

<b>DEPARTMENTAL REGULATION</b>		<b>Number:</b> DR 4410-004
<b>SUBJECT:</b> Safety Management Program	<b>DATE:</b> November 18, 2005	
	<b>OPI:</b> Office of Human Capital Management	

1 PURPOSE

This regulation establishes requirements for the Department of Agriculture Safety Management Program (SMP).

2 POLICY

- a USDA recognizes the safety and health of its employees as a critical component of an organization that must be funded, managed, and protected in order to meet its overall mission at all levels of the organization. The SMP is operated for the purpose of preventing, eliminating or minimizing losses incurred by the Department, individual employees, and members of the general public as a result of incidents involving injury, illness, or property damage in USDA workplaces.
- b The Department encourages agency participation in Department of Labor (DOL) Occupational Safety and Health Administration (OSHA), Field Federal Safety and Health Councils; interagency committees or organizations; joint educational and training projects; and other cooperative efforts that improve the quality of all USDA agency safety management programs.
- c The Department requires full participation by its constituent agencies in the SMP which is designed to train, assist and encourage all employees to perform their duties in a safe and healthful manner.
- d USDA employees will not be subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthy working condition, or participating in agency safety management program activities.

- e Safe working conditions will be provided to all employees. Periodic inspections of all agency workplaces will be performed by qualified and properly equipped safety and health inspectors. At a minimum, annual inspections are required. More frequent inspections are required in areas with chemical or biological agents, and in sites with hazardous or complex work processes. Employee representatives will be provided an opportunity to accompany inspectors during agency workplace inspections.
- f An unsafe and unhealthful working condition will be promptly abated whenever possible. If such conditions cannot be abated within 30 calendar days, the agency shall develop a Hazard Abatement Plan setting forth a timetable for abatement and a summary of the interim steps to protect employees in accordance with Executive Order 12196 and 29 CFR Part 1960.30, Abatement of Unsafe or Unhealthful Working Conditions.
- g Safety and Health Committees are useful for monitoring and assisting agencies in implementing their safety and health program. Agencies may elect to establish safety and health committees at appropriate organizational levels. However, OSHA certified committees are not recognized within USDA.

### 3 ABBREVIATIONS

- a DASHO - Designated Agency Safety and Health Official.
- b CDSHO - Collateral Duty Safety and Health Officer.
- c OHCM - Office of Human Capital Management.
- d OSHA - Occupational Safety and Health Administration, Department of Labor.
- e QWLD - Quality of Work Life Division.
- f SMP - Safety Management Program.
- g USDA - United States Department of Agriculture.

### 4 DEFINITIONS

- a Agency. Any employing unit or authority of the Department of Agriculture. An agency is an organizational component of USDA at a level below the Department level. For the purposes of this directive, the term “agency” also includes Department-level Staff Offices.

- b Collateral Duty Safety and Health Officer. A staff person who has met the minimum qualifications established by OSHA for CDSHO's; the requirements of this regulation, and those established by the specialized needs of the employing USDA agency. A CDSHO conducts SMP activities as part of his or her official employment tasks, and is not considered a Safety and Health Inspector.
- c Employee Representative. Representatives of agency employees is consistent with the Federal Service Labor Management Relations Statute (5 U.S.C. 71), or collective bargaining or other labor-management arrangements. As used in this part, the term "employee representative" shall be interpreted with due regard for any obligation imposed by the aforementioned statute and any other labor-management arrangement that may cover the employees involved.
- d Establishment. The term establishment means a single physical location where business is conducted or where services or operations are performed. Where distinctly separate activities are performed at a single physical location, each activity shall be treated as a separate establishment. Typically, an establishment as used in this directive refers to a field activity, regional office, area office, installation, or facility.
- e Fatality. Death resulting from a work-related injury or illness.
- f Injury. A wound or other condition of the body caused by external force including stress or strain. The injury is identifiable as to time and place of occurrence and member or function of the body affected, and is caused by a specific event or incident or series of events or incidents within a single day or work shift.
- g Illness. A physiological harm or loss of capacity produced by systematic infection; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc.; or other continued and repeated exposures to conditions of the work environment over a period of time. For the purpose of this directive, an illness is any reported condition which does not meet the definition of injury.

