



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-00 (LEP 025)

EFFECTIVE DATE: April 1, 2018

SUBJECT: Local Emphasis Program for Federal Agencies

REGIONAL IDENTIFIER: Region V

ABSTRACT

- Purpose:** This Notice continues Region V's Local Emphasis Program for Federal Agencies.
- Scope:** This Notice applies to the Eau Claire, Indianapolis, and Lansing Area Offices.
- References:**
- A) CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs (LEPs)*, November 10, 1999
 - B) CPL 02-00-160, *OSHA's Field Operations Manual (FOM)*, August 2, 2016
 - C) CPL 02-00-135, *Recordkeeping Policies and Procedures Manual*, December 30, 2004
 - D) CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995
 - E) CSP 03-01-003, *Voluntary Protection Programs (VPP): Policies and Procedures Manual*, April 18, 2008
 - F) CPL 02-00-111, *Citation Policy for Paperwork and Written Program Requirements Violations*, November 27, 1995
 - G) Region V, *Follow-up Inspection Memorandum*, November 17, 2008
- Cancellations:** None
- Action Offices:** Eau Claire Area Office
Indianapolis Area Office
Lansing Area Office
- Expiration:** This Notice Expires on September 30, 2018.
- State Plan Impact:** None
- Originating Office:** Chicago Regional Office

Contact: U. S. Department of Labor – OSHA
Assistant Regional Administrator
Enforcement Programs
230 South Dearborn Street, Room 3244
Chicago, IL 60604

By and Under the Authority of

Ken Nishiyama Atha
Regional Administrator

Executive Summary

Federal agencies are not covered directly by the OSH Act and may be inspected by OSHA only through the authorization of Executive Order 12196. Inspection activity in the Federal sector has been limited to unprogrammed inspections and a limited number of “targeted” inspections. Region V Area Offices, in their inspection activity at Federal installations via these two means, have identified a multitude of safety and health violations while on site. Numerous complaints have also been received alleging safety and health hazards at Federal agencies. Many of the complaints result in letters being sent to the Federal agency requesting corrective action. Experience and inspection history has found that the Federal agencies are not always responsive in ensuring a safe and healthful work environment for their employees.

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- I. **Purpose.** This Notice continues Region V's Local Emphasis Program for Federal agencies.
- II. **Scope.** This Notice applies to inspections of Federal agencies located within Indiana, Michigan, and Minnesota.
- III. **Expiration.** This Notice expires on September 30, 2018.
- IV. **References.**
 - A. OSHA Instruction CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs (LEPs)*, November 10, 1999.
 - B. OSHA Instruction CPL 02-00-160, *OSHA's Field Operation Manual (FOM)*, August 2, 2016.
 - C. OSHA Instruction CPL 02-00-135, *Recordkeeping Policies and Procedures Manual*, December 30, 2004.
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 - F. OSHA Instruction CPL 02-00-111, *Citation Policy for paperwork and Written Program Requirements Violations*, November 27, 1995.
 - G. Region V, *Follow-up Inspection Memorandum*, November 17, 2008.
- V. **Background.** Federal agencies are not covered directly by the Occupational Safety and Health Act and may be inspected by OSHA only through the authorization of Executive Order 12196. Inspection activity in the Federal sector has been limited to unprogrammed inspections and a limited number of "targeted" inspections. Region V Area offices, in their inspection activity at Federal installations via these two means, have identified a multitude of safety and health violations while on site. Numerous complaints have also been received alleging safety and health hazards at Federal agencies. Many of the complaints result in letters being sent to the Federal agency requesting corrective action. Experience and inspection history has found that the Federal agencies are not always responsive in ensuring safe and healthful work environment for their employees.
- VI. **Policy.** Area Directors shall use this Notice for inspection selection and scheduling for both safety and health inspections at Federal agencies.
- VII. **Procedures.** The following procedures shall be followed for the scheduling and inspection of work sites under this program:

