

PART 1960

BASIC PROGRAM ELEMENTS FOR FEDERAL EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH PROGRAMS AND RELATED MATTERS

SUBPART A—GENERAL

- 1960.1 Purpose and scope.
- 1960.2 Definitions.
- 1960.3-1960.5 [Reserved]

Defines injury rate calculations and lost time injuries

SUBPART B—ADMINISTRATION

- 1960.6 Designation of agency safety and health officials.
- 1960.7 Financial management.
- 1960.8 Agency responsibilities.
- 1960.9 Supervisory responsibilities.
- 1960.10 Employee responsibilities and rights.
- 1960.11 Evaluation of occupational safety and health performance.
- 1960.12 Dissemination of occupational safety and health program information.
- 1960.13-1960.15 [Reserved]

SUBPART C—STANDARDS

- 1960.16 Compliance with OSHA standards.
- 1960.17 Alternate standards.
- 1960.18 Supplementary standards.
- 1960.19 Other Federal agency standards affecting occupational safety and health.
- 1960.20-1960.24 [Reserved]

SUBPART D—INSPECTION AND ABATEMENT

- 1960.25 Qualifications of safety and health inspectors and agency inspections.
- 1960.26 Conduct of inspections.
- 1960.27 Representatives of officials in charge and representatives of employees.
- 1960.28 Employee reports of unsafe or unhealthful working conditions.
- 1960.29 Accident investigation.
- 1960.30 Abatement of unsafe or unhealthful working conditions.
- 1960.31 Inspections by OSHA.
- 1960.32-1960.33 [Reserved]

SUBPART E—GENERAL SERVICES ADMINISTRATION AND OTHER FEDERAL AGENCIES

- 1960.34 General provisions.
- 1960.35 National Institute for Occupational Safety and Health.

SUBPART F—OCCUPATIONAL SAFETY AND HEALTH COMMITTEES

- 1960.36 General provisions.
- 1960.37 Committee organization.
- 1960.38 Committee formation.
- 1960.39 Agency responsibilities.
- 1960.40 Establishment committee duties.
- 1960.41 National committee duties.
- 1960.42-1960.45 [Reserved]

SUBPART G—ALLEGATIONS OF REPRISAL

- 1960.46 Agency responsibility.
- 1960.47 Results of investigations.
- 1960.48 1960.53 [Reserved]

SUBPART H—TRAINING

- 1960.54 Training of top management officials.
- 1960.55 Training of supervisors.
- 1960.56 Training of safety and health specialists.
- 1960.57 Training of safety and health inspectors.
- 1960.58 Training of collateral duty safety and health personnel and committee members.
- 1960.59 Training of employees and employee representatives.
- 1960.60 Training assistance.
- 1960.61-1960.65 [Reserved]

SUBPART I—RECORDKEEPING AND REPORTING REQUIREMENTS

- 1960.66 Purpose, scope and general provisions.
- 1960.67 Record of log of occupational injuries and illnesses.
- 1960.68 Supplementary record of occupational injuries and illnesses.
- 1960.69 Annual Summaries of Federal Occupational Injuries and Illnesses.
- 1960.70 Reporting of serious accidents.
- 1960.71 Location and utilization of records and reports.
- 1960.72 Access to records by Secretary.
- 1960.73 Retention of records.
- 1960.74 Agency annual reports.
- 1960.75-1960.77 [Reserved].

SUBPART J—EVALUATION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

- 1960.78 Purpose and scope.
- 1960.79 Self-evaluations of occupational safety and health programs.
- 1960.80 Secretary's evaluations of agency occupational safety and health programs.
- 1960.81-1960.83 [Reserved]

SUBPART K—FIELD FEDERAL SAFETY AND HEALTH COUNCILS

- 1960.84 Purpose.
- 1960.85 Role of the Secretary.

- 1960.86 Establishing councils.
- 1960.87 Objectives.
- 1960.88 Membership and participation.
- 1960.89 Organization.
- 1960.90 Operating procedure.
- 1960.91 [Reserved]

AUTHORITY: Secs. 19 and 24 of the Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614, (29 U.S.C. 668, 673)); Secretary of Labor's Order No. 8-76 (41 FR 25059); E.O. 12196.

SOURCE: The provisions of this part 1960 appear at 45 F.R. 69796, Oct. 21, 1980 as amended at 49 F.R. 3077, Jan. 25, 1984 unless otherwise noted.

(g) Federal employees who work in establishments of private employers are covered by their agencies' occupational safety and health programs. Although an agency may not have the authority to require abatement of hazardous conditions in a private sector workplace, the agency head must assure safe and healthful work-

ing conditions for his/her employees. This shall be accomplished by administrative controls, personal protective equipment, or withdrawal of Federal employees from the private sector facility to the extent necessary to assure that the employees are protected.

