

# **OCCUPATIONAL SAFETY AND HEALTH FOR THE FEDERAL EMPLOYEE**



**U.S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF PLANNING AND MANAGEMENT  
OCCUPATIONAL HEALTH AND SAFETY OFFICE  
WASHINGTON, D.C.**

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## INTRODUCTION

This booklet contains various materials pertaining to the Federal occupational safety and health program which is coordinated by the Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U.S. Department of Labor. This booklet will inform the agency head, employees of the agency, and other interested persons of the occupational safety and health protection provided for the employees of the agency.

The following is a brief synopsis of each piece of material in this booklet:

- A. The Occupational Safety and Health Act of 1970 is the law requiring that safe and healthful workplaces be provided for all employees. Section 19 of the Act requires the head of each agency to establish and maintain an occupational safety and health program for its employees. It also requires the Secretary of Labor to report to the President on the Federal occupational safety and health program.
- B. Section 7902, Title 5, U.S. Code directs the head of each Federal agency to develop and support organized safety and health programs and to report to the Secretary of Labor any injuries and accidents that occur to their employees.
- C. The President's Memorandum to Agency Heads expresses his support for the occupational safety and health program in the Federal government and transmits to them Executive Order No. 11807 and Title 29 of the Code of Federal Regulations Part 1960.
- D. Executive Order No. 11807 defines the responsibilities and outlines the duties of the Secretary of Labor and each agency head as pertaining to the Federal occupational safety and health program. It also establishes the Federal Advisory Council on Occupational Safety and Health to assist the Secretary of Labor.
- E. Title 29 of the Code of Federal Regulations Part 1960, "Safety and Health Provisions for Federal Employees," outlines specific requirements necessary for each agency to establish and maintain an occupational safety and health program.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970



Public Law 91-596  
91st Congress, S. 2193  
December 29, 1970

**An Act**

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1970".*

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a) (3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e) (2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a) (5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c) (1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a) (3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TITLE 5 OF THE UNITED STATES CODE

Section 7902. Safety Programs.

(a) For the purpose of this section--

(1) "employee" means an employee as defined by section 8101 of this title; and

(2) "agency" means an agency in any branch of the Government of the United States, including an instrumentality wholly owned by the United States, and the government of the District of Columbia.

(b) The Secretary of Labor shall carry out a safety program under section 941(b)(1) of Title 33 covering the employment of each employee of an agency.

(c) The President may--

(1) establish by Executive order a safety council composed of representatives of the agencies and of Labor organizations representing employees to serve as an advisory body to the Secretary in furtherance of the safety program carried out by the Secretary under subsection (b) of this section; and

(2) undertake such other measures as he considers proper to prevent injuries and accidents to employees of the agencies.

(d) The head of each agency shall develop and support organized safety promotion to reduce accidents and injuries among employees of his agency, encourage safe practices, and eliminate work hazards and health risks.

(e) Each agency shall--

(1) keep a record of injuries and accidents to its employees whether or not they result in loss of time or in the payment or furnishing of benefits; and

(2) make such statistical or other reports on such forms as the Secretary may prescribe by regulation.

(Public Law 89-554, Sept. 6, 1966, 80 Stat. 530)

THE WHITE HOUSE

WASHINGTON

February 3, 1975

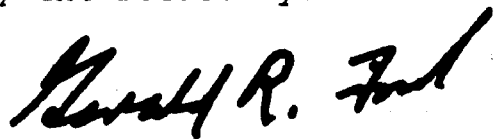
MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS  
AND AGENCIES

I have issued this Executive Order to strengthen the occupational safety and health programs of all Federal agencies. It sets forth specific duties for the heads of Federal agencies to establish and maintain effective occupational safety and health programs in these agencies. It also authorizes the Secretary of Labor to assist in those duties and to issue guidelines tailored to individual agency needs.

As the Nation's largest employer, the Federal Government must set an example in the maintenance of safe and healthful working conditions for its employees. The Federal Government has reduced the rate of workplace injuries since 1965, but we cannot be satisfied as long as any avoidable accidents or illnesses occur.

The purpose of the Occupational Safety and Health Act of 1970 is to assure safe and healthful working conditions for all workers in the Nation. That Act contains special provisions to afford protection to Federal employees. It assigns responsibility to the head of each Federal agency to maintain an effective and comprehensive program consistent with the standards issued by the Secretary of Labor for private employees.

The issuance of this Executive Order and the attached guidelines of the Secretary of Labor, together with forthcoming actions by the Office of Management and Budget to promote agency awareness of the budgetary aspects of this program, should aid in your efforts to provide safe and healthful working conditions for the employees of your department or agency. Only your personal attention can ultimately achieve the goals we desire. The Secretary of Labor stands ready to assist you in your efforts. I look forward to receiving the evaluations of the Secretary of Labor regarding your achievements under the new Executive Order and the guidelines issued by the Secretary.



### **Occupational Safety and Health Programs for Federal Employees**

As the Nation's largest employer, the Federal Government has a special obligation to set an example for all employers by providing a safe and healthful working environment for its employees.

For more than three years, the Federal Government has been seeking to carry out these solemn responsibilities under the terms of Executive Order No. 11612, issued in 1971 and based upon the authorities granted by the landmark Occupational Safety and Health Act of 1970 as well as section 7902(c) of title 5, United States Code.

Considerable progress has been achieved under the 1971 executive order, but it is now clear that even greater efforts are needed. It is therefore necessary that a new order be issued, reflecting this Nation's firm and renewed commitment to provide exemplary working conditions for those devoted to public service.

The provisions of this order are intended to ensure that each agency head is provided with all the guidance necessary to carry out an effective occupational safety and health program within the agency. Further, to keep the President abreast of progress, this order provides for detailed evaluations of the agencies' occupational safety and health programs by the Secretary of Labor and transmittal of those evaluations, together with agency comments, to the President. In addition, the Federal Safety Advisory Council on Occupational Safety and Health is continued because of its demonstrated value as an advisory body to the Secretary of Labor.

Experience has shown that agency heads desire and need more detailed guidance from the Secretary of Labor to make their occupational safety and health programs more effective. This order provides that the Secretary of Labor shall issue detailed guidelines and provide such further assistance as the agencies may request.

NOW, THEREFORE, by virtue of the authority vested in me by section 7902(c) (1) of title 5 of the United States Code, and as President of the United States, it is hereby ordered as follows:

#### **Scope of This Order**

SECTION 1. For the purposes of this order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Government of the United States not within an Executive Department. This order applies to all agencies of the Executive Branch of the Government: and by agreement between the Secretary of Labor (hereinafter referred to as the Secretary) and the head of an agency of the Legislative or Judicial Branches of the Government, the provisions of this order may be made applicable to such agencies. In addition, by agreement between the Secretary of Labor and the head of any agency,

and to the extent permitted by law, the provisions of this order may be extended to employees of agencies who are employed in geographic locations to which the Occupational Safety and Health Act of 1970 is not applicable.

#### **Duties of Heads of Agencies**

SEC. 2. The head of each agency shall, after consultation with representatives of the employees thereof, establish and maintain an occupational safety and health program meeting the requirements of section 19 of the Occupational Safety and Health Act (hereinafter referred to as the act). In order to ensure that agency programs are consistent with the standards prescribed by section 6 of the act, the head of each agency shall:

(1) Designate or appoint, to be responsible for the management and administration of the agency occupational safety and health program, an agency official with sufficient authority to represent effectively the interest and support of the agency head.

(2) Establish an occupational safety and health management information system, which shall include the maintenance of such records of occupational accidents, injuries, illnesses and their causes, and the compilation and transmittal of such reports based upon this information, as the Secretary may require pursuant to section 3 of this order.

(3) Establish procedures for the adoption of agency occupational safety and health standards consistent with the standards promulgated by the Secretary pursuant to section 6 of the act; assure prompt attention to reports by employees or others of unsafe or unhealthful working conditions; assure periodic inspections of agency workplaces by personnel with sufficient technical competence to recognize unsafe and unhealthful working conditions in such workplaces; and assure prompt abatement of unsafe or unhealthful working conditions, including those involving facilities and/or equipment furnished by another Government agency, informing the Secretary of significant difficulties encountered in this regard.

(4) Provide adequate safety and health training for officials at the different management levels, including supervisory employees, employees responsible for conducting occupational safety and health inspections, and other employees. Such training shall include dissemination of information concerning the operation of the agency occupational safety and health program and the means by which each such person may participate and assist in the operation of that program.

(5) Submit to the Secretary on an annual basis a report containing such information as the Secretary shall prescribe.

