program Type	Name	Annual Salary	% of Participation in FTE	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
Subtotal			\$0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

B. FRINGE BENEFITS (Include components and cost formula[s] used).

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

C. TRAVEL (Include travel cost for OTI, MIS Successor (OIS) training, OSHSPA attendance, etc.).

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Out of State						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
In-State						
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Out-of-State and Instate Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

D. EQUIPMENT (Itemize and describe details on equipment costing \$5,000+ with a useful life of 1+ year(s) and all computer-related equipment purchases)

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						0
						0
						0
Subtotal	0	0	0	0	0	0

E. SUPPLIES

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						0
						0
						0
Subtotal	0	0	0	0	0	0

F. CONTRACTUAL (Itemize and describe the purpose of each contract, contractor name and cost. Include costs for such things as laboratory sample analysis, equipment calibration, NCR maintenance and computer services.)

Item/Purpose of Contract	Name of Contractor	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
							\$0.00
							\$0.00
							\$0.00
Subtotal		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

G. OTHER (Itemize and describe costs not included elsewhere such as reimbursement to OTI and associated course expenses, etc.)

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						\$0.00
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

H. TOTAL DIRECT CHARGES

	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Sum of A through G	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

I. TOTAL INDIRECT CHARGES (Include in Admin. Provide information on Indirect Cost Rate used.)

	Administration	Federal Share	State Match	State 100% Funded	Total Cost
Total					\$0.00

J. TOTAL CHARGES (DIRECT AND INDIRECT)

	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Sum of H & I	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Appendix G OSHA 110 form – 23(g) Grant Agreement

Page 1 of 1													
<div style="text-align: center; background-color: #cccccc; padding: 5px;"> U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration </div> <div style="text-align: center; background-color: #cccccc; padding: 10px; font-weight: bold; font-size: 1.2em;"> GRANT AGREEMENT </div> <div style="text-align: center; background-color: #cccccc; padding: 5px;"> OSHA 23(g) OPERATIONAL PROGRAM </div>	(1) Region: _____ State: _____ Grantee: _____ Grant Number: _____ Starting Date: <u>October 1, 2010</u> Ending Date: <u>September 30, 2011</u>												
(2) Recipient Name: _____ Address: _____ _____ Recipient Liaison Representative _____ Area Code and Telephone Number	(3) U.S. Department of Labor _____ OSHA Liaison Representative _____ Area Code and Telephone Number												
(4) Authority for Grant: P.L. 91-596, under Section 23(g)													
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 20%; text-align: right;">Pct. Total Funds</th> </tr> </thead> <tbody> <tr> <td>1. Federal Base Award Amount: _____</td> <td style="text-align: right;">50%</td> </tr> <tr> <td>2. State Base Award Amount: (please do not include 100% funding) _____</td> <td style="text-align: right;">50%</td> </tr> <tr> <td>3. Total Recipient Share: _____</td> <td></td> </tr> <tr> <td>4. Recipient 100% Funding: (please also include in line 3) _____</td> <td></td> </tr> <tr> <td>5. Total State and Federal Funds Allocated to This Agreement: (line 1 plus line 3) _____</td> <td></td> </tr> </tbody> </table>			Pct. Total Funds	1. Federal Base Award Amount: _____	50%	2. State Base Award Amount: (please do not include 100% funding) _____	50%	3. Total Recipient Share: _____		4. Recipient 100% Funding: (please also include in line 3) _____		5. Total State and Federal Funds Allocated to This Agreement: (line 1 plus line 3) _____	
	Pct. Total Funds												
1. Federal Base Award Amount: _____	50%												
2. State Base Award Amount: (please do not include 100% funding) _____	50%												
3. Total Recipient Share: _____													
4. Recipient 100% Funding: (please also include in line 3) _____													
5. Total State and Federal Funds Allocated to This Agreement: (line 1 plus line 3) _____													
<div style="background-color: #cccccc; padding: 5px;"> Terms and Conditions of the Grant: This GRANT AGREEMENT consists of the entire grant application, including all attachments, exhibits, enclosures, etc. </div>													
(5) Recipient Approval	(6) Federal Approval												
Signature _____ Date _____ Type Name and Title	Kimberly A. Locey, Director Administrative Programs _____ Date _____												

Appendix H

23(g) Assurances and Certifications, Non Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions

Note: Certain of these assurances may not be applicable to your program. 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 OPM'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. §§290 dd-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 276a-7), 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 (Clear Air) Implementation Plans under Section 176(c) of the Clear 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 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.