1960.2—Definitions

(a) The term "Act" means the Occupational Safety and Health Act of 1970 (84 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 Executive Branch of the Government. For the purposes of this part to the extent it implements section 19 of the Act, the term "agency" includes the United States Postal Service. By agreement between the Secretary of Labor and the head of an agency of the Legislative or Judicial Branches of the Government, these regulations may be applicable to such agencies.

(c) The term "agency liaison" means an agency person appointed with full authority and responsibility to represent the occupant agency management with the official in charge of a facility or installation such as a GSA Building Manager.

(d) The term "building manager" means the person who manages one or several buildings under the authority of a Federal agency. For example, a building manager may be the GSA person who manages building(s) for GSA.

(e) As used in Executive Order 12196, 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 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 "representative of employees" 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.

(f) The term "Designated Agency Safety and Health Official" means the individual who is responsible for the management of the safety and health program within an agency, and is so designated or appointed by the head of the agency pursuant to § 1960.6 and the provisions of Executive Order 12196.

(g) The term "employee" as used in this part means any person, other than members of the Armed Forces, employed or otherwise suffered, permitted, or required to work by an "agency" as the latter term is defined in paragraph (b) of this section.

(h) 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 part refers to a field activity, regional office, area office, installation, or facility.

(i) The term "uniquely military equipment, systems, and operations" excludes from the scope of the order the design of Department of Defense equipment and systems that are unique to the national defense mission, such as military aircraft, ships, submarines, missiles, and missile sites, early warning systems, military space systems, artillery, tanks, and tactical vehicles; and excludes operations that are uniquely military such as field maneuvers, naval operations, military flight operation, associated research test and development activities, and actions required under emergency conditions. The term includes within the scope of the Order Department of Defense workplaces and operations comparable to those of industry in the private sector such as: Vessel, aircraft, and vehicle repair, overhaul, and

modification (except for equipment trials); construction; supply services; civil engineering or public works; medical services; and office work.

(j) The term "incidence rates" means the number of injuries and illnesses, or lost workdays, per 100 full-time workers. Rates are calculated as

$$\frac{N \times 200,000}{EH}$$

N=number of injuries and illnesses, or number of lost workdays.

EH=total hours worked by all employees during a month, a quarter, or fiscal year.

200,000=base for 100 full-time equivalent workers (working 40 hours per week, 50 weeks per year).

(k) The term "inspection" means a comprehensive survey of all or part of a workplace in order to detect safety and health hazards. Inspections are normally performed during the regular work hours of the agency, except as special circumstances may require. Inspections do not include routine, day-to-day visits by agency occupational safety and health personnel, or routine workplace surveillance of occupational health conditions.

(l) Categories of injuries/illnesses/fatalities—

(1) **Injury (Traumatic).** 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.

(2) **Illness/Disease (Occupational).** A physiological harm or loss of capacity produced by systemic 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 long period of time. For practical purposes, an occupational illness/disease is any reported condition which does not meet the definition of injury (traumatic).

(3) **Fatality.** Death resulting from an injury (traumatic) or illness/disease (occupational).

(4) **Lost Time Case.** A nonfatal injury (traumatic) that causes disability for work beyond the day or shift if occurred; or a nonfatal illness/disease (occupational) that causes disability at any time.

(5) **No-Lost Time Case.** A nonfatal injury (traumatic) or illness/disease (occupational) that does not meet the definition of Lost Time Case.

(6) **Catastrophe.** An accident resulting in five or more agency and/or nonagency people being hospitalized for inpatient care.

(m) The term "representative of management" means a supervisor or management official as defined in the applicable labor-management relations program covering the affected employees.

(n)-(p) [Reversed]

(q) The term "Safety and Health Inspector" means a safety and/or occupational health specialist or other person authorized pursuant to Executive Order 12196, section 1-201(g), to carry out inspections for the purpose of Subpart D of this part, a person having equipment and competence to recognize safety and/or health hazards in the workplace.

(r) The term "Safety and Health Official" means an individual who manages the occupational safety and/or organizational health program at organizational levels below the Designated Agency Safety and Health Official.

(s) The term "Safety and Health Specialist" means a person or persons meeting the Office of Personnel Management standards for such occupations, which include but are not limited to:

Safety and Occupational Health Manager/
Specialist GS-018
Safety Engineer GS-803
Fire Prevention Engineer GS-804
Industrial Hygienist GS-690
Fire Protection and Prevention Specialist/Marshal
GS-081
Health Physicist GS-1306
Occupational Medicine Physician GS-602
Occupational Health Nurse GS-610
Safety Technician GS-019
Physical Science Technician GS-1311
Environmental Health Technician GS-699

Air Safety Investigation Officer GS-1815
Aviation Safety Specialist GS-1825
Chemist GS-1320
Health Technician GS-645
Highway Safety Manager GS-2125

or equally qualified military, agency, or nongovernment personnel. The agency head shall be responsible for determination and certification of equally qualified personnel.