(6) Cooperate with and assist the Secretary of Labor in the performance of his duties under section 19 of the act and section 3 of this order.

(7) Observe the guidelines published by the Secretary pursuant to section 3 of this order, giving due consideration to the mission, size and organization of the agency.

### **Duties of the Secretary of Labor**

SEC. 3. The Secretary shall provide leadership and guidance to the heads of agencies to assist them in fulfilling their occupational safety and health responsibilities by, among other means, taking the following actions:

(1) Issue detailed guidelines to assist agencies in establishing and operating effective occupational safety and health programs appropriate to their individual missions, sizes, and organizations. Such guidelines shall reflect the requirement of section 19 of the act for consultation with employee representatives.

(2) Prescribe recordkeeping and reporting requirements to enable agencies to assist the Secretary in meeting the requirements imposed upon him by section 24 of the act.

(3) Provide such consultation to agencies as the Secretary deems necessary and appropriate to ensure that agency standards adopted pursuant to section 2 of this order are consistent with the safety and health standards adopted by the Secretary pursuant to section 6 of the act; provide leadership and guidance to agencies in the adequate occupational safety and health training of agency personnel; and facilitate the exchange of ideas and information throughout the Government with respect to matters of occupational safety and health through such arrangements as the Secretary deems appropriate.

(4) Perform for agencies, where deemed necessary and appropriate, the following services, upon request and reimbursement for the expenses thereof: (a) evaluate agency working conditions; and recommend to the agency head appropriate standards to be adopted pursuant to section 2 of this order to ensure that such working conditions are safe and healthful; (b) conduct inspections to identify unsafe or unhealthful working conditions, and provide assistance to correct such conditions; (c) train appropriate agency safety and health personnel.

(5) Evaluate the occupational safety and health programs of agencies, and submit to the President reports of such evaluations, together with agency responses thereto. These evaluations shall be conducted at least once annually for agencies employing more than 1,000 persons within the geographic locations to which the act applies, and as the Secretary deems appropriate for all other agencies, through such headquarters or field reviews as the Secretary deems necessary.

(6) Submit to the President each year a summary report of the status of the Federal agency occupational safety and health program, as well as analyses of individual agency progress and problems in correcting unsafe and unhealthful working conditions, together with recommendations for improving their performance.

### **Federal Advisory Council on Occupational Safety and Health**

SEC. 4. (a) The Federal Advisory Council on Occupational Safety and Health, established pursuant to Executive Order

No. 11612, is hereby continued. It shall advise the Secretary in carrying out responsibilities under this order. This Council shall consist of fifteen members appointed by the Secretary and shall include representatives of Federal agencies and of labor organizations representing employees. At least five members shall be representatives of such labor organizations. The members shall serve for three-year terms with the terms of five members expiring each year, provided that this Council is renewed every two years in accordance with the Federal Advisory Committee Act. The members of the Federal Advisory Council on Occupational Safety and Health established pursuant to Executive Order No. 11612 shall be deemed to be its initial members under this order, and their terms shall expire in accordance with the terms of their appointments.

(b) The Secretary, or a designee, shall serve as the Chairman of the Council, and shall prescribe such rules for the conduct of its business as he deems necessary and appropriate.

(c) The Secretary shall make available necessary office space and furnish the Council necessary equipment, supplies, and staff services, and shall perform such functions with respect to the Council as may be required by the Federal Advisory Committee Act.

### **Effect on Other Powers and Duties**

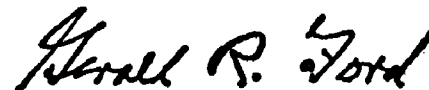
SEC. 5. Nothing in this order shall be construed to impair or alter the powers and duties of the Secretary or heads of other Federal agencies pursuant to section 19 of the Occupational Safety and Health Act of 1970, sections 7901, 7902, and 7903 of title 5 of the United States Code, or any other provision of law, nor shall it be construed to alter the provisions of Executive Order No. 11491, as amended, Executive Order No. 11636, or other provisions of law providing for collective bargaining agreements and procedures. Matters of official leave for employee representatives involved in activities pursuant to this order shall be determined between each agency and these representatives pursuant to the procedures under Executive Order No. 11491, as amended, Executive Order No. 11636, or applicable collective bargaining agreements.

### **Termination of Existing Order**

SEC. 6. Executive Order No. 11612 of July 26, 1971, is hereby superseded.

The White House

September 28, 1974.



(Filed with the Office of the Federal Register, 1:30 p.m., September 30, 1974)



# **SAFETY AND HEALTH PROVISIONS FOR FEDERAL EMPLOYEES**

**PART 1960**

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**DEPARTMENT OF LABOR**  
**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**  
**WASHINGTON, D.C.**

Office of Federal Agency Safety Programs

## PART 1960

### SAFETY AND HEALTH PROVISIONS FOR FEDERAL EMPLOYEES

#### SUBPART A—GENERAL

- 1960.1 Purpose and Scope of this part.
- 1960.2 Definitions.

#### SUBPART B—RECORDKEEPING AND REPORTING REQUIREMENTS FOR OCCUPATIONAL INJURIES, ILLNESSES AND ACCIDENTS

- 1960.3 Purpose, scope and general provisions.
- 1960.4 Record or log of Federal occupational injuries and illnesses.
- 1960.5 Supplementary record of Federal occupational injuries and illnesses.
- 1960.6 Quarterly and annual summaries of Federal occupational injuries and illnesses.
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- 1960.8 Reporting of serious accidents.
- 1960.9 Location and utilization of records and reports.
- 1960.10 Access to records by Secretary of Labor.
- 1960.11 Retention of records.
- 1960.12 Plan of action.
- 1960.13 [Reserved.]
- 1960.14 [Reserved.]

#### SUBPART C—AGENCY ORGANIZATION

- 1960.15 Purpose and scope.
- 1960.16 Designated safety and health official.
- 1960.17 Safety and health committees.
- 1960.18 Posting of notice; availability of Act, this part, and details of the agency/safety and health program.
- 1960.19 Duties of agency officials and employees.
- 1960.20-24 [Reserved.]

#### SUBPART D—PROCEDURES FOR INSPECTIONS AND ABATEMENT

- 1960.25 Purpose, scope and general provisions.
- 1960.26 Safety and health inspectors; frequency of inspection.
- 1960.27 Conduct of inspection.
- 1960.28 Advance notice of inspections.
- 1960.29 Representatives of officials in charge and representatives of employees.
- 1960.30 Consultation with employees.
- 1960.31 Reports by employees of unsafe or unhealthful working conditions.
- 1960.32 Imminent danger.
- 1960.33 Notices of unsafe or unhealthful working conditions.
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- 1960.35-39 [Reserved.]

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**SUBPART E—AGENCY OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

- 1960.40 Purpose and scope.
- 1960.41 Procedures for adoption.
- 1960.42 Initial adoption of agency standards.
- 1960.43 Adoption of different and/or supplementary agency standards.
- 1960.44 Conflicting standards.
- 1960.45 Emergency standards.
- 1960.46 Access to standards.
- 1960.47–49 [Reserved.]

**SUBPART F—FIELD FEDERAL SAFETY AND HEALTH COUNCILS**

- 1960.50 Purpose and scope.
- 1960.51–59 [Reserved.]

**AUTHORITY:** Sections 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.  
**SOURCE:** The provisions of this Part 1960 appear at 39 F.R. 36454, October 9, 1974 unless otherwise noted.

**SUBPART A—GENERAL****1960.1—PURPOSE AND SCOPE OF THIS PART**

(a) The primary purpose of the Occupational Safety and Health Act of 1970 is to assure safe and healthful working conditions for all employees in the Nation. While the enforcement procedures in sections 8, 9 and related sections of the Act do not apply to the Federal Government as an employer, Section 19 of the Act contains special provisions to afford protection to Federal employees. Under that section, it is the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standard promulgated under section 6 of the Act. The Secretary of Labor has important responsibilities in connection with the Federal agency occupational safety and health program, stemming from his duty under Section 19 to report to the President his evaluations and recommendations with respect to the programs of the various agencies. In addition, under Section 24 of the Act, the Secretary is directed to develop and maintain an effective program of collection, compilation and analysis of occupational safety and health statistics. To carry out that mandate, private-sector employers are required to file reports with the Secretary. While these reporting requirements do not apply to Federal agencies, the duties which section 24 imposes upon the Secretary of Labor necessarily extend to the collection, compilation and analysis of occupational safety and health statistics from the Federal Government, so that the Secretary may carry out the mandate of section 24 to conduct a comprehensive statistical program of job related injuries.