23(g) OSHA Restrictions and Conditions

Restrictions and Conditions #1 through #28 are applicable to all grantees and are made a part of these assurances and certifications by the Occupational Safety and Health Administration (OSHA). These include program elements mandated by the Occupational Safety and Health Act of 1970 as amended and implementing regulations that are not addressed through other available monitoring and reporting mechanisms, and a number of other restrictions:

1. The grantee assures that the following mandated program elements are and will continue to be implemented in accordance with all statutory and regulatory requirements: (1) prohibition against advance notice of inspection; (2) worker access to hazard and exposure information; (3) safeguards to protect an employer's trade secrets; (4) employer recordkeeping; (5) legal procedures for compulsory process and right of entry; (6) posting of worker protections and rights; (7) right of a worker representative to participate in walkaround; (8) right of a worker to review a decision not to inspect (following a complaint); and (9) voluntary compliance programs.
2. The grantee understands that participation in OSHA's Integrated Management Information System (IMIS) and the OSHA Information System (OIS) and all its constituent data components, is a condition of plan approval. The State agrees to pay OSHA for data processing services, telecommunication, specialized training, and other services provided through such system, 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.
3. State recipients who participate in OSHANet agree 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.)
4. State recipients who participate in OSHANet and Extranet are required to submit 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 HIRETERM@DOL.GOV. This will allow the Directorate of Information Technology (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 OSHA IMIS and OIS are also required to provide the same monthly reports to the Help Desk.

5. State recipients who participate in OSHANet and OSHA IMIS, the OIS, are required to submit account request forms for each system 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, etc) and faxed to the OSHA IT Help Desk on 202-693-1617 (fax).
6. All desktops, laptops and servers on 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 of the U.S. Code, Department of Labor software management and acceptable use policy, and vendor software license agreements.
7. 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 pre-approved by DIT prior to purchase; once approved and received, it must be approved for installation.
8. All State recipients not participating in OSHANet must consult with the DIT 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. 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 accord 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 all web-based and other applications (including OIS) as deployed, etc., must meet the minimum OSHA specifications. Specifications are posted on the IT Help Desk page on the OSHA Intranet/Limited Access Page.
9. All new computers must be Microsoft (MS) Windows 7-ready. All computers with OSHA network connectivity must follow DIT standard desktop image guidelines for the operating system (currently it is MS Windows XP Professional).
10. 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, including use of appropriate federal IT software (Pointsec).
11. All State recipients not participating in OSHANet and Extranet must assure, 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.
12. All OSHA system users must complete the USDOL Annual Information System Security Awareness (ISSA) Training and any other federally mandated or DOL-required computer security training to be specified, within the required time frame.
 13. All users of the OSHANet, Extranet and other OSHA applications must annually sign Rules of Behavior.
 14. Only staff and contractors who have been authorized by the State recipient 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.
 15. No 23(g) grant 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 DIT. States must maintain an appropriate maintenance and repair contract for their NCR equipment.
 16. No 23(g) grant or matching State funds may be expended for the development or operation of a substitute/alternative or supplemental IMIS/OIS system unless it provides all data required by OSHA, the OSHA IMIS, and the OIS, in a timely manner and in an acceptable electronic format. Any State developing an alternative or supplemental system must continue to provide data to OSHA that are identical to that required by the Federal Information System, and that are submitted in the same manner and to the same extent as though continuing to participate in the Federal system. Data must be timely submitted through download (e.g., an interface) into IMIS and the OIS, and must be provided in a format that meets OSHA's current as well as any future requirements. There may be no interruption in submission of data to OSHA during the development or modification of such alternative or supplemental systems. States will be expected to continue to meet these requirements upon deployment of the OIS. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system, or modification of an existing system.
 17. To maximize the use of the new OIS's features and to address the increasing role of videos and other social media that will provide enhanced capabilities, the State's Information Technology (IT) capabilities must include:
 - a. Network Bandwidth capacity for each user of at least 1.544 MB (e.g., T-1 Line or higher);
 - b. Compliance with Federal and Department of Labor IT Security Requirements (e.g., Desktop/Mobile encryption); and