(t) The term "workplace" means a physical location where the agency's work or operations are performed.

(u) The term "imminent danger" means any conditions or practices in any workplace which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal procedures.

(v) The word "serious" as used in "serious hazard," "serious violation" or "serious condition" means a hazard, violation or condition such that there is a substantial probability that death or serious physical harm could result.

(w) The term "certified safety and health committee" means an agency safety and health committee that meets the provisions of section 1-3 of Executive Order 12196 and of this part, as listed and attested to by the head of each agency in writing to the Secretary.

(x) The term "reprisal" as used in this part means any act of restraint, interference, coercion or discrimination against an employee for exercising his or her rights under Executive Order 12196 and this part, or for participating in the agency's safety and health program.

1960.3-1960.5—(Reserved)

SUBPART B—ADMINISTRATION

1960.6—DESIGNATION OF AGENCY SAFETY AND HEALTH OFFICIALS

(a) The head of each agency shall designate an official with sufficient authority and responsibility to represent effectively the interest and support of the agency head in the management and administration of the agency occupational safety and health program. This Designated Agency Safety and Health Official should be of the rank of Assistant Secretary, or of equivalent rank, or equivalent degree of responsibility, and shall have sufficient headquarters staff with the necessary training and experience. The headquarters staff should report directly to, or have appropriate access to, the Designated Agency Safety and Health Official, in order to carry out the responsibilities under this part.

(b) The Designated Agency Safety and Health Official shall assist the agency head in establishing:

(1) An agency occupational safety and health policy and program to carry out the provisions of section 19 of the Act, Executive Order 12196, and this part;

(2) An organization, including provision for the designation of safety and health officials at appropriate levels, with adequate budgets and staffs to implement the occupational safety and health program at all operational levels;

1960.60—TRAINING ASSISTANCE

(a) Agency heads may seek training assistance from the Secretary of Labor, the National Institute for Occupational Safety and Health and other appropriate sources.

(b) After the effective date of Executive Order 12196, the Secretary shall, upon request and with reimbursement, conduct orientation for Designated Agency Safety and Health Officials and/or their designees which will enable them to manage the occupational safety and health programs of their agencies. Such orientation shall include coverage of section 19 of the Act, Executive Order 12196, and the requirements of this part.

(c) Upon request and with reimbursement, the Department of Labor shall provide each agency

with training materials to assist in fulfilling the training needs of this subpart, including resident and field training courses designed to meet selected training needs of agency safety and health specialists, safety and health inspectors, and collateral duty safety and health personnel. These materials and courses in no way reduce each agency's responsibility to provide whatever specialized training is required by the unique characteristics of its work.

(d) In cooperation with OPM, the Secretary will develop guidelines and/or provide materials for the safety and health training programs for high-level managers, supervisors, members of committees, and employee representatives.

1960.61-1960.65 (RESERVED)

SUBPART I—RECORDKEEPING AND REPORTING REQUIREMENTS

1960.66—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, for proper evaluation and necessary corrective action and to assist the Secretary in meeting the requirement to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. The term "incident" as hereinafter used in this subpart shall include all occupational injuries and illnesses.

(b) In order to perform his duties under Section 19 of the Act and Executive Order 12196, 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 incidents involving agency employees as provided in § 1960.70. Assistance to agencies in the investiga-

tion of such incidents is available pursuant to the provisions of Executive order 12196 and this subpart.

(c) Each agency shall utilize the information collected through its management information system to identify unsafe and unhealthful working conditions, and to establish program priorities.

(d) The Department of labor shall provide Federal agencies with the OSHA Form 101, when requested, to meet the recordkeeping specified in §1960.68.

(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 form provided by the Department of Labor.

(f) [Reserved.]

(g) Information concerning occupational injuries and 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 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.

1960.67—RECORD OR LOG OF OCCUPATIONAL INJURIES AND ILLNESSES

(a) Each Federal agency shall maintain a record or log of all occupational injuries and illnesses for each establishment. Except as provided in § 1960.71(b) and (c), the log is to be maintained at the establishment.

(b) Within six working days after receiving information on an occupational injury or illness, appropriate information concerning such injury or ill-

ness shall be entered on the record or log. For this purpose, the format printed in OSHA 2014 will provide the information required.

(c) Any occupational injury, illness or fatality reported on a Form CA-1, CA-2, or CA-6 to the employing establishment/agency shall be recorded on the log.

