



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: EP Instruction 09-2011-07	EFFECTIVE DATE: July 22, 2011
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: None.

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: James D. Wulff
Assistant Regional Administrator, Enforcement Programs

By and Under the Authority of

A handwritten signature in cursive script, appearing to read "Paul M. Nishiyama".

Ken Nishiyama Atha
Regional Administrator

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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, agencies with Certified Safety and Health Committees (see OSHA Instruction FAP 01-00-001) will be given advance notice of inspections.

IV. References:

1. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
2. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually)
3. OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEPs)
4. OSHA Instruction FAP 01-00-001, September 11, 1985, A List of Federal Agencies with Certified Safety and Health Committees.
5. OSHA Instruction CPL 2-0.122, April 15, 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:

1. The Assistant Regional Administrator for Enforcement Programs shall obtain from the Office of Federal Agency Programs a list of all Federal Agencies with installations in Region IX jurisdiction. Accompanying the list will be a log of lost workday incidents for the previous fiscal year. The lists will be forwarded to the Area Offices.
2. The area office will rank the work sites by frequency of lost time cases. Other factors such as local knowledge, complaint rate, occurrence of fatalities, and nationwide history, may also be used to adjust the rankings of installations.
3. Based upon both ranking and resource availability, the area director will designate the order in which specific locations will be inspected.
4. 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. Any inspections not completed will be added to the next year's list.
5. Follow-up and/or monitoring inspections shall be conducted according to criteria established in the FOM and area director discretion.

VIII. Inspection Procedures:

1. At the Area Director's discretion, inspections may be safety, health, or joint safety and health inspections.
2. In accordance with OSHA policy, advance notice will be given to agencies with Certified Safety and Health Committees.
3. 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:

In Field #25.c, Inspection Classification, the Local Emphasis Program code **FEDSAFE9** shall be entered.

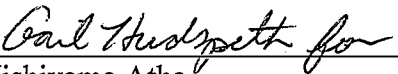
X. Evaluation:

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.

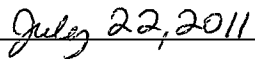
- A. For LEPs which have been renewed from a previous year, the evaluation will use data for the period covering from the beginning of the 4th quarter of the previous fiscal year through the end of the 3rd quarter of the current fiscal year (i.e., the FY11 LEP evaluation will include data from July 1, 2010 – June 30, 2011). 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 Director of Enforcement and Investigation's opinion of how effective the program was in meeting its goals.
 - 2. Data and information used to support the conclusions stated above. Data can 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.



Ken Nishiyama Atha
Regional Administrator
OSHA Region IX



cc: Deputy Regional Administrator
Area Directors
ARA, Enforcement Programs
ARA, Cooperative and State Programs