- c. Compliant with or exceeding the OSHA Desktop/Mobile hardware/software configuration.
18. States must assure that all appropriate staff participate in any required OIS training. States must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly hired staff, and retraining or additional training of existing staff.
19. No 23(g) grant or matching State funds may be expended for programs coming within the jurisdiction of and/or funded by another Federal agency, whether or not the Federal program is administered by the designated State Plan agency.
20. OSHA reserves the right to transfer title to equipment acquired under this agreement with a unit cost of \$5,000 or more.
21. The grantee agrees to pay OSHA for industrial hygiene sample analysis services provided by the Salt Lake Technical Center (SLTC) laboratory. Any State using the SLTC as its primary analytical laboratory must have a signed Memorandum of Agreement (MOA) on file. The fourth quarter payment will be based on an estimated bill. States without an MOA may submit samples on an occasional basis. 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.
22. The grantee agrees to pay OSHA for costs associated with the conduct of OSHA Training Institute (OTI) training courses conducted for the grantee at the grantee's request. The grantee will pay for travel and per diem for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, 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.
23. No 23(g) or matching state funds may be expended for activities prohibited under OSHA's Appropriation Riders. Non-match/100 percent State funds only must be used if the State chooses to perform prohibited activities; an accounting mechanism must be in place to assure that no 23(g) or matching State funds are expended on these activities. (Any State using 100 percent State funds for such prohibited activities must appropriately utilize available OSHA information system (IMIS or its successor, the OIS) coding to reflect this).
24. States are encouraged to promote safety or health professional certification of their employees by a nationally recognized accrediting organization. State Plan Grant 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 23(g) 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 grant.

25. No 23(g) or matching State funds may be expended for annual fees associated with maintaining professional certifications.
26. State representatives are expected to attend all regularly scheduled joint meetings between OSHA and the Occupational Safety and Health State Plan Association (OSHSPA). 23(g) grant and/or State matching funds may be used for costs associated with such attendance. Attendance is essential to a State's commitment to its program. These meetings are the mechanism through which OSHA both seeks input and informs the States of its expectations for State Plan performance and structure.
27. All State recipients are expected to maintain a State Internal Evaluation Program as part of the State Plan monitoring system. Failure to operate an effective internal self-audit program will result in increased Federal oversight.
28. All State recipients must assure that an effective debt collection mechanism is in place and documented in the State Plan to assure the integrity of the program through collection of assessed penalties. Funds so collected may not be used for operation of the enforcement program.

The following Additional Condition(s) apply to 23(g) States that provide consultation services under the 23(g) grant:

29. States that provide private sector consultation services under the 23(g) grant (KY, PR, WA) are required to be at least as effective as the Federal 21(d) Consultation Program. This includes at least as effective conformance with the requirements of the OSH Act Section 21(d), 29 CFR 1908, and the Consultation Policies and Procedures Manual (CPPM) CSP 02-00-002. States that provide public sector consultation under the 23(g) grant are expected, to the extent feasible, to be at least as effective.
30. States that provide private sector consultation services under the 23(g) grant must attend the Annual On-Site Consultation Training Conference.
31. States that provide private sector consultation services under the 23(g) grant must complete both Appendix D and Appendix J of this grant application.

Note: The Restrictions and Conditions which relate to the procedures for payment for various services OSHA provides may be further modified prior to the time of grant submission.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
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APPLICANT ORGANIZATION	DATE SUBMITTED
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Signature must be by official with signatory authority for 23(g) programs and it applies to assurances and certifications, lobbying restrictions and 23(g) OSHA restrictions and conditions.

Appendix I

23(g) State Plans Memorandum of Agreement (MOA) for Laboratory Services with the Salt Lake Technical Center (SLTC) Template

Memorandum of Agreement for FY 2011 Under Section 18 of the Occupational Safety and Health Act of 1970 for Laboratory Services by the Salt Lake Technical Center (SLTC) between

the [name of State Plan agency]

and

the Occupational Safety and Health Administration (OSHA), United States Department of Labor

Establishing conditions during FY 2011 under which the [State agency], which operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) under Section 18 of the Occupational Safety and Health Act of 1970 will pay the Occupational Safety and Health Administration – Salt Lake Technical Center for laboratory services related to analysis of industrial hygiene samples collected during State occupational safety and health compliance activities.