(b) The earlier Executive Order, No. 11612, issued on July 26, 1971 to implement the provisions of section 19 of the Act, has been reconsidered in light of experience, and a new Executive Order 11807 was issued on September 28, 1974 to replace it. Under the new Executive Order, certain detailed responsibilities of the heads of agencies are set forth, and the Secretary of Labor is required to issue recordkeeping and reporting regulations to carry out the provisions of Section 24 of the Act. In addition, the Secretary

is required to issue guidelines which the heads of agencies are required to observe, taking into account the mission, size and organization of the agency. The purpose of this part is to carry out the requirements that the Secretary issue regulations and guidelines for the safety and health programs of the various federal agencies.

(c) Since, under section 24 of the Act and section 3(2) of the Order, the Secretary is authorized to prescribe requirements for the agencies with respect to recordkeeping and reporting, the provisions in Subpart B of this part have generally been phrased in mandatory terms. The remaining subparts are guidelines to the agencies to assist them establish and operate effective safety and health programs. While the guidelines are phrased in nonmandatory terms, it should be emphasized that under terms of the new Executive Order the heads of the agencies are required to observe the guidelines, taking into consideration the mission, size and organization of the agency. It is the view of the Secretary that these guidelines will constitute a framework for a strong occupational safety and health program for Federal employees.

(d) Under the new Executive Order the Secretary is required to perform various services for the agencies. Agencies are encouraged to seek the assistance of the Secretary as needed to comply with the guidelines of this part and to otherwise operate effective safety and health programs for their employees. In addition, the Secretary will seek, with the cooperation of agency heads, to establish permanent channels between the Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U.S. Department of Labor, and Federal agencies to enable the purposes of this part to be effectuated, including agreements concerning the transmittal by agencies of information needed by the Secretary as set forth herein. Upon the request of an agency, the Office of Federal Agency Safety Programs will review proposed agency plans for the implementation of the provisions of this part in order to assure that such plans are in conformity with the

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intent of these provisions. To further aid the implementation of these guidelines, the Department of Labor will take steps to prepare and distribute handbooks to assist agencies in observing the guidelines of the Secretary in accordance with individual agency missions, sizes and organizations.

(e) The new Executive Order requires the heads of agencies to consult with representatives of employees and to provide for employee participation in the operation of agency safety and health programs. This requirement reflects the provisions of section 19 of the Act. In order to provide agencies with some guidance in this regard, the provisions of this part suggest specific instances where participation by employees and their representatives is particularly important in the operation of an agency's safety and health program. Such participation by employees and their representatives is separate but consistent with the provisions of other Executive Orders dealing with labor-management relations within the Federal Government.

(f) The regulations and guidelines of this part are applicable only to Federal employees and do not apply to employees of private contractors

performing work under Government contracts, regardless of whether such privately employed workers perform their duties in Government-owned or-leased facilities, with government equipment, and together with government personnel. Protection of employees of private contractors is assured under the other provisions of the Act. Although this part does not make provision for the inclusion of Federal contractors nor their employees in agency safety and health programs, except as provided in § 1960.8 for reporting of serious accidents, safety and health programs operated pursuant to this part will offer some incidental protection to contractor employees working with Federal employees. Some agencies may wish to make further arrangements with such contractors to promote the safety and health of contractor employees when they are engaged in joint operations with Federal personnel. Agencies who wish to make such arrangements would be well advised to consult with their legal and budgetary personnel in this regard. Further, no such arrangement shall operate to relieve Federal contractors or their employees of any rights or responsibilities under the provisions of the Act, including compliance activities conducted by the Department of Labor or other appropriate authority.

## 1960.2—DEFINITIONS

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (Stat. 1590 et seq., 29 U.S.C. 651 et seq.).

(b) The term "agency" for the purposes of this part means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the government of the United States not within an Executive Department to which the provisions of Executive Order 11807 are applicable.

(c) The term "employee" as used in this part means any person employed or otherwise suffered, permitted or required to work by an "agency" as the latter term is defined in paragraph (b) of this section including non-civilian personnel.

(d) As used in Executive Order 11807, the term "consultation with representatives of the employees thereof" shall include such consultation, conference, or negotiation with representatives of agency employees as is consistent with Executive Order 11491, as amended, Executive Order 11636, or other collective bargaining arrangement. As used in this part, the term "representative of employees" should be interpreted with due regard for any obligation imposed by the aforementioned Executive Orders and any labor agreement that may cover the employees involved.

(e) The term "establishment" means a single physical location where business is conducted or where services or operations are performed. Where distinctly separate activities are per-

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formed at a single physical location, each activity shall be treated as a separate establishment.

(f) The term "reporting unit" means an establishment, except as otherwise agreed between the agency and the Office of Federal Agency Safety Programs, U.S. Department of Labor. Any such agreement in effect prior to the promulgation of this part shall remain in effect unless either party desires modification.

(g) The term "designated safety and health official" means the individual who is responsible for the management of the safety and health program within his agency and is designated or appointed by the head of the agency pursuant to § 1960.16 and the provisions of Executive Order 11807.

(h) The term "safety and health specialist" means a person or persons who meet the Civil Service standards for Safety Manager/Specialist GS-018, Safety Engineer GS-803, Fire Protection Engineer GS-804, Industrial Hygienist GS-690, Fire Protection Specialist/Marshal GS-081, Health Physicist GS-1306, or equally qualified military, agency or nongovernment personnel.

(i) The term "safety and health inspector" means a safety and health specialist or other person authorized pursuant to § 1960.26 of this part to carry out inspections for the purpose of Subpart D of this part.

(j) The term "working days" means Mondays through Fridays (excluding Federal holidays), or other appropriate authorized days of agency operation.

(k) "Recordable occupational injuries or illnesses" are any occupational injuries or illnesses which result in:

(1) Fatalities, regardless of the time between the injury and death, or the length of the illness; or

(2) Cases, other than fatalities, that result in lost workdays; or

(3) Non-fatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical

treatment (other than first aid), or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(l) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(m) "First aid" is any one-time treatment, and any followup visit for the purpose of observation, of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and followup visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

(n) The term "lost workdays" means the number of days the employee would have worked but could not because of occupational injury or illness. The number of lost workdays should not include the day of injury. The number of days includes all days (consecutive or not) on which, because of the injury or illness:

(1) the employee would have worked but could not, or

(2) the employee was assigned to a temporary job, or

(3) the employee worked at a permanent job less than full time, or

(4) the employee worked at a permanently assigned job but could not perform all duties normally assigned to it.

For employees not having a regularly scheduled shift, i.e., certain truck drivers, construction workers, part-time employees, etc., it may be necessary to estimate the number of lost workdays. Estimates of lost workdays shall be based on prior work history of the employee and days worked by employees, not ill or injured, working in the agency and/or occupation of the ill or injured employee.

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**SUBPART B—RECORDKEEPING AND REPORTING REQUIREMENTS  
FOR OCCUPATIONAL INJURIES, ILLNESSES AND ACCIDENTS****1960.3—PURPOSE, SCOPE AND GENERAL PROVISIONS**

(a) The purpose of this subpart is to establish uniform requirements for the collection and compilation by agencies of occupational safety and health data, thereby assisting the Secretary of Labor in meeting the requirement imposed upon him by Section 24 of the Act to "develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics," and enabling agencies to establish occupational safety and health management information systems pursuant to the requirements of Executive Order 11807.

(b) In order to perform his duties under Section 19 of the Act and Executive Order 11807, particularly with respect to providing the President with current information about the Federal agency safety and health program, it is necessary that the Secretary be promptly informed of serious accidents involving agency employees as provided in § 1960.8. Assistance to agencies in the investigation of such accidents is available pursuant to the provisions of Executive Order 11807, and agencies are urged to avail themselves of such assistance.

(c) Each agency should seek to utilize the information collected through its management information system to identify unsafe and unhealthful working conditions, and to establish program priorities. Assistance by the Secretary of Labor in such matters is available to agencies pursuant to the provisions of Executive Order 11807. The guidelines in § 1960.9 of this subpart, which discuss the utilization of agency records and reports, were developed to assist agencies to further joint labor-management safety and health efforts in this regard.

(d) The Department of Labor shall provide Federal agencies with detailed instructions for the proper completion of the recordkeeping and reporting forms specified in §§ 1960.4, 1960.5, 1960.6, and 1960.7, with which agencies shall

comply. The Department of Labor shall also provide agencies with sufficient copies of all forms necessary to record and report the required information. Occupational Safety and Health Administration (OSHA) Forms No. 100F, 101F, 102F, 102FF, and instructions for their completion are hereby filed with the Office of the Federal Register as part of the original document. Copies may also be inspected during regular business hours at the Office of Federal Agency Safety Programs, U.S. Department of Labor, Washington, D.C. 20210.

