



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

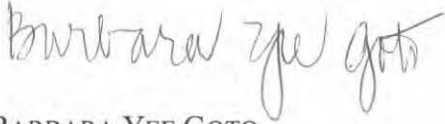
Occupational Safety and Health Administration

DIRECTIVE NUMBER: San Francisco Regional Instruction CPL 04-00-07	EFFECTIVE DATE: October 1, 2015
SUBJECT: Local Emphasis Program (LEP) for Federal Agencies	
REGIONAL IDENTIFIER: Region IX	

ABSTRACT

- Purpose:** This instruction transmits policies and strategies for a Local Emphasis Program for scheduling programmed inspections of Federal Agency sites.
- References:** See paragraph IV.
- Cancellation:** This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-07, dated October 1, 2014.
- Significant Changes:** None.
- Action Offices:** Office of Enforcement Programs
All Area Offices
Office of Cooperative and State Programs
- Originating Office:** Office of Enforcement Programs
- Contact:** David Shiraishi
Assistant Regional Administrator, Enforcement Programs

By and Under the Authority of

A handwritten signature in cursive script that reads "Barbara Yee Goto". The signature is written in dark ink and is positioned above the printed name.

BARBARA YEE GOTO
Regional Administrator

EXECUTIVE SUMMARY

This instruction transmits policies and strategies to be followed in scheduling programmed inspections at Federal Agencies in Region IX. This instruction emphasizes the need to identify agencies with higher than average injury and illness rates, as well as targeting specific worksites which have experienced lost-time cases.

This instruction applies to all Federal Agency activities located within Region IX's jurisdiction. In accordance with CPL 2-0.122, April 15, 1999, Enforcement Guidance for the U.S. Postal Service, the USPS is not covered by this scheduling system.

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Appendix A: Procedures for Scheduling Inspections

I. Purpose:

This instruction transmits policies and strategies to be followed in scheduling programmed inspections at Federal Agencies in Region IX. This instruction emphasizes the need to identify agencies with higher than average injury and illness rates, as well as targeting specific worksites which have experienced lost-time cases.

II. Scope:

This instruction applies to all Federal Agency activities located within Region IX's jurisdiction. In accordance with CPL 2-0.122, April 15, 1999, Enforcement Guidance for the U.S. Postal Service, the USPS is not covered by this scheduling system.

III. Limitations and Exemptions:

As appropriate and in accordance with OSHA Instruction FAP 01-00-001 and the Field Operations Manual, agencies with Certified Safety and Health Committees will be given advance notice of inspections.

IV. References:

- A. OSHA Instruction CPL 02-00-159, October 1, 2015, Field Operations Manual
- B. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
- C. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually)
- D. OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEPs)
- E. OSHA Instruction FAP 01-00-001, September 11, 1985, A List of Federal Agencies with Certified Safety and Health Committees.
- F. OSHA Instruction CPL 02-00-122, April 16, 1999, Enforcement Guidance for the U.S. Postal Service

V. Expiration:

This LEP will expire no later than one year from the date of implementation, unless renewed.

VI. Action:

Area Directors shall use this instruction for selection and scheduling of sites for safety and health inspections at Federal Agencies.

VII. Selection and Scheduling of Sites for Inspection:

The following procedures shall be followed for the scheduling and inspection of work sites under this program:

- A. A list of Federal Agencies with worksites in Region IX's jurisdiction is maintained by Enforcement Programs, and is available to the Area Offices for reference. This list is filed electronically on the regional shared drive. Area Offices are encouraged to update this list if they obtain information on new sites, sites that were not previously identified, sites that have moved, or sites that are no longer operational.
- B. On an annual basis, the Assistant Regional Administrator for Enforcement Programs will obtain from the Office of Federal Agency Programs a list of agencies with lost workday incidents for the previous fiscal year, which will be forwarded to the Area Offices. This list can be used to rank the work sites by frequency of lost time cases. Other factors such as complaint rate, occurrence of fatalities, nationwide history, prior activity at the site, referrals, media reports, and recent inspection activity by other OSHA offices at similar facilities, may also be used to adjust the rankings of installations, and to add sites to the master establishment list. All additions to or deletions from the list shall be documented with the reason for the change.
- C. Establishments will be scheduled for inspection based on the procedures outlined in Appendix A. No more than one programmed inspection will be conducted at each establishment at each site every 12 months, although additional unprogrammed inspections, including follow-ups, may be conducted.
- D. The number of inspections under this LEP will be specified in each year's performance plan, and it is expected that the planned number of inspections will be completed in each fiscal year.
- E. Follow-up and/or monitoring inspections shall be conducted according to criteria established in the FOM and area director discretion.

VIII. Inspection Procedures:

- A. At the Area Director's discretion and based on the nature of the work performed at the site, inspections may be safety, health, or joint safety and health inspections.
- B. Inspections conducted under this LEP will generally be comprehensive inspections. If an Area Director or CSHO becomes aware of a situation where a partial inspection might be appropriate, the Area Director can authorize the CSHO to limit the inspection (for example, an office environment with a shipping and warehouse facility attached, and the CSHO's review of the site's 300 log shows that all recorded injuries have occurred in the warehouse area).
- C. In accordance with OSHA policy, advance notice will be given to agencies with Certified Safety and Health Committees.
- D. Press releases shall be issued for significant cases, or cases with willful or high-gravity serious, repeat or failure-to-abate violations, in accordance with regional procedures.