- h Inspection. A comprehensive survey of all or part of a workplace in order to identify safety and health hazards, and to determine if the workplace facility and operations are in compliance with applicable policies, laws, rules and regulations.
- i Notice of Unsafe and Unhealthful Working Conditions. In accordance with 29 CFR Part 1960.26, a Notice of Unsafe or Unhealthful Working Conditions shall be issued which describes with particularity the nature and degree of seriousness of the unsafe or unhealthful working condition, including a reference to the standard or other requirement involved.
- j Safety and Health Inspector. A Safety and Health Specialist/Manager or other authorized person, pursuant to Executive Order 12196, Section 1-201(g), to carry out inspections for the purpose of the requirements of 29 CFR Part 1960, Subpart D, Inspection and Abatement.
- k Safety and Health Specialist/Manager. A person meeting the Office of Personnel Management's (OPM) position qualification standards for such occupations, which include but are not limited to: Occupational Safety and Health Specialist/Manager, GS-018; Safety Engineer GS-803; Fire Prevention Engineer GS-804; Industrial Hygienist GS-690; Safety Technician GS-019; Chemist GS-1320 and Aviation Safety Specialist GS-1825 or equally qualified military, agency, or non-government personnel. The agency head is responsible for determining and certifying equally qualified personnel.
- l Safety Management Program. The Departmental and agency staff and systems designed to develop, coordinate, implement and monitor efforts to recognize, prevent, eliminate or minimize unsafe working conditions, employee injuries, illnesses, fatalities, property damage and related interruption of the Department's mission.
- m Workplace. A physical location where the agency's work or operations are performed. A workplace includes telecommuting centers and other locations which comply with the Department's Teleworking Program, DR 4080-811-002.

## 5 AUTHORITIES

- a Occupational Safety and Health Act of 1970, Section 6 (29 United States Code (U.S.C) 655) and Section 19 (29 U.S.C. 668 and 5 U.S.C. 7902), establish requirements governing the operation of safety and health programs.
- b Executive Order 12196 “Occupational Safety and Health Programs for Federal Employees” requires Federal agencies to establish and operate safety and occupational health programs.
- c 29 CFR Part 1960 “Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters” establishes requirements for specific Federal agency safety and health programs.
- d 29 CFR Part 1904 “Recordkeeping and Reporting Occupational Injuries and Illnesses” establishes requirements for recording employee injuries, illnesses and fatalities.

## 6 RESPONSIBILITIES

- a The Assistant Secretary for Administration will:
  - (1) Serve as the Department’s Designated Agency Safety and Health Official (DASHO);
  - (2) Advise the Secretary of Agriculture and USDA agency and staff officials in planning, developing and implementing policies, programs and systems as they affect the safety and health of USDA employees and the oversight and implementation of the USDA SMP;
  - (3) Exercise final authority in all safety and health matters, including individual cases, that involve the jurisdiction of more than one USDA Agency Head; and
  - (4) Ensure USDA agency compliance with OSHA and other applicable safety program-related regulations.

- b The Director, Office of Human Capital Management (OHCM) (through delegation to the Director, Quality of Work Life Division (QWLD) will:
- (1) Advise the Assistant Secretary for Administration and USDA agency and staff officials in the planning, development and implementation of policies, programs and systems that affect the safety and health of USDA employees and the oversight and implementation of the USDA SMP;
  - (2) Develop and interpret Departmental policies, standards, and program elements for the development and implementation of the USDA SMP;
  - (3) Contribute to the formulation of government-wide safety and health policies and projects through participating in activities of the Federal Advisory Council on Occupational Safety and Health;
  - (4) Conduct periodic reviews to ensure compliance with Departmental, Federal and other applicable regulatory SMP requirements;
  - (5) Provide agency officials with technical assistance and consultative services for:
    - (a) Investigations of catastrophic or serious accidents,
    - (b) Employee reports of unsafe/unhealthful working conditions,
    - (c) Employee reports of reprisal because of involvement in safety and health activities and programs,
    - (d) Safety and health provisions in labor management agreements and,
    - (e) Staffing and organizational proposals.
  - (6) Retrieve, correlate and analyze data related to USDA's SMP and make recommendations for program actions at the agency level;