1960.68—SUPPLEMENTARY RECORD OF OCCUPATIONAL INJURIES AND ILLNESSES

In addition to the record or log of occupational injuries and illnesses provided under § 1960.67, each Federal agency shall maintain a supplementary record for each occupational injury and illness. The record shall be completed within six working days after the receipt of information that

an occupational injury or illness has occurred. For this purpose, OSHA Form No. 101, or OWCP FORMS CA-1, CA-2 and CA-6 shall be completed in the detail required by the forms and the instructions therein.

1960.69—ANNUAL SUMMARIES OF FEDERAL OCCUPATIONAL INJURIES AND ILLNESSES

(a) Each Federal agency, on a fiscal year basis, shall compile an annual summary of occupational injuries and illnesses as prescribed. The summaries shall be based on the record or log of occupational injuries and illnesses maintained pursuant to § 1960.67.

(b) At the agency's option, and consistent with the Privacy Act considerations and applicable bar-

gaining agreements, the last page of the record or log of occupational injuries and illnesses may be posted as the Annual Summary of Federal Occupational Injuries and Illnesses.

(c) Each agency shall furnish the Department of Labor with a copy of its summary upon request of the Secretary.

1960.70—REPORTING OF SERIOUS ACCIDENTS

(a) Within 48 hours after the occurrence of an employment accident, the head of the Federal agency shall report by telephone or telegraph to the Occupational Safety and Health Administration:

- (1) Any occupational accident which is fatal to one or more employees;
- (2) Any occupational accident which results in the inpatient hospitalization of five or more people, agency and nonagency people included;
- (3) Any occupational illness which results in death;
- (4) Any occupational accident involving both Federal and non-Federal employees which results in a fatality or the hospitalization of five or more such employees.

Accidents not immediately reportable, but which result in death within six months of the date of the accident, shall be reported within 48 hours of the time the employer became aware of the death.

(b) The report shall relate the circumstances of the accident, names of individuals involved, any actions taken by the agency, the number of fatalities, and/or injuries and illnesses and the extent of any injuries.

(c) Agencies shall provide the Office of Federal Agency programs with a summary report of each fatal and catastrophic accident investigation. The summaries shall address the date/time of accident, agency/establishment name and location, personnel categories (employee, public, etc.) and consequences, description of operation and the accident, causal factors, applicable standards and their effectiveness and agency corrective/preventive actions.

1960.71—LOCATIONS AND UTILIZATION OF RECORDS AND REPORTS

(a) The provisions of the section, dealing with the availability of information compiled pursuant to this subpart, are designed to guide 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 §§ 1960.67 and 1960.68 shall 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 shall ensure that there is available at each establishment a copy of these records. These records shall be completed

and as current as possible, in no case shall more than six months elapse between the recording of an illness or injury occurring in an establishment and the availability of records reflecting that injury or illness at that establishment.

(c)

(1) For agencies engaged in activities such as agriculture, construction, transportation, communication, 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 base

from which personnel operate to carry out their activities.

(d) Each Federal agency shall post a copy of its agency annual summary of Federal occupational injuries and illnesses for an establishment, as compiled pursuant to §§ 1960.67 or 1960.69, at such establishment, not later than 45 calendar days after the close of the fiscal 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 shall 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 physi-

cally 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 shall take necessary steps to ensure that such summary is not altered, defaced, or covered by other material.

(e) The head of each agency shall ensure access to establishment logs and annual summaries by the establishment's Occupational Safety and Health Committees, employees, former employees and employee representatives.

1960.72—ACCESS TO RECORDS BY SECRETARY

The records required to be maintained under the provisions of this subpart shall also be available and made accessible to the Secretary of La-

bor, Secretary of Health and Human Services and their authorized representative.

1960.73—RETENTION OF RECORDS

The records and reports required to be maintained under the provisions of this subpart shall be retained by each agency for five years following the end of the fiscal year to which they relate, and any location including a Federal record retention

center, to which the Secretary or his authorized representative would have reasonable access. In addition, records required by OSHA standards shall be retained in accordance with those standards.

1960.74—AGENCY ANNUAL REPORTS

(a) The Act and E.O. 12196 require all Federal agency heads to submit to the Secretary an annual report on their agency's occupational safety and health program, containing such information as the Secretary prescribes.

(1) Each agency shall submit to the Secretary by January 1 of each year a report describing the agency occupational safety and health program of the previous fiscal year and objectives for the current year. The report shall include a summary of the agency's self-evaluation findings

as required by § 1960.78(b).

(2) Guidelines for agency annual reports to OSHA are prescribed in OSHA publication 2014. The Secretary shall notify agencies by January 1 of any changes to the guidelines for the subsequent year's report.

(3) The agency reports shall be used in the preparation of the Secretary's report to the President.