I. Terms of Agreement

- A. OSHA through its Directorate of Technical Support and Emergency Management – Salt Lake Technical Center will provide analytical services with regard to all industrial hygiene samples gathered during compliance-related activities (and On-site Consultation program activities in the public sector) by the [State Plan agency]. This service is being provided at the State's request. SLTC will provide the same analytical services to the [State Plan agency] as are provided to the Federal OSHA program, in the same manner and to the same extent. Specific policies and procedures for receipt and analysis of samples and delivery of results will be provided and agreed upon separately between the State and SLTC. Samples will be subject to the same chain of custody, priority and quality assurance procedures as the Federal program; expert witness testimony, when required, will be provided by the SLTC to the [State Plan agency]. Participation in State Plan enforcement litigation will be governed by the policy established in the January 21, 1998, memorandum from the Office of the Solicitor of Labor to the Assistant Secretary (63 FR 35611).
- B. The [State Plan agency] agrees to utilize the services of the OSHA Salt Lake Technical Center as its primary/exclusive laboratory for compliance-related sample analysis, and to follow the policies and procedures established for sample

gathering and submission by the Federal program. Samples gathered as a result of On-site Consultation program activities in the private sector, whether pursuant to a Section 21(d) On-site Consultation Agreement or under the State Plan, may **not** be submitted to the SLTC for analysis. Samples collected during either compliance or consultation program activity in the public sector will be accepted for analysis by the SLTC.

II. Cost and Payment

- A. The SLTC laboratory will provide these laboratory services at a cost of **\$175** per sample analyzed. This will include all related activity including expert technical advice and consultation and testimony, as mutually agreed appropriate. There will be a special charge rate for four exceptional sample types:

-CO Methoxyhemoglobin Calculation	\$1,150
-Explosibility	\$ 710
-GC/MS* Identification	\$ 465 (* Gas Chromatograph/Mass Spectrometer)
-Materials Failure	\$2,820

Quarterly accountings of numbers of samples analyzed for the State will be provided together with a bill requesting payment. The fourth quarter payment will be based on an estimated bill. All bills must be paid upon receipt but no later than September 15, 2011. Any adjustments between actual changes and estimates will be made in the first quarter of the following fiscal year.

- B. The **[State Plan agency]** anticipates a sample workload of approximately **[# samples]** per year and will pay the U.S. Department of Labor, Occupational Safety and Health Administration, for all services provided upon receipt of billings, but no later than September 15, 2011. The **[State Plan agency]** will include sufficient funds for these expenses in its annual State Plan grant application and will pay OSHA with Federal and State grant funds allocated to the program. The **[State Plan agency]** understands that the additional Federal staff and resources necessary to provide this service are being made available by OSHA based on the expectation of State Plan payment for at least the estimated number of samples.

III. Contacts

The **[State Plan agency]** contact for purposes of this agreement is **[Name, title, address, phone, fax, e-mail]**. The OSHA contact for SLTC is:

Dean Lillquist, Director
Salt Lake Technical Center, USDOL-OSHA
8660 South Sandy Parkway
Sandy, UT 84070-6424
Phone: (801) 233-4902

The OSHA contact for bill processing is:

James Digan, Director
Office of Program Budgeting and Financial Management
USDOL-OSHA
200 Constitution Ave., NW, Room N-3419
Washington, DC 20210
Phone: (202) 693-2111
E-mail: digan.jim@dol.gov

IV. Other Services

The Salt Lake Technical Center will continue to provide other services to the [State Plan agency], such as assistance from the Health Response Team (HRT), in the same manner as currently provided. Requests for such services are to be coordinated through the Regional Office.

V. Period of Agreement

This agreement is entered into for the period **October 1, 2010 through September 30, 2011**, and may/will be renewed annually thereafter, on a fiscal year basis.