- (7) Conduct periodic inspections and investigations of USDA workplaces to evaluate reported, alleged or suspected unsafe/unhealthful working conditions and alleged acts or reports of reprisal toward employees. Issue reports to agency heads which include conclusions and recommendations for corrective action; and,
  - (8) Provide liaison and coordination with the Office of Personnel Management, Department of Labor, Department of Health and Human Services, Environmental Protection Agency, Consumer Product Safety Commission, General Services Administration and Department of Transportation; safety and health components of State and local governments and universities; and other interested or affected organizations or parties to conduct oversight activities, special research, technical assistance and other activities affecting the USDA SMP.
- c Agency Heads will:
- (1) Furnish employees with places and conditions of employment that are free from recognized safety and health hazards that may contribute to the occurrence of work-related injuries, illnesses, fatalities, and/or destruction of physical property.
  - (2) Initiate and operate a comprehensive SMP designed to:
    - (a) Establish safety as a critical component of agency programs and operations, and ensure that the agency budget submission includes appropriate financial and other resources to effectively implement and administer the agency's SMP. Appropriate resources include but are not limited to: sufficient personnel to implement and administer the program at all levels; timely abatement of unsafe or unhealthful working conditions; safety and health sampling, testing, tools and equipment; travel; personal protective equipment; recordkeeping systems; laboratory analyses; contracts to analyze or identify hazardous conditions; training, technical information, books etc.; and medical surveillance programs for employees;
    - (b) Employ qualified staff, based on OPM qualification standards, OSHA regulations, and this directive. Select candidates for SMP positions who have sufficient safety and occupational health training, background, education and experience to fully implement the agency's SMP.

Executive Order 12196 requires that each agency utilize as inspectors "personnel with equipment and competence to recognize hazards." Safety and health specialists as defined in 29 CFR Part 1960.2(s), with experience and/or up-to-date training in occupational safety and health hazard recognition and evaluation are considered as meeting the qualifications of a safety and health inspector. For those working environments where there are less complex hazards, such safety and health specializations as cited above may not be required, but inspectors in such environments shall have sufficient documented training and/or experience in the safety and health hazards of the workplace involved to recognize and evaluate those particular hazards and to suggest general abatement procedures. The inspector shall provide specific written descriptions of the procedures followed in the inspection and the findings that form the basis for the issuance of any Notice of Unsafe or Unhealthful Working Conditions.

- (c) Maintain agency injury and illness records in accordance with 29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illnesses. These records should be analyzed on a regular basis to assist in the identification of trends, and the implementation of measures designed to prevent employee injuries and illnesses and eliminate occupational hazards.
  - (d) Fully comply with the all safety and occupational health-related Federal and local laws, rules and regulations; and
  - (e) Comply with all Departmental SMP policies, directives and guidelines;
- (3) Designate a management official to serve as the agency's DASHO and provide the necessary qualified subordinate staffing, financial resources, and management support to develop and manage a comprehensive SMP. The agency's DASHO should be a Deputy Administrator or have equivalent rank. The agency headquarters SMP staff will report directly to or have appropriate access to the agency's DASHO;
- (4) Assure prompt response to all reports of unsafe or unhealthful conditions, including a response within 24 hours for imminent danger conditions, 3 working days for potentially serious



conditions, and 20 working days for other conditions. Assure the right to anonymity to those making such reports;