(e) The provisions of this subpart are not intended to discourage agencies from utilizing recordkeeping and reporting forms which contain a more detailed breakdown of information than the forms provided by the Department of Labor, nor are they intended to preclude agencies from establishing accident, injury and illness subcategories within the coded categories established by the Department of Labor for the completion of its forms, provided that subtotals are provided for each coded category established by the Department of Labor.

(f) Information required to be submitted to the Department of Labor by this subpart may be submitted on media processable by electronic data processing equipment provided that such media comply with the requirements of the Office of Federal Agency Safety Programs, U.S. Department of Labor.

(g) Information concerning occupational injuries, illnesses or accidents which, pursuant to statute or Executive Order, must be kept secret in the interest of national defense or foreign policy, shall be recorded on separate forms. Such records shall not be submitted to the U.S. Department of Labor, but may be used by the appropriate Federal agency in evaluating the agency's program to reduce occupational injuries illnesses and accidents.

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## 1960.4—RECORD OR LOG OF FEDERAL OCCUPATIONAL INJURIES AND ILLNESSES

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(a) Each Federal agency shall maintain a record or log of all recordable occupational injuries and illnesses for each establishment. Where both civilian and noncivilian employees are employed at a single establishment, separate records or logs shall be maintained for each category.

(b) Within 6 working days after receiving in-

formation of a recordable occupational injury or illness, appropriate information concerning such injury or illness shall be entered on the record or log. For this purpose, OSHA Form No. 100F, or its equivalent, shall be used and shall be completed in the detail required by that form and the instructions contained therein.

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## 1960.5—SUPPLEMENTARY RECORD OF FEDERAL OCCUPATIONAL INJURIES AND ILLNESSES

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In addition to the record or log of Federal occupational injuries and illnesses provided for under § 1960.4, each Federal agency shall maintain a supplementary record for each occupational injury and illness. The record shall be completed within 6 working days after the receipt of information that a recordable occupa-

tional injury or illness has occurred. For this purpose, OSHA Form No. 101F, or Federal Employees' Compensation Forms, or other equivalent forms may be used. OSHA Form No. 101F, or its equivalent, shall be completed in the detail required by the form and the instructions contained therein.

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## 1960.6—QUARTERLY AND ANNUAL SUMMARIES OF FEDERAL OCCUPATIONAL INJURIES AND ILLNESSES

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(a) Each Federal agency, on a calendar year basis, should compile an annual summary of occupational injuries and illness for each establishment, and shall compile both a quarterly and annual summary of occupational injuries and illnesses for each reporting unit. The summaries shall be based on the record or log of Federal occupational injuries and illnesses maintained pursuant to § 1960.4. OSHA Form No. 102F shall be used for these purposes, and shall be completed in the form and detail required by that form and the instructions contained there-

in.

(b) Each agency shall furnish the Department of Labor with a copy of its quarterly and annual summaries compiled on the basis of reporting units. Each quarterly summary and the annual summary of Federal occupational injuries and illnesses shall be completed and forwarded to the Department of Labor no later than 45 calendar days after the close of the applicable reporting period.



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## 1960.7—QUARTERLY AND ANNUAL SUMMARIES OF FEDERAL OCCUPATIONAL ACCIDENTS

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(a) Each Federal agency, on a calendar year basis, shall compile both a quarterly and an annual summary of Federal occupational accidents for each reporting unit. OSHA Form No. 102FF shall be used for this purpose, and shall be completed in the form and in the detail required by that form and the instruction contained therein.

(b) Each quarterly summary and the annual summary of Federal occupational accidents shall be completed and forwarded to the Department of Labor no later than 45 calendar days after the close of the applicable reporting period.

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## 1960.8—REPORTING OF SERIOUS ACCIDENTS

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(a) Within 2 working days after the occurrence of an employment accident which is fatal to one or more employees, which results in the hospitalization of five or more employees, or which involves property damage of \$100,000 or more, or within 2 working days after the occurrence of a death which is the result of an employment accident, the head of the Federal agency shall report the accident either by telephone or by telegraph to the Secretary of Labor. The report shall relate the circumstances of the accident, any actions taken by the agency regarding the accident, the number of fatalities, and the extent of any injuries. The agency head shall also report any employment accident involving both Federal and non-Federal employees which results in a fatality or the hospitalization of five or more such employees. The Secretary of Labor

may require such additional reports, in writing or otherwise, as he deems necessary.

(b) Agencies shall construe the term "employment accident" in a liberal manner for the purposes of this section, and shall report such accidents even where there is some doubt as to the relationship between the accident and the "course" or "scope" of employment activities. This requirement is necessary in order that the Secretary of Labor may meet his legal obligations, and the reporting of an accident pursuant to this section therefore does not preclude an agency from making separate determinations regarding the circumstances of the accident as they may relate to administrative or legal proceedings to establish liability for compensation.

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## 1960.9—LOCATION AND UTILIZATION OF RECORDS AND REPORTS.

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(a) Section 2(b)(13) of the Act declares that one of the purposes of the Act is to encourage joint labor-management efforts to reduce injuries and disease arising out of employment; and, as set forth in § 1960.1(e), the participation of all employees and labor organizations representing

employees has been deemed particularly significant in the success of a Federal agency's occupational safety and health program. The provisions of this section, dealing with the availability of information compiled pursuant to the provisions of this subpart, are designed to guide

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agencies in providing agency employees and their representatives with the basic information necessary to assure that they can actively participate in an agency safety and health program. The provisions of this section are also designed to encourage agencies to allow agency safety and health inspectors to have direct access to the accident, injury and illness records of the establishments they are inspecting in order that they may better carry out their duties pursuant to Subpart D of this part.

(b) The log and supplementary records required by §§ 1960.4 and 1960.5 should be maintained at each establishment. Where, for reasons of efficient administration or practicality, an agency must maintain these records at a place other than at each establishment, such agency should ensure that there is available at each establishment a copy of these records. The copy of the log so maintained or made available at an establishment should reflect separately the injury and illness experience of that establishment. These records should be complete and as current as possible; in no case should more than 45 days elapse after the recording of an illness or injury occurring in an establishment and the availability of the records reflecting that injury or illness at that establishment.

(c)

(1) For agencies engaged in activities such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, which may be physically dispersed, the log and supplementary records, or copies thereof, may be maintained at a place to which employees report each day.

(2) For personnel who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work,

such as traveling employees, technicians, engineers, etc., the log and supplementary records, or copies thereof, may be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

(d) Each Federal agency should post a copy of the annual summary of Federal occupational injuries and illnesses for an establishment, as compiled pursuant to § 1960.6, at such establishment, no later than 45 calendar days after the close of the calendar year, or otherwise disseminate a copy of the annual summary for an establishment in written form to all employees of the establishment. Copies of the annual summary should be posted for a minimum of 30 consecutive days in a conspicuous place or places in the establishment where notices to employees are customarily posted. Where establishment activities are physically dispersed, the notice may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the notice may be posted at the location from which the employees operate to carry out their activities. Each Federal agency should take any necessary steps to ensure that such summary is not altered, defaced, or covered by other material.

(e) The head of each agency should make provision to ensure the availability of the records maintained under this subpart to employees and, with the permission of the employees involved, to representatives of employees. Such provision should be in accordance with other applicable statutes and regulations, and any applicable collective bargaining agreements.

(f) Agency safety and health inspectors should have access to accident, injury and illness records in accordance with the provisions of § 1960.26(b).

## 1960.10—ACCESS TO RECORDS BY SECRETARY OF LABOR

The records required to be maintained under the provisions of this subpart shall be available and made accessible to the Secretary of Labor or his authorized representative (including personnel of the National Institute for Occupational Safety and Health) unless such records are specifically required by statute or Executive Order to be kept secret in the interest of national de-

fense or foreign policy, in which case the Secretary of Labor shall have access to only such information as will not jeopardize national defense or foreign policy. The Secretary of Labor or his authorized representative shall request access to such records from the head of the agency prior to examination.

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**1960.11—RETENTION OF RECORDS**

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The records and reports required to be maintained under the provisions of this subpart shall be retained by each agency for 5 years following the end of the calendar year to which they re-

late, at any location including a Federal record retention center, to which the Secretary of Labor or his authorized representative would have reasonable access.

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**1960.12—PLAN OF ACTION**

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If it has not already done so by the effective date of this part, each Federal agency shall submit the following information to the Department of Labor no later than January 1, 1975 and at such other times as changes occur:

(a) A list of the names and addresses of each Federal reporting unit which will be covered in the records and reports required by this subpart.