Kimberly A. Locey, Director
Administrative Programs
Occupational Safety and Health Administration
U.S. Department of Labor

Signed _____, 2010

Authorized State Representative
State Plan agency

Signed _____, 2010

Appendix J

Projected Consultation Program Activities (Private Sector) for States Plans Without a (21)d Program (Kentucky, Puerto Rico, and Washington)

(Name of State)

Note: States that have not adopted the Federal emphasis industries, emphasis hazards, and/or agency measures may substitute their own in the appropriate blocks.

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 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

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
d. Flavoring (Diacetyl)			0
e. Hexavalent Chromium			0
f. Refineries			0
g. Trenching			0
h. Other LEPs			0

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

6. Agency Measures (see definitions)	Safety	Health	Total
a. 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. Fatalities in general industry associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by			0
c. Hearing loss in manufacturing and construction			0
d. Illnesses in general industry and construction			0
Workplace amputations			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.

e.			
7. TOTAL SHARP SITES	0	8. TOTAL RENEWALS	0

a. New	0
b. Current	0

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

9. TOTAL PRE-SHARP SITES	0
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10. Estimate the number of interventions, especially speeches, presentations, and off-site (non-visit related) training.

10. Total Interventions (Form 66)	0
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Appendix K

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

(Please note: if a change occurs to the NAICS list 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 slash 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

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

NAICS	Industry
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
238200	Electrical contractors
238220	Plumbing, heating, and air-conditioning contractors
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

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

NAICS	Industry
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

Industries in the Lead NEP

SIC	Industry
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
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

NEP Industries with More Frequent and/or High Consequence Combustible Dust Explosions/Fires

SIC	Industry	NAICS
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
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

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

SIC	Industry	NAICS
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
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 (Diacyl): OSHA issued the National Emphasis Program - Facilities that Manufacture Food Flavorings Containing Diacyls 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 diacyl. This NEP does not apply to diacyl 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

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 that would be recorded as *Falls*:

- 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 power lines
- Contact with electrical wiring, transformers, equipment, etc.
- Contact with buried power lines

Caught in/between: Activities where a potential injury from being 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 B & C, 1926.52; 1926.101; and 1910.95

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 Nonionizing 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 3,3'-Dichlorobenzidine (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

Appendix L

Occupational Safety and Health Administration State Plan States – 23(g) Operational Grants FY 2010 Final Base Award Levels

STATE	FY 2010 Final Base Award*	FY 2010 Unmatched Funds	FY 2011 Initial Award Level
Alaska	\$1,429,400	\$0	\$1,429,400
Arizona	\$1,813,000	\$593,400	\$2,406,400
California	\$27,418,800	\$0	\$27,418,800
Connecticut (PEO)	\$650,400	\$0	\$650,400
Hawaii	\$1,538,000	\$67,300	\$1,605,300
Illinois (PEO)	\$1,500,000	\$84,500	\$1,584,500
Indiana	\$2,188,000	\$777,900	\$2,965,900
Iowa	\$2,066,500	\$0	\$2,066,500
Kentucky	\$3,505,100	\$0	\$3,505,100
Maryland	\$4,130,800	\$0	\$4,130,800
Michigan	\$10,291,600	\$0	\$10,291,600
Minnesota	\$4,123,300	\$0	\$4,123,300
Nevada	\$1,505,900	\$0	\$1,505,900
New Jersey (PEO)	\$1,984,700	\$0	\$1,984,700
New Mexico	\$1,027,300	\$0	\$1,027,300
New York (PEO)	\$3,827,300	\$0	\$3,827,300
North Carolina	\$5,501,500	\$0	\$5,501,500
Oregon	\$5,292,800	\$0	\$5,292,800
Puerto Rico	\$2,588,900	\$0	\$2,588,900
South Carolina	\$1,734,200	\$388,200	\$2,122,400
Tennessee	\$3,977,100	\$0	\$3,977,100
Utah	\$1,464,200	\$115,000	\$1,579,200
Vermont	\$725,800	\$30,900	\$756,700
Virgin Islands (PEO)	\$202,100	\$0	\$202,100
Virginia	\$3,319,800	\$730,700	\$4,050,500
Washington	\$7,249,900	\$0	\$7,249,900
Wyoming	\$548,700	\$0	\$548,700
Totals	\$101,605,100	\$2,787,900	\$104,393,000

* Reflects FY 2010 funding availability and final awards, including amounts not yet matched and available to be reclaimed in FY 2011 and FY 2012 (initial award).