



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 08-01 (FAP 01)

EFFECTIVE DATE: January 8, 2008

SUBJECT: Federal Agency Targeting Inspection Program (FEDTARG08)

ABSTRACT

- Purpose:** This Notice implements OSHA's new nationwide targeting program for workplaces staffed by federal employees, or contractors whose work is supervised on a day-to-day basis by federal agency personnel.
- Scope:** OSHA-wide.
- References:** [Occupational Safety and Health Act of 1970, Section 19](#); [Executive Order 12196](#), February 26, 1980; [29 CFR Part 1960](#), Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters; OSHA Instruction [CPL 02-00-025](#), Scheduling System for Programmed Inspections, January 4, 1995; OSHA Instruction [CPL 02-00-103](#), Field Inspection Reference Manual (FIRM), September 26, 1994; and OSHA Instruction [FAP 01-00-003](#), Federal Agency Safety and Health Programs, May 17, 1996.
- Cancellations:** None.
- Expiration Date:** One year from the effective date, unless replaced earlier by a new Notice. Upon the expiration or replacement of this Notice, inspection cycles already underway must be completed as provided in paragraph XII.B.
- State Plan Impact:** This Notice applies solely to federal agency worksites and does not impact State Plan programs.
- Action Offices:** National, Regional, and Area Offices.
- Originating Office:** Directorate of Enforcement Programs.

Contact: Directorate of Enforcement Programs
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By and Under the Authority of

Edwin G. Foulke, Jr.
Assistant Secretary

Executive Summary

This Notice defines key terms, describes how inspection lists were developed, outlines scheduling and inspection procedures, and provides information on IMIS coding. The appendix provides a checklist for Compliance Safety and Health Officers (CSHOs). Paragraph VII contains a discussion regarding the rationale for development of this program.

Significant Changes

The Federal Agency Targeting Inspection Program (FEDTARG08) is a new planned inspection program for federal agency worksites.

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- I. Purpose. This Notice implements OSHA’s new nationwide targeting program for workplaces staffed by federal employees, or contractors whose work is supervised on a day-to-day basis by federal agency personnel.
- II. Scope. This Notice applies OSHA-wide.
- III. References.
 - A. [Occupational Safety and Health Act of 1970, Section 19](#).
 - B. [Executive Order 12196](#), February 26, 1980.
 - C. [29 CFR Part 1960](#), Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, October 21, 1980 and as amended.
 - D. [29 CFR Part 1960, Subpart I](#) – Recordkeeping and Reporting Requirements; *Federal Register*, November 26, 2004 (69 FR 68793).
 - E. [29 CFR Part 1904](#), Recording and Reporting Occupational Injuries and Illnesses.
 - F. Directives
 - [CPL 02-00-025](#), Scheduling System for Programmed Inspections, OSHA Instruction January 4, 1995.
 - [CPL 02-00-103](#), Field Inspection Reference Manual (FIRM), September 26, 1994.
 - [CPL 02-00-135](#), Recordkeeping Policies and Procedures Manual, December 30, 2004.
 - [CSP 03-01-002](#), Voluntary Protection Programs (VPP) Policies and Procedures Manual, March 25, 2003.
 - [CSP 03-02-002](#), OSHA Strategic Partnership Program for Worker Safety and Health, December 9, 2004.
 - [FAP 01-00-003](#), Federal Agency Safety and Health Programs, May 17, 1996.
- IV. Cancellations. None.

- V. Expiration Date. This Notice will terminate one year from the effective date, unless replaced earlier by a new Notice. Upon the expiration or replacement of this Notice, inspection cycles already underway must be completed as provided in paragraph XII.B.
- VI. Federal Program Change. This Notice applies solely to federal agency worksites and does not impact State Plan programs.
- VII. Background.

