



U.S. DEPARTMENT OF LABOR

# OSHA REGIONAL NOTICE

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 02-13-005F      **EFFECTIVE DATE:** December 4, 2017

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

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**REGIONAL IDENTIFIER:** *Region VII*

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## ABSTRACT

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

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

**References:** OSHA Instructions: CPL 04-00-001, CPL 03-00-014, CPL 02-00-025, CPL 02-02-045, CPL 02-00-051, CPL 02-00-111, CPL 02-00-160, Executive Order 12196.

**Cancellation:** CPL 02-13-005E

**Action Offices:** Region VII (Des Moines Area Office)

**State Plan Impact:** None

**Originating Office:** Kansas City Regional Office – Enforcement Programs

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

By and Under the Authority of

Kimberly A. Stille  
Regional Administrator

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- I. Purpose. This Notice continues policies and procedures to be followed when conducting comprehensive programmed safety or health local emphasis inspections at Federal agency sites in the State of Iowa.
- II. Scope. This Notice applies to Federal agency sites within the jurisdiction of the Des Moines Area Office.
- III. Cancellation. This Notice cancels OSHA Regional Notice CPL 02-13-005E, Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies.
- IV. References.
  - A. OSHA Instruction CPL 02-00-111, Citation policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
  - B. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
  - C. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
  - D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
  - E. OSHA Instruction CPL 02-00-051, Exemptions and Limitations under the Current Appropriations Act, May 28, 1998. (Change effective February 21, 2013, Appendix A, January 10, 2017, or most recent version).
  - F. OSHA Instruction CPL 02-02-045, Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 13, 1994.
  - G. OSHA Instruction CPL 03-00-021, PSM Covered Chemical Facilities National Emphasis Program, January 17, 2017.
  - H. Executive Order 12196, Occupational Safety and Health Program for Federal Employees, February 26, 1980.
  - I. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
  - J. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- V. Expiration Date. This Notice expires September 30, 2018.

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

VII. Background. Federal agencies are not covered directly by the Occupational Safety and Health (OSH) Act and may be inspected by OSHA only through the authorization of Executive Order 12196. Inspection activity in the Federal sector of the Des Moines Area Office jurisdiction had been limited primarily to complaint inspections during the six-year period between 2007 and 2013. During those complaint inspections, the Des Moines Area Office substantiated many complaint items as Serious violations and identified numerous other Serious safety and health violations unassociated with the complaints.

During inspections at Federal agency sites, the Des Moines Area Office observed Federal contractor employees not only exposed themselves to hazards of their occupation, but also exposed Federal employees to those hazards. Inspections conducted at Federal agencies by the Des Moines Area Office during Fiscal Years 2014 - 2017 revealed that Federal employees continued being exposed to a high level of serious hazards.

Experience and inspection history continues to reveal that Federal agencies are not always responsive in ensuring a safe and healthful work environment for their employees. Experience also reveals that Federal agencies are inexperienced in recognizing when contractors expose their employees as well as expose Federal employees to hazards. The national FEDTARGET program provides a limited number of Federal agencies for inspection on its listing. The listing over the last 10 years has addressed only two of the Federal agencies located in the State of Iowa, and prior to this program there was no inspection program to address occupational hazard exposure for Federal employees in the State of Iowa. Inspections conducted under this program as well as complaint inspections have continued to reveal serious safety and health hazards. Therefore, this local emphasis program will be continued to target hazards at Federal agency sites. In accordance with the U. S. Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

VIII. Outreach. In conjunction with commencing inspections under this LEP, the Des Moines Area Office addressed this program by reaching out to the Federal Executive Board, the Field Federal Safety and Health Council, and Federal agencies in its jurisdiction. The outreach consisted of pertinent information about the inspection program and provision of sources of safety and health information for affected agencies. No inspections were initiated prior to the outreach being completed. Requests for technical assistance, compliance assistance, and outreach from Federal Agencies and Federal employees will continue to receive priority consideration from the Area Office.

IX. Program Procedures. Inspection scheduling shall be in accordance with the FOM, Chapter 2, Program Planning. The following procedures shall be followed for the scheduling and inspection of work sites under this program:

A. The Area Office shall continue using the Federal Agency Establishment List obtained from the National Office, as well as locally generated lists of Federal

agencies in Iowa to create a master establishment list. All establishments on the master establishment list that have received a comprehensive safety and health inspection between October 1, 2014 and the effective date of this LEP will be purged from the list.

- B. All remaining establishments compiled on the master list will be entered into a Microsoft Excel spreadsheet. Using the Microsoft Excel RANDBETWEEN function, counties where establishments are located will be randomized. After randomization, the county list will be selected by ascending random number order until 30 establishments are generated. Subsequent cycles will be established in the same manner.
- C. Inspect establishments within a cycle in any order that makes efficient use of resources, however all establishments within a cycle must be inspected prior to initiating a new cycle. Each location scheduled for inspection shall receive a comprehensive inspection as defined by the FOM.

X. **OIS Coding**. Current instructions for completing the appropriate inspection classification on the inspection shall be applied when recording inspections conducted under the LEP as follows:

- A. Select the Inspection Type tab in OIS to fill in the appropriate LEP information. The inspection type for a programmed inspection conducted under this local emphasis program shall be marked “Program Planned” (Initiating Type). Select the “Local Emphasis Program” drop box under Inspection Emphasis Programs and select “FEDCOMP”.
- B. Worksites scheduled for an LEP inspection that should have been deleted from the list (e.g., no longer present), and it is discovered upon arrival, shall be coded under the Scope of Inspection drop box, “No Inspection” and the reason for no inspection shall be coded in the “Reason no Inspection” drop box.
- C. Unprogrammed inspections of locations on the list that are generated by complaints or referrals requiring inspection, imminent danger, and fatality/catastrophe investigations will be coded as normally required under the FOM. In addition the location will be inspected under the scope of this LEP and the designation “FEDCOMP” will be recorded under the “Local Emphasis Program” drop box of the “Inspection Emphasis Program” area.
- D. All consultation activities (requests, visits, and compliance assistance) conducted at sites where vehicle-related standards are evaluated regarding powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime will be coded with “FEDCOMP” in the Local Emphasis Program field on the appropriate forms.

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

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Kimberly A. Stille  
Regional Administrator

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(Date)

Concurrence of the Regional Solicitor's Office:

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(Signature)

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(Date)

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