(b) The average number of full-time and part-time personnel employed in each reporting unit

for which separate records and reports will be maintained.

(c) A brief description of any differences between an agency's internal recordkeeping and reporting system and the recordkeeping and reporting system provided by this subpart.

Any Federal agency created or reorganized after October 1, 1974 shall submit an appropriate plan within sixty working days of commencement of operations as a new entity.

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**1960.13 [RESERVED]**

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**1960.14 [RESERVED]**

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**SUBPART C—AGENCY ORGANIZATION**

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**1960.15—PURPOSE AND SCOPE**

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(a) The provisions of this subpart have been developed by the Secretary of Labor to provide guidance to agency heads in the management of

an effective and comprehensive occupational safety and health program.

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(b) Nothing in this subpart is intended in any way to modify the organization or the operation of an agency health services program conducted pursuant to 5 U.S.C. 7901 and OMB Circular A-72. Such a program can, however, contribute to the successful implementation of the occupational safety and health program set forth by this part, by providing for medical examinations, other health monitoring procedures, and the maintenance of medical records, where

agency safety and health standards adopted pursuant to this part so require. The Department of Labor will cooperate with the Civil Service Commission and other appropriate authorities and organizations to resolve problems which arise in connection with the implementation of an agency occupational safety and health program in relation to health services and other personnel policies and programs.

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## 1960.16—DESIGNATED SAFETY AND HEALTH OFFICIAL

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(a) Executive Order 11807 provides that the head of each agency shall:

Designate or appoint, to be responsible for the management and administration of the agency occupational safety and health program, an agency official with sufficient authority to represent effectively the interest and support of the agency head.

It is the considered judgment of the Secretary of Labor that an official of the rank of Assistant Secretary, or of equivalent rank or equivalent degree of responsibility, would be of such stature as to be able to fill such a position adequately. It is also the considered judgment of the Secretary of Labor that in order for such official "to represent effectively the interest and support of the agency head," such official should have sufficient headquarters staff with necessary training and experience, and who report directly and exclusively to such official, to carry out his functions under this part.

(b) The designated safety and health official should assist the agency head in establishing:

(1) an occupational safety and health policy to carry out the provisions of section 19 of the Act of Executive Order 11807;

(2) an organization and set of procedures that will effectively implement that policy by observing the provisions of this part, considering the mission, size and organization of the agency;

(3) goals and objectives for reducing and eliminating occupational accidents, injuries and illnesses;

(4) plans and procedures for evaluating the agency's occupational safety and health program effectiveness at all operational levels; and

(5) priorities with respect to the factors which cause occupational accidents, injuries and illnesses so that appropriate corrective action can be taken.

(c) The designated safety and health official should assist the agency head in taking appropriate steps to provide sufficient funds for necessary safety and health staff, equipment, material, and training required to ensure an effective agency occupational safety and health program.

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**1960.17—SAFETY AND HEALTH COMMITTEES**

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The head of each agency should provide for the establishment of agency safety and health committees, composed of representatives of management and representatives of the employees, at the national level, at the regional or comparable level, and at the establishment level, for the purpose of advising and assisting agency officials, at those respective levels, with

respect to their responsibilities under the agency occupational safety and health program. Such committees may also include technical personnel in accordance with the functions to be performed by a particular committee. Suggested functions of such committees are set forth in §§ 1960.25(b) and 1960.41, but these are not exclusive.

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**1960.18—POSTING OF NOTICE; AVAILABILITY OF ACT, THIS PART, AND DETAILS OF THE AGENCY SAFETY AND HEALTH PROGRAM**

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(a) Each agency should post and keep posted a notice or notices informing employees of the protections and obligations provided for in the Act, Executive Order 11807 and agency programs under this part. The Department of Labor will furnish a uniform poster to agencies. Each agency should add to this uniform poster, or include in its notice or notices, the details of the agency's procedures (established pursuant to § 1960.31) for reports by employees of possible unsafe or unhealthful working conditions of which they have cognizance, the location where employees will be able to obtain information about the agency's occupational safety and health program, including specific agency occupational safety and health standards, and relevant information about any establishment safety and health committee. Such notice or notices should be posted by the agency in each establishment in a conspicuous place or places where

notices to employees are customarily posted. Such notices should not be altered, defaced, or covered by other material, and should be kept up to date. Agencies may also convey the information required by this paragraph to employees by other means, provided the notice or notices are also posted in accordance with this paragraph.

(b) Copies of the Act, Executive Order, regulations and guidelines published in this part, details of the agency's safety and health program and applicable safety and health standards, or summaries of any of the forgoing items, should be made available upon request to employees or employee representatives for review in the establishment where the employees are employed as soon as practicable and at a time mutually convenient to the employees and employee representatives and the agency.

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**1960.19—DUTIES OF AGENCY OFFICIALS AND EMPLOYEES**

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(a) Each employee who exercises any supervisory functions should comply with agency occupational safety and health standards and all rules, regulations, and orders issued by the head of the agency with respect to the agency occupational safety and health program. In addition, any such

employee who is the official in charge of an establishment should comply with any additional rules, regulations or orders issued by the head of the agency to implement the provisions of Subpart D of this part with respect to the particular duties of such an official in the identifica-

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tion and correction of unsafe or unhealthful working conditions.

(b) Each employee should comply with agency occupational safety and health standards and all rules, regulations, and orders issued by the head of the agency which are applicable to an employee's own actions and conduct; and each employee should report any unsafe or unhealthful working condition of which he becomes aware to employees who exercise supervisory functions, or, pursuant to the procedure established in accordance with the provisions of § 1960.31, to agency safety and health officials.

(c) The head of each agency should ensure that in any evaluation of performance or potential, the excellence or culpable failure of each official in charge of an establishment, supervisory employee, or other employee in the performance of his or her occupational safety and health responsibilities be taken into consideration in accordance with any applicable rules of the Civil Service Commission or other appropriate authority. Recognition of group or individual

superior performance should be encouraged.

(d) The head of each agency should ensure that needed safeguards are included in the agency occupational safety and health program to ensure that no employee is subject to restraint, interference, coercion, discrimination or reprisal by virtue of such employee's participation in the agency occupational safety and health program, including the filing of a report of an unsafe or unhealthful working condition, the initiation of any proceeding under or related to this program, participation by comment or testimony in such proceeding, or the exercise by such employee on behalf of himself or of others of any other right afforded by section 19 of the Act, Executive Order 11807, and the agency program established pursuant to this part. These safeguards should include procedures for the enforcement of these rights which should be consistent with any rules and regulations of the Civil Service Commission and of the agency involved which deal with such matters of restraint, interference, coercion, discrimination or reprisal.

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## 1960.20—24—[RESERVED]

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### SUBPART D—PROCEDURES FOR INSPECTIONS AND ABATEMENTS

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## 1960.25—PURPOSE, SCOPE AND GENERAL PROVISIONS

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(a) Executive Order 11807 provides that the head of each agency shall:

\*\*\*assure prompt attention to reports by employees or others of unsafe or unhealthful working conditions; assure periodic inspections of agency workplaces by personnel with sufficient technical competence to recognize unsafe and unhealthful working conditions in such workplaces; and assure prompt abatement of unsafe or unhealthful working conditions, including those involving facilities and/or equipment furnished by another Government agency, informing the Secretary of significant difficulties encountered in this regard.

The purpose of this subpart is to provide guidance to agency heads in carrying out these

duties.

(b) It is the general intent of these guidelines that day to day responsibility for the inspection and abatement activities to be carried out pursuant to the provisions of this subpart be delegated by designated safety and health officials of agencies to appropriate agency personnel qualified for this purpose. The Secretary of Labor recognizes, however, that designated safety and health officials may desire and should in fact retain personal responsibility for some day to day agency safety and health activities. Appropriate provisions has therefore been made in these

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guidelines for the direct exercise of responsibility by designated safety and health officials where, as in §§ 1960.31, 1960.32, and 1960.34, communication with the Secretary of Labor may be involved.

(c) Safety and health committees at the establishment and higher levels, as described in § 1960.17, can play a significant role in assisting the designated safety and health official and his respective designees in carrying out their safety and health duties and the provisions of this subpart, as suggested by §§ 1960.26 (b), 1960.29(a) and 1960.31(f). Such committees should be kept informed of safety and health matters within their area of concern, as provided in §§ 1960.32, 1960.33(a) and 1960.34(c).