Executive Order 12196 – Federal Civilian Personnel, Paragraph 1-401(i) requires Federal OSHA to “[c]onduct unannounced inspections of agency workplaces when the Secretary determines necessary if an agency does not have occupational safety and health committees; or in response to reports of unsafe or unhealthful working conditions....” The following federal agencies have certified safety and health committees: Central Intelligence Agency, Securities and Exchange Commission, General Services Administration, Department of Labor, Tennessee Valley Authority, and U.S. International Trade Commission.

This Notice outlines the procedures to be used in carrying out planned inspection activity at some of the most hazardous federal workplaces. The Federal Agency Targeting Program (FEDTARG08) is designed to focus on specific federal agency worksites that experienced a high number of lost time cases.

- VIII. Significant Changes. The Federal Agency Targeting Inspection Program (FEDTARG08) is a new planned inspection program for federal agency worksites.
- IX. Action Required.
 - A. Responsible Office. The Directorate of Enforcement Programs (DEP), through its Office of Federal Agency Programs (OFAP), coordinates the development of the Federal Agency Targeting program, oversees the overall program, and advises the Assistant Secretary concerning Federal Agency Targeting Program issues.
 - B. Action Offices. All National Office Directorates and Offices, Regional Offices, and Area Offices involved in the design, approval, and implementation of this inspection targeting program must adhere to these instructions.
 - C. Information Offices. The OSHA Training Institute, VPP Managers and Coordinators, OSHA Strategic Partnership Coordinators, Compliance Assistance Coordinators, Compliance Assistance Specialists, Federal Agency Program Officers, and Regional EEP Coordinators must be aware of this targeting program.

X. Definitions.

- A. Certified Safety and Health Committee. An agency safety and health committee that meets the provisions of section 1-3 of Executive Order 12196 and of 29 CFR Part 1960, as listed and attested to by the head of each agency, in writing to the Secretary.
- B. Comprehensive Inspection. Consistent with the FIRM, Chapter 2 at paragraph A.1.a., comprehensive inspection means a substantially complete inspection of the potentially high hazard areas of an establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations, and practices within those areas are inspected.
- C. Deferral. For purposes of this Notice, deferral means a delay of an inspection due to OSHA Strategic Partnerships (OSP) participation or VPP application. Deferrals will be inspected at the end of their deferral period.
- D. Establishment. As applied to federal agencies, 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 will be treated as a separate establishment/inspection. Typically, an establishment refers to a field activity, regional office, area office, installation, or facility.
- E. Federal Agency. For this Notice, a federal agency is an Executive Department, as defined in 5 U.S.C. 101, or any employing unit, or authority of the Executive Branch of the Government. It does not include the U.S. Postal Service (USPS).
- F. OWCP Data. The Office of Workers' Compensation Programs (OWCP) is an agency within the Department of Labor that administers the Federal Employees' Compensation Program, providing benefits for federal and USPS employees with employment-related injuries or occupational illnesses. Data generated through the OWCP claims process was used to determine lost time case numbers for FEDTARG08.
- G. Partial Inspection. A partial inspection, (also called a *limited scope inspection* for cooperative program participants in CSP 03-02-002 XIV.B.4) as per the FIRM, Chapter 2 at paragraph A.1.b., means an inspection whose focus is directed toward certain potentially hazardous areas, operations, conditions, or practices at the establishment. A partial inspection may be expanded based on information gathered by the CSHO during the inspection process. The CSHO, in consultation with the Area Director, must use professional judgment to determine the necessity

for expansion of the inspection scope, based on information gathered during records or program review and walkaround inspection.

- H. Partnership. In this Notice, partnership refers only to those agreements in which establishments participate in an OSHA Strategic Partnership (OSP) in accordance with OSHA Instruction [CSP 03-02-002](#), and for which there is an active partnership agreement.

XI. Description of the Establishment-Specific Targeting 2008 (FEDTARG08) Plan.

- A. Scope. This program is directed toward federal agency establishments that experienced large numbers of lost time injuries during fiscal