IX. Coding:

For all inspections scheduled under this LEP, the Local Emphasis Program code **FEDSAFE9** shall be entered as the primary emphasis code on the Inspection Type tab in OIS.

Any other applicable LEP or NEP may be entered as a non-primary code.

X. Evaluation:

The LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs and Experimental Programs. The Assistant Regional Administrator for Enforcement Programs will request input from the Area Directors for this evaluation.

- A. For LEPs which have been renewed from a previous year, the evaluation will use data for the period covering from the beginning of the 4th quarter of the previous fiscal year through the end of the 3rd quarter of the current fiscal year (i.e., the FY16 LEP evaluation will include data from July 1, 2015 – June 30, 2016). Narrative sections of the evaluation should cover the same time frame, although significant issues arising in the 4th quarter, which may affect a decision on renewal of the LEP, may also be discussed.

- B. This evaluation shall be submitted to the Regional Administrator for review by November 1, at which time a decision will be made to renew or discontinue the LEP. On the approval of the Regional Administrator, the evaluation report shall be submitted to the Directorate of Enforcement Programs and the Directorate of Construction no later than November 30. The evaluation report will include:
1. The goal of the program and the ARA for Enforcement's analysis of how effective the program was in meeting its goals.
 2. Data and information used to support the conclusions stated above. Data should include enforcement statistics, serious hazards eliminated, and any impact on covered, non-inspected employers, the number of employees affected by enforcement activities covered by the LEP.
 3. Statement and rationale of whether the program should be continued.
 4. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program.
 5. Any other comments or recommendations, including findings, which might have an impact on how the industry conducts business.

XI. Outreach:

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the LEP when conducting outreach sessions and meetings. A copy of this LEP will be provided to interested parties upon request.

Procedures for Scheduling Inspections

1. The Area Office will maintain a master list of sites eligible for inspection under this LEP. The master list, all additions and deletions, the randomized list, and scheduling cycles created for this LEP, shall be filed electronically on the regional shared drive and retained for three years.
 - a. Additions may be made to the master list based on local knowledge or other factors, including OSHA inspection history.
 - i. This should include annual OIS searches for establishments which have been coded with a secondary code, or under a related program. For example, a site that was inspected under the FORKLIFT LEP may have led to high-gravity serious or willful hazard notices. This inspection could be coded with FEDSAFE9 as a secondary code, and should be considered for addition to the FEDSAFE9 list for the following year.
 - ii. ADs should cross-reference these lists, and CSHOs should check establishment history on OIS, to make sure that sites which are placed on multiple lists are not subject to multiple inspections within a 12-month period.
 - b. Establishments shall be deleted from the master list if, during the course of an inspection, it is determined that the site no longer falls within the parameters of the LEP. This would primarily apply to sites which no longer perform the process or use the equipment targeted by the LEP.
 - c. All additions and deletions must be documented.
2. At the beginning of each fiscal year (or on the LEP's effective date), the Area Office shall create a randomly numbered list of all sites on the master list. Sites shall be randomly ordered using the RANDBETWEEN function in Excel. AOs may also send their master list to EP for randomization.
3. If all sites on the master list are to be inspected during the fiscal year, the sites may be inspected in any order. If an Area Office is not able to complete all inspections on the master list within a fiscal year, the Area Office will complete the list as soon as possible in the first quarter of the next fiscal year, and shall develop and follow scheduling cycles for the remainder of that year and in subsequent years.
4. The Area Office will create scheduling cycles by selecting a number of establishments from the randomized master list. All scheduling cycles shall be filed electronically on the regional shared drive.

- a. Establishments selected in a cycle can be inspected in any order, but the Area Office should take into account that all establishments in a cycle must be completed before another cycle is created. Area Offices should take into account programming goals and available resources when setting the size of a cycle.
- b. To the extent possible, new cycles should be selected at least once per quarter. Cycles may be run more often if necessary. An uncompleted cycle may be carried over into the next quarter, but the Area Office should take this into account and adjust the number selected for subsequent cycles accordingly.
- c. Selected establishments may be deferred to the next cycle if the site has been subject to a comprehensive programmed inspection (under this or any LEP) within the previous 12 months, or if the process to be inspected is not active. All deferrals must be documented. Additional criteria for deferral include:
 - i. Necessary equipment or personnel with necessary experience are not available to perform the inspection.
 - ii. The establishment is the last remaining establishment in a cycle, the inspection would require travel in excess of 50 miles, and it cannot be combined with other inspection activity.
 - iii. The establishment was cited as the result of a previous comprehensive inspection, and the final abatement date has not yet passed.
 - iv. The establishment has appeal a previous hazard notice and it is still pending Regional or National Office review.

Approval for deferrals based on reasons other than those listed must be discussed with and approved by the ARA for EP.