- (5) Assure that periodic inspections of all agency work places (as defined by OSHA and other applicable regulations), are performed by qualified and properly equipped safety and health inspectors, and provide for adequate employee representation during inspections. As a minimum, annual safety and health inspections are required, with more frequent inspections required in areas with chemical or biological agents, hazards, or complex work processes. Inspections are normally conducted during regular agency work hours, except as special circumstances may require. Inspections do not include routine or day-to-day visits by agency safety and health personnel, or routine workplace surveillance of occupational health conditions. Inspections must be conducted in compliance with 29 CFR Part 1960.26, Conduct of Inspections. Assure that employee representatives are provided an opportunity to accompany inspectors during agency workplace inspections;
- (6) Assure prompt abatement of unsafe and unhealthful working conditions and proper posting of any required "Notice of Unsafe and Unhealthful Working Conditions." A Notice of Unsafe and Unhealthful Working Conditions shall be in writing and shall describe with particularity the nature and degree of seriousness of the unsafe or unhealthful working condition, including a reference to the standard or other requirement involved. The inspector shall provide specific written descriptions of the procedures followed in the inspection and the findings that form the basis for the issuance of any Notice of Unsafe or Unhealthful Working Conditions.

The notice shall fix a reasonable time for the abatement of the unsafe or unhealthful working condition, and a copy of the notice shall be sent to the official in charge of the workplace and the employee representative who participated in the closing conference, and/or the safety and health committee of the workplace, if any. Upon receipt of any notice of an unsafe or unhealthful working condition, the official in charge of an establishment shall immediately post the unedited notice, or copy thereof (except for reason of national security), at or near each place an unsafe or unhealthful working condition referred to in the notice exists or existed. Where it is not practicable to post the notice at or near each place because of the nature of the workplace operations, the notice shall be posted in a prominent place where it will be readily observable by all affected

employees. For example, where workplace 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.

A Notice of Unsafe and Unhealthful Working Conditions must be posted not later than 15 days after completion of an inspection for safety violations, or not later than 30 days for health violations. The notice shall fix a reasonable time for the abatement of the unsafe or unhealthful working condition, and a copy of the notice shall be sent to the official in charge of the workplace and the employee representative who participated in the closing conference, and/or the safety and health committee of the workplace, if any. If there are compelling reasons why such notice cannot be issued within the 15 days or 30 days indicated, the official in charge of the establishment, and the employee representative who participated in the closing conference, and/or the safety and health committee of the establishment, if any, must be informed of the reasons for the delay. Each notice of an unsafe or unhealthful working condition, or a copy thereof, shall remain posted until the unsafe or unhealthful working condition has been abated or for 3 working days whichever is later. A copy of the notice will be filed and maintained for a period of five years after abatement at the establishment and made available to the Secretary of Labor upon request.

- (7) Provide safety and health education and training for all employees, with special emphasis as follows:
  - (a) Senior Management Officials must be provided with orientation and other learning experiences that will enable them to manage the occupational safety and health programs of their agencies. Such orientation includes coverage of section 19 of the Act, Executive Order 12196, and the requirements of this directive, in accordance with 29 CFR 1960.54, Training of Top Management Officials.
  - (b) Supervisors and managers at all levels must be provided occupational safety and health training that includes supervisory responsibility for providing and maintaining safe working conditions for employees, the agency safety and health program, section 19 of the Act,

Executive Order 12196, and the requirements of this directive in accordance with 29 CFR 1960.55, Training of Supervisors.

- (c) Safety and Health Specialists must be provided training through courses, laboratory experiences, field study, and other formal learning experiences to prepare them to perform the necessary technical monitoring, consulting, testing, inspecting, designing, and other tasks related to program development and implementation, as well as hazard recognition, evaluation and control, equipment and facility design, standards, analysis of accident, injury, and illness data and other related tasks. Each agency must implement a career development program for their occupational safety and health specialist(s) to enable the staff to meet present and future program needs of the agency in accordance with 29 CFR 1960.56, Training of Safety and Health Specialists.

Safety and Health Inspectors must be provided training with respect to appropriate standards, and the use of appropriate equipment and testing procedures necessary to identify hazards and suggest general abatement procedures during or following their inspections, as well as preparation of reports and other documentation to support inspection findings in accordance with 29 CFR 1960.57, Training of Safety and Health Inspectors.