(d) The provisions of this subpart are not intended to relieve agencies which occupy space for which the General Services Administration or another agency has assignment responsibility from the duties imposed upon them by such occupancy, including the development and maintenance of sound fire prevention programs for such facilities, the conservation of services and supplies, the use of good housekeeping methods, the preservation of a good working atmosphere, participation in a Facility Self-Protection Plan for dealing with safety emergencies, and payment of user charges. Agencies providing safety and health services pursuant to this subpart and which occupy space for which GSA or another agency has assignment responsibility should take note of those

services which GSA or the other agency provides for various levels of user charges, and appropriate reimbursement provisions where the agency performs the services for which GSA or the other agency has responsibility.

(e) Nothing in the provisions of this subpart is intended to preclude arrangements between agencies for the exchange of information and personnel necessary to carry out these provisions.

(f) Executive Order 11807 authorizes assistance to agencies by the Secretary of Labor, upon request and reimbursement for the expenses thereof, in the training of appropriate agency safety and health personnel, the conduct of inspections, and the abatement of unsafe or unhealthful working conditions. Agencies are encouraged to take advantage of such assistance, particularly with respect to the investigation of serious accidents.

(g) The Secretary of Labor has determined that in order to successfully perform his consultation, evaluation and guidance functions pursuant to Section 3 of Executive Order 11807, he needs certain information from each agency about special problems that occur in agency inspection and abatement activities. Accordingly, agencies should furnish the information requested in §§ 1960.31, 1960.32 and 1960.34, pursuant to agreements with the Secretary concerning the transmittal of information.

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## **1960.26—SAFETY AND HEALTH INSPECTORS; FREQUENCY OF INSPECTION**

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(a) Executive Order 11807 requires that each agency utilize as inspectors "personnel with sufficient technical competence to recognize unsafe or unhealthful working conditions" in the workplaces to be inspected. For workplaces there is an increased risk of accident, injury or illness due to the nature of the work performed, as in the case of chemical or machine processes or material-handling or loading operations, inspections should therefore be made by a safety and health specialist, as defined in § 1960.2(h) of this

part. For workplaces where there is little risk involved, inspections need not be made by a safety and health specialist, but should be conducted by a person having sufficient training and/or experience in the safety health needs of the workplaces involved to adequately carry out the duties of an inspector as set forth in Executive Order 11807 and this subpart. Also inspectors should be accompanied on such inspections by representatives of the official in charge of the establishment being inspected, and representa-

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tives of the employees of such establishment, pursuant to the provisions of § 1960.29.

(b) Agencies should authorize safety and health inspectors to utilize the services of additional technical and professional personnel, including labor organization and/or safety committee personnel who possess such expertise, to aid them to evaluate the safety and health of working conditions while conducting an inspection. All safety and health inspectors should be provided with technical test equipment where appropriate.

(c) Each agency which has areas containing in-

formation classified in the interest of national security should provide access to safety and health inspectors who have obtained the appropriate security clearance.

(d) All workplaces, including offices, should be inspected at least once annually. For all workplaces where there is an increased risk of accident, injury or illness due to the nature of the work performed, inspections should be conducted more frequently, as determined by the designated safety and health official or his designee based upon extent and degree of risk of accident, injury or illness involved.

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## 1960.27—CONDUCT OF INSPECTION

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(a) For the purpose of assuring safe and healthful working conditions for employees of agencies, safety and health inspectors should be authorized to enter without delay, and at reasonable times, any building, installation, facility, construction site, or other area, workplace or environment where work is performed by employees of the agency; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; and to question privately any employee, and/or any supervisory employee, and/or any official in charge of an establishment. Subject to these provisions, and to the provisions of §§ 1960.26 and 1960.28, inspections should take place at such times and in such establishments as the designated safety and health official or his designee directs.

(b) Prior to commencement of an inspection, the inspector should be instructed to examine appropriate accident, injury and illness records of the establishment to be inspected, pursuant to § 1960.9(f), in order to facilitate the identification of unsafe or unhealthful working conditions.

(c) Safety and health inspectors should be in-

structed to take environmental samples where appropriate, to take or obtain photographs related to the purpose of the inspection, and to employ other reasonable techniques of inspection.

(d) Safety and health inspectors should be instructed to comply with all safety and health rules and practices at the establishment being inspected, and to wear and use appropriate protective clothing and equipment.

(e) The conduct of inspections should be such as to preclude unreasonable disruption of the operations of the establishment.

(f) At the conclusion of an inspection, the safety and health inspector should confer with the official in charge of the establishment or his representative, and an appropriate representative of the employees of the establishment, and informally advise them of any apparent unsafe or unhealthful working conditions disclosed by the inspection. During such conference, the official in charge of the establishment and the employee representative should be afforded an opportunity to bring to the attention of the safety and health inspector pertinent information regarding conditions in the workplace.



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**1960.28—ADVANCE NOTICE OF INSPECTIONS**

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(a) Advance notice of inspections should not be given to the official in charge of an establishment, except in the following situations:

(1) in cases of apparent imminent danger, to enable the official in charge of an establishment to abate the danger as quickly as possible;

(2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;

(3) where necessary to assure the presence of representatives of the official in charge of the establishment or representatives of employees, or the appropriate personnel needed to aid in the inspection; and

(4) where required by security regulations.

(b) In the situations described in paragraph (a) of this section, advance notice of inspections should be given only if authorized by the designated safety and health official or his designee, except that in cases of apparent imminent danger, advance notice could be given by the safety and health inspector without such authorization if the designated safety and health official or his designee is not immediately available. When advance notice is given to the official in charge of the establishment, it should be his responsibility to notify promptly, upon receipt of this information, the representative of employees for the purposes set forth in § 1960.29. Advance notice in any of the situations described in paragraph (a) of this section should not be given more than 24 hours before the inspection is scheduled to be conducted, except in unusual circumstances.

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**1960.29—REPRESENTATIVES OF OFFICIALS IN CHARGE AND REPRESENTATIVES OF EMPLOYEES**

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(a) Safety and health inspectors should be in charge of inspections and questioning of persons. A representative of the official in charge of an establishment and a representative of employees under his supervision should be given an opportunity to accompany the safety and health inspector during the physical inspection of any workplace, both to aid the inspection and to provide such representatives with more detailed knowledge about any existent or potential unsafe or unhealthful working conditions. A safety and health inspector should also arrange for additional representatives of the official in charge and additional representatives of employees to accompany him where he determines that such additional representatives will further aid the inspection. A different representative of the official in charge and a different

representative of employees may be allowed to accompany the safety and health inspector during each different phase of an inspection. The members of an establishment's safety and health committee, created pursuant to § 1960.17, may act in the capacity of representatives for the purposes of this section if the committee and the official in charge of the establishment so agree.

(b) Safety and health inspectors should be authorized to deny the right of accompaniment under this section to any person whose participation interferes with a fair and orderly inspection. With regard to facilities classified in the interest of national security, only persons authorized to have access to such facilities should be allowed to accompany a safety and health inspector in such areas.

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## 1960.30—CONSULTATION WITH EMPLOYEES

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Safety and health inspectors should consult with employees concerning matters of occupational safety and health to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection. During the course

of an inspection, any employee should be afforded an opportunity to bring to the attention of the safety and health inspector any unsafe or unhealthful working condition which he has reason to believe exists in the workplace.

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## 1960.31—REPORTS BY EMPLOYEES OF UNSAFE OR UNHEALTHFUL WORKING CONDITIONS

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(a) The purpose of this section is to provide guidance in the establishment of a channel of communication between agency employees and those with responsibilities for safety and health matters which will assure prompt analysis and response to reports of alleged unsafe or unhealthful working conditions in accordance with the requirements of Executive Order 11807. Since many safety and health problems can be eliminated as soon as they are identified, the existence of this channel of communication is intended to supplement oral reports of unsafe or unhealthful working conditions made by employees to their supervisors, not to act as a substitute for such reports. At the same time, however, an employee should not be required to await the outcome of such an oral report before filing a written report pursuant to the provisions of this section. Nothing in this section is intended to interfere in any way with the prior, simultaneous or subsequent use of any employee of the grievance procedures established pursuant to Executive Order No. 11491, as amended, Executive Order 11636, collective bargaining agreement, or 5 CFR Part 771 (or military equivalent) as a means of requesting correction of alleged unsafe or unhealthful working conditions.

(b) Any employee or representative of employees who believes that an unsafe or unhealthful working condition exists in any workplace where such employee is employed, should be authorized to request an inspection of such workplace by giving notice of the alleged unsafe or unhealthful working condition to the design-

ated safety and health official, or to his designee for this purpose. Any such report should be reduced to writing; should set forth with reasonable particularity the grounds for the report; and should be signed by the employee or representative of employees. Upon the request of the person making such report, the designated safety and health official or his designee for this purpose should not disclose the name of such person or the names of individual employees referred to in the report to anyone other than authorized representatives of the Secretary of Labor, except as provided in paragraph (c) of this section. In the case of imminent danger situations, employees should be allowed to make reports first by telephone or telegraph and reduce them to writing as soon as practicable thereafter.

(c) The designated safety and health official or his designee should consider the report and determine within 5 working days after receipt of such report whether there are reasonable grounds to believe that the alleged unsafe or unhealthful working condition exists. If he does so determine, he should cause an inspection to be made as soon thereafter as possible to determine if such alleged unsafe or unhealthful working condition does in fact exist. If the inspector is unable to locate the alleged unsafe or unhealthful working condition without the assistance of the person who submitted the report, the designated safety and health official or his designee may give the inspector the name of such person, but he should satisfy himself that the name of the person submitting the report and the names

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of individual employees referred to in the report will not be disclosed to anyone else. In the event the employee report, whether oral or in writing, describes an unsafe or unhealthful working condition which may present imminent danger to the safety or health of employees, the designated safety and health official or his designee should make an immediate determination as to whether there are reasonable grounds to believe that the alleged unsafe or unhealthful working condition exists; and if he does so determine, he should cause an immediate inspection to be made.

(d) Inspections initiated pursuant to this section need not be limited to matters referred to in the report of an alleged unsafe or unhealthful working condition. Prior to or during any inspection of a workplace initiated pursuant to this section, any employee employed in such workplace, or representative of employees, should be permitted to notify the safety and health inspector of any other unsafe or unhealthful working condition which he has reason to believe exists in such workplace.

(e) If the designated safety and health official or his designee determines that there are no reasonable grounds to believe an unsafe or unhealthful working condition exists, or if an inspection is made on the basis of a report alleging such condition but no such condition is determined to exist, the employee or representative of employees who filed the report should be so notified in writing. The employee or representative of employees should be given an opportunity for prompt and informal review of such determination by appropriate officials, including final review by the designated safety and health official. Any determination made during this review process should be in the form of a written statement setting forth the reasons for such dis-

position. Employees and employee representatives should be informed of these rights and procedures for review.

(f) The designated safety and health official may utilize as his designee for the purposes of this section, where this section entitles a designee to act on his behalf, an appropriate safety and health committee created pursuant to § 1960.17, but he should satisfy himself that the confidentiality of the identity of the persons making or named in a report of an alleged unsafe or unhealthful working condition will be adequately preserved.

(g) Agencies should include in their procedures a means for any employee or representative of employees who filed a report alleging an unsafe or unhealthful working condition, and who is dissatisfied with the final disposition by the agency, to contact in writing the Office of Federal Agency Safety Programs, U.S. Department of Labor (with a copy to the designated safety and health official), describing in detail the entire processing of the report of the alleged unsafe or unhealthful working conditions and setting forth his or her objections thereto. Each such person should be notified of such right by the agency upon final disposition of his report. The Office of Federal Agency Safety Programs, pursuant to § 1960.25(g), may request the agency to submit a report of its investigation, and may arrange for an inspection of the alleged unsafe or unhealthful working condition if necessary. Each agency should maintain its files on such reports and their disposition intact for 5 years following the end of the calendar year to which they relate, at any location, including a Federal record retention center, to which the Secretary of Labor or his authorized representative would have reasonable access.

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## 1960.32—IMMINENT DANGER

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Whenever and as soon as a designated safety and health official or his designee concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of such danger can be eliminated

through the normal abatement procedures described in §§ 1960.33 and 1960.34, he should inform the affected employees and official in charge of the establishment of the danger. The official in charge of the establishment, or a person empowered to act for him in his absence, should undertake immediate abatement and the

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withdrawal of employees not necessary for abatement of the dangerous conditions. In the event the official in charge of the establishment needs assistance to undertake full abatement, he should promptly contact the designated safety and health official and other responsible agency officials, who should assist him. Pursuant to § 1960.25(g), the designated safety and health

official should inform the Secretary of Labor, as soon as time permits, of any imminent danger which cannot be promptly and completely abated. Agency safety and health committees should be informed of all relevant actions as soon as time permits, as should representatives of the employees.

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## 1960.33—NOTICES OF UNSAFE OR UNHEALTHFUL WORKING CONDITIONS

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(a) Each agency should establish a procedure for issuing notices of unsafe or unhealthful working conditions discovered upon inspection. Notices should describe with particularity the nature of the unsafe or unhealthful working condition, including a reference to the standard or other requirement involved. The notice should also fix a reasonable time for the abatement of the unsafe or unhealthful working condition. A copy of the notice should be sent to the official in charge of the establishment, and to the safety and health committee of the establishment, if any.

(b) If a notice of an unsafe or unhealthful working condition is issued as a result of a report filed pursuant to § 1960.31, a copy of the notice of the unsafe or unhealthful working condition should also be sent to the person who made such report or notification.

(c) Upon receipt of any notice of an unsafe or unhealthful working condition, the official in charge of an establishment should immediately post such notice, or copy thereof, unedited, at or

near each place an unsafe or unhealthful working condition referred to in the notice exists or existed. Where, because of the nature of the establishment operations, it is not practicable to post the notice at or near each such place, such notice should be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where establishment activities are physically dispersed, the notice may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the notice may be posted at the location from which the employees operate to carry out their activities. The official in charge of an establishment should take steps to ensure that the notice is not altered, defaced, or covered by other material.

(d) Each notice of an unsafe or unhealthful working condition, or a copy thereof, should remain posted until the unsafe or unhealthful working condition has been abated, or for 3 working days, whichever is later.

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## 1960.34—CORRECTION OF UNSAFE OR UNHEALTHFUL WORKING CONDITIONS

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(a) The official in charge of an establishment should have primary responsibility for the correction of unsafe or unhealthful working conditions brought to his attention by any means.

Where a notice of an unsafe or unhealthful working condition has been issued pursuant to § 1960.33, abatement should be within the time set forth in the notice.

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**REGULATIONS AND PROCEDURES**

(b) The procedures for correcting unsafe or unhealthful working conditions should include reinspection, where practicable, to determine whether the correction was made. If upon reinspection, it appears that the correction was not made, or was not carried out in accordance with an abatement plan submitted pursuant to paragraph (c) of this section, the designated safety and health official should inform the head of the agency for appropriate action, including action in accordance with the provisions of § 1960.19(c).

(c) The official in charge of the establishment should immediately submit an abatement plan to the designated safety and health official, if in his judgment the abatement of an unsafe or unhealthful working condition will not be possible within 30 working days. Such plan should contain an explanation of the circumstances of the delay in abatement, a proposed timetable for the

abatement, and a summary of steps being taken in the interim to protect employees from being injured by the unsafe or unhealthful working condition. A copy of the plan should be sent to the safety and health committee of the establishment, if any, for appropriate comment and assistance. If the estimated abatement time is more than 60 working days, the designated safety and health official shall forward a copy of the plan to the agency head who should convey it to the Secretary of Labor. The head of each agency should inform the Secretary of Labor, pursuant to § 1960.25(g) and at regular intervals to be determined by the Secretary in accordance with the scope and extent of the risk to employee safety and health involved, as to the progress made in carrying out the abatement plan. Any changes in an abatement plan will require the submission of a new plan in accordance with the provisions of this section.

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**1960.35-39—[RESERVED]**

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**SUBPART E—AGENCY OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

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**1960.40—PURPOSE AND SCOPE**

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Executive Order 11807 requires that the head of each Federal agency establish procedures for the adoption of agency occupational safety and health standards, and that these agency standards be "consistent" with the standards promulgated by the Secretary of Labor pursuant to section 6 of the Act and applicable to private employment (hereinafter referred to as the Occupational Safety and Health Administration (OSHA) standards). For the purposes of this subpart, standards are "consistent" with OSHA standards if they provide protection to employees which is at least as effective, as the protection provided by the OSHA standards. Executive Order 11807 requires the Secretary of Labor to provide "such consultation to agencies as he deems necessary and appropriate to ensure" that agency standards are consistent with

OSHA standards. Specific assistance to agencies in the evaluation of working conditions and the adoption of standards is available from the Secretary of Labor pursuant to the provisions of Executive Order 11807. The purpose of this subpart is to provide guidance to agencies as to all aspects of standards adoption and application, based upon the experience of the Secretary of Labor in this regard, including guidance as to the type of consultation that should be undertaken with the Secretary of Labor prior to the adoption of various types of agency standards. In carrying out his responsibilities under this subpart, the Secretary of Labor shall have due regard for the need of agencies to move promptly in adopting agency safety and health standards.

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## 1960.41—PROCEDURES FOR ADOPTION

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Executive order 11807 requires the head of each agency to establish procedures for the adoption of any agency occupational safety and health standards. These procedures should include special provisions for the adoption of emergency temporary agency standards pursuant to § 1960.45, and which parallel those of section 6(c) of the Act. These procedures should also provide an opportunity for written comment by all interested persons. Agency safety and health committees may play an active role in the

formulation and consideration of agency occupational safety and health standards, as appropriate. Where employees of one or more Federal agencies primarily report to work in an establishment, as defined in § 1960.2(e), which is physically located on an establishment of another agency, such employees should be considered as interested parties with respect to the actions of such other agency pursuant to this subpart.

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## 1960.42—INITIAL ADOPTION OF AGENCY STANDARDS

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(a) In the order to meet the requirements of Executive Order 11807, agencies should proceed to adopt agency standards as soon as possible, pursuant to the provisions of § 1960.41 and this section.

(b) The OSHA standards should in most cases be adopted as agency occupational safety and health standards unless an agency head determines that employees of the agency are not and will not be exposed to working conditions for which an appropriate group of OSHA standards have been promulgated (i.e., that specific subparts of Parts 1910, 1915, 1916, 1917, 1918 and 1926 of this chapter are not relevant to agency working conditions). Consultation with the Secretary of Labor will be available in this regard and will consist of a review of an agency's own evaluation of the nature of agency working conditions, or such additional assistance as is requested by an agency pursuant to the provisions of Executive Order 11807.

(c) Where an agency has already adopted, prior to October 1, 1974 comprehensive agency occupational safety and health standards for the protection of agency employees which are not OSHA standards, the head of such agency may request the Secretary of Labor to consult with him as to the appropriateness of readoption of such standards as the agency occupational

safety and health standards required to be adopted pursuant to the provisions of this subpart. Such a request should include copies of the standards proposed to be so readopted, arranged insofar as practicable to correspond to appropriate subparts of the OSHA standards contained in Parts 1910, 1915, 1916, 1917, 1918 and 1926 of this Chapter, and should also include any other pertinent information.

(d) Agencies which traditionally adopt occupational safety and health standards as, and only as, part of particular job operation descriptions such as technical manuals, rather than as standards of general applicability to all employees, may request the Secretary of Labor to consult with them as to the consistency of such standards with OSHA standards, and as to the appropriateness of adoption of such standards pursuant to the provisions of this part. Such a request should be accompanied by a description of the system utilized and its scope, proposals to assure that such particular standards are and will be as effective as OSHA standards, and proposals to assure the participation of all interested persons in the adoption of such standards. Where the Secretary of Labor is unable to determine whether such standards are fully consistent with OSHA standards, he shall consult with the agency head as to the appropriate steps he believes necessary.

## REGULATIONS AND PROCEDURES

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## 1960.43—ADOPTION OF DIFFERENT AND/OR SUPPLEMENTARY AGENCY STANDARDS

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(a) The head of an agency, at any time after the adoption of standards pursuant to § 1960.42, may adopt in place of particular standards adopted pursuant to § 1960.42, such different standards as he determines are necessary and appropriate for specialized application to particular working conditions and other related needs of the agency. Such standards shall be consistent with the equivalent OSHA standards in accordance with the provisions of the Executive Order; and the head of such agency should consult with the Secretary of Labor prior to the adoption of such standards so as to allow the Secretary to provide such technical advice and guidance as may be necessary and appropriate in making such a determination.

(b) The head of an agency, at any time, should

adopt such supplementary standards as he determines are necessary and appropriate for application to working conditions of agency employees for which there exists no appropriate OSHA standards. The head of such agency should consult with the Secretary of Labor prior to the adoption of such standards so as to allow the Secretary to inform the agency head of any relevant matters of which he is aware.

(c) The head of each agency may revise, modify, or revoke any agency occupational safety or health standard, but such actions should be taken in accordance with the procedures established under § 1960.41 and pursuant to other appropriate provisions of this subpart.

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## 1960.44—CONFLICTING STANDARDS

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(a) Where employees of different agencies primarily engage in joint operations, and/or primarily report to work or carry out operations in the same establishment, as defined in § 1960.2(e), the heads of the agencies involved should consult with each other and with the Secretary of Labor as to the resolution of any conflict or potential conflict between the occupational safety and health standards of the agencies for the conduct of such joint operations and/or the design of such facilities.

(b) Where the head of an agency is required by law to comply with requirements promulgated by a Federal authority affecting the occupational safety and health of the employees of his agency, such requirements might conflict with the agency occupational safety and health standards adopted pursuant to this subpart; that is, compliance with such requirement may make simultaneous compliance with an agency occupational safety and health standard impossible. For example, standards issued by the General

Services Administration pertaining to space for which it has assignment responsibility, pursuant to its statutory authority to conserve and protect such property, might create a conflict with the standards adopted pursuant to this part because GSA standards pertain to certain aspects of fire safety and sanitation, as well as levels of illumination, heating, cooling, and gas consumption for government vehicles. In cases where compliance with standards of another agency conflicts with the duty imposed upon the head of an agency to assure employee safety and health pursuant to Section 19 of the Act and Executive Order 11807, the head of such agency should inform the head of the other Federal authority and the Secretary of Labor of such conflict, so that joint efforts to resolve the conflict may be undertaken.

(c) Appropriate employee representatives should be kept informed of any activities undertaken pursuant to this section.

## REGULATIONS AND PROCEDURES

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**1960.45—EMERGENCY STANDARDS**

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(a) In emergency situations, the Secretary of Labor will not have the time necessary to consider whether or not emergency temporary occupational safety and health standards adopted by agencies are "consistent" with those emergency temporary OSHA standards promulgated by the Secretary of Labor pursuant to section 6(c) of the Act. Therefore, in the event the Secretary of Labor does promulgate such a standard, the head of each agency should adopt it without change, and should immediately assure that any agency employees exposed to the unsafe or unhealthful working condition involved receives the protection provided for in such standard unless an emergency affecting the national defense makes this impossible. Such

standard should remain effective as an agency standard until such time as the Secretary of Labor promulgates a permanent standard and the agency has completed procedures provided for by this subpart for the adoption of an agency occupational safety and health standard.

(b) An agency head may also adopt emergency temporary agency occupational safety and health standards when he deems such action necessary for the protection of agency employees from grave dangers. Such agency head should immediately inform the authorized representatives of employees of the agency and the Secretary of Labor of such action.

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**1960.46—ACCESS TO STANDARDS**

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(a) Each agency should notify the Secretary of Labor on a quarterly basis of the final adoption, revision, modification, or revocation of any agency occupational safety and health standard taken within the current quarter, and make copies available to him upon request.

(b) Where any incorporation by references is

involved in promulgating, revising or modifying any standard pursuant to this subpart, agencies should follow the rules set forth in 1 CFR 51.6, 51.7, and 51.8. Difficulties in this regard should be reported to the Secretary of Labor, who will consult with the Director of the FEDERAL REGISTER and then advise agencies in this regard.

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**1960.47-49—[RESERVED]**

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**SUBPART F—FIELD FEDERAL SAFETY AND HEALTH COUNCILS**

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**1960.50—PURPOSE AND SCOPE**

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Executive Order 11807 provides that the Secretary of Labor shall "facilitate the exchange of ideas and information throughout the Government with respect to matters of occupational and

health through such arrangements as he deems appropriate." The Secretary of Labor will establish and continue Field Federal Safety and Health Councils in the fulfillment of this provi-



## REGULATIONS AND PROCEDURES

sion with respect to matters of occupational safety and health on a local level. The councils will consist of representatives of local area Federal agencies, and of labor organizations representing employees of local area Federal agencies. The Secretary of Labor will provide lead-

ership and guidance to the Field Federal Safety and Health Councils in fulfilling their responsibilities, and agency heads should ensure that field units within an agency are officially represented and actively participate in the programs of these councils.

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**1960.51-59—[RESERVED]**

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## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION STANDARDS

Section 19 of the Occupational Safety and Health Act of 1970 requires that the head of each Federal agency maintain an effective and comprehensive occupational safety and health program consistent with the standards promulgated under Section 6 of the Act for the private sector.

OSHA has published occupational safety and health standards for the maritime, construction, and general industry in the Federal Registers of June 19, 24, and 27, 1974, respectively. These standards are revised periodically in the Federal Register.

The standards have been published in an easier-to-use format which is titled the Occupational Safety and Health Subscription Service. This service not only includes the standards, but their interpretations, and an updating service as the standards are revised. The service is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. See the Subscription Service order form on page 39 of this booklet for more information.

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