A. Inspection Targeting and Scheduling:

1. Area Offices will develop a primary inspection list based on data collected during their most recent Federal Agency Data Collection Survey.
2. Area Offices will rank the establishments identified on the primary inspection list based on the number of cases involving days away from work. Based upon both ranking and the availability of resources, the Area Director will designate the order in which specific locations will be inspected.
3. Establishments will be deleted from the inspection list if, within 24 months of the creation of the current inspection cycle, the establishment received a comprehensive safety inspection. In addition, deletions will include VPP participants.
4. The minimum number of inspections under this LEP will be specified in each office's operating plan, and it is expected that the planned number of inspections will be completed in each fiscal year. Any inspections not completed will be added to the next year's operating plan.
5. Inspections conducted under this LEP will be comprehensive safety and/or health inspections.
6. Regardless if the information provided during the Federal Agency Data Collection Survey is incorrect, or if the establishment's injury and illness records are not immediately available for review, the inspection may proceed.
7. If an Area Office receives a complaint at, or referral to, a Federal agency establishment, any resulting inspection may be expanded to a comprehensive inspection in accordance with this LEP.
8. Area Directors may randomly select a limited number of non-responders to the Federal Agency Data Collection Survey for inspection.
9. Press releases for select cases with willful, high gravity serious and repeat violations will be issued in accordance with Region V policy and procedures.

B. Recording and Tracking: Current instructions for completing the appropriate OSHA forms shall be applied when recording inspections under this LEP.

1. For any programmed inspection under this LEP, the Inspection Type section of OIS shall be marked as:
 - a. Initiating Type: Program Planned
 - b. Local Emphasis Program: FEDSAFE

2. For any unprogrammed inspection expanded under this LEP, the Inspection Type section of OIS shall be marked as:

a. Initiating Type: Complaint, Referral, Fatality/Catastrophe, etc.

b. Local Emphasis Program: FEDSAFE

C. Compliance Officer Protection:

1. Prior to conducting the inspection, the Area Director shall ensure the Compliance Officer has the necessary safety and health expertise to evaluate safety and health hazards which they may potentially be exposed to during their inspections.

2. The Area Director will also ensure the Compliance Officer has the necessary personal protective equipment (PPE) to conduct the inspection, including but not limited to: hard hat, safety glasses, hearing protection, safety boots, and respiratory protection.

3. Prior to initiating the walk around, the Compliance Officer will ask the employer about any unusual hazards or special circumstances that would require specific PPE.

4. The Compliance Officer will not place themselves in potentially hazardous situations, such as entry into a permit-required confined space (PRCS) or activities which would require the performance of hazardous energy control (lockout). In such cases, necessary information should be collected by other means, including private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, etc.

5. The Compliance Officer will conduct self-sampling when they are potentially exposed to toxic chemicals and/or excessive noise.

VIII. **Program Evaluation.**

A. Abatement certification/documentation will be obtained by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.

B. Establishments will be selected for follow-up inspection based on the criteria outlined in the Region V Follow-up Inspection Memorandum. During the follow-up inspection, the CSHO shall verify the employer's abatement information by carefully evaluating any and all written programs developed, training provided, and equipment purchased to correct the hazards identified during the initial inspection. Follow-up inspections will be conducted in accordance with OSHA's Field Operation Manual (FOM), CPL 02-00-160.

- C. The Lansing Area Office will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001. Evaluations will be submitted annually for the previous fiscal year. The evaluation will include a recommendation for the continuation or elimination of this program.
- IX. **Outreach Activities.** All covered Area Offices will address this program by contacting the Federal Executive Boards, Federal Executive Associations, and Federal Field Safety and Health Councils in their area to provide outreach presentations during the time the LEP is in effect. Inspections may be initiated prior to any outreach being completed. Requests for technical assistance, compliance assistance, and outreach from Federal Agencies and Federal employees will receive priority consideration from the Area Offices.