- (d) CDSHO's and/or safety committee member must, within six months after appointment to a collateral duty position or safety committee, be provided training for collateral duty safety and health personnel commensurate with the scope of their assigned responsibilities. Such training must include an overview of the agency SMP, Section 19 of the Act, Executive Order 12196, the requirements of this directive, agency procedures for reporting, evaluation and abatement of hazards, hazard recognition, identification and use of occupational safety and health standards and other appropriate rules and regulations in accordance with 29 CFR 1960.58, Training of Collateral Duty Safety and Health Personnel and Committee Members.
- (e) Employees and Employee Representatives must be provided safety and health training including specialized job safety appropriate to the work performed by the

employee, for example: clerical, printing, welding, crane operation, and computer operations. Such training shall also inform employees of the agency SMP requirements, with emphasis on their rights and responsibilities, in accordance with 29 CFR 1960.59, Training of employees and employee representatives.

- (8) Insure participation by and consultation with employees or their representatives in safety management program operations and activities;
- (9) Ensure that no employee is subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthy working condition, or other participation in agency SMP activities;
- (10) Assure that safety and health responsibilities are integrated into the performance standards of all managers, supervisors and employees;
- (11) Furnish to the Department (QWLD) upon request, all safety and health related reports (e.g., annual, evaluation, fatality, serious incident, and investigation, etc.), statistics related to employee injuries, illnesses, property damage or loss, costs, etc.) and/or other SMP related information as required; and
- (12) Assure that agency employees who work in establishments owned and or operated by private sector employers are included in and protected by their agency's SMP. This will be accomplished by administrative controls, engineering controls, personal protective equipment, or withdrawal of Federal employees from the private sector establishment to the extent necessary to assure a safe and healthful working environment for USDA agency employees.

d Management/Supervisory Personnel will:

- (1) Furnish employees employment and places of employment that are free from recognized hazards that are causing or likely to cause death or serious physical harm.
- (2) Comply with the safety policies, standards and procedures applicable to their agency and with all rules, regulations, and orders issued by the agency with respect to the agency safety program;

- (3) Comply fully with all Federal rules and regulations as well as Departmental policy and procedural directives and notices issued related to the SMP, and encourage employee participation in the program; and
- (4) Participate in education and training programs to obtain knowledge and skills necessary to provide a safe and healthful workplace for employees under their supervision, and to comply with Department and agency SMP responsibilities.
- (5) Ensure that upon receipt of any Notice of Unsafe and Unhealthful Working Conditions, such notice is immediately posted in an unedited format, or copy thereof (except for reason of national condition referred to in the notice exists or existed. Where it is not practicable to post the notice at or near each such place because of the nature of the workplace operations, the unedited notice shall be posted in a prominent place where it can be readily observed by all affected employees.
- (6) Develop, and inform employee representatives of the development of agency Hazard Abatement Plans, including identification of the hazard; interim controls to protect employees and a timetable with planned abatement dates.

These plans must be developed and posted for hazards that cannot be abated within 30 days;

e Employees will:

- (1) Comply with all applicable safety and health rules and regulations in the performance of their assigned tasks;
- (2) Perform all assigned tasks (including those activities not covered by existing rules or regulations) in a manner most conducive to the safety and health of themselves and their fellow employees;
- (3) Report any observed unsafe or unhealthful conditions or acts to their supervisors for corrective actions. When solutions are ineffective or unsatisfactory, employees maintain the right and responsibility to seek further resolution through agency channels, the Director, QWLD and/or OSHA. (Note: USDA encourages employees to first utilize the Department's SMP channels to resolve safety and health problems before contacting OSHA; however, an employee or designated

representative may, at any time, send his/her report directly to OSHA); and

- (4) Participate in the broad spectrum of the SMP activities (e.g., safety committees, inspections, etc.) as required.

7 INQUIRIES

Direct all inquiries to the Office of Human Capital Management, Quality of Work Life Division, Room 3021 South Building, Washington, D.C. 20250; telephone number (202) 720-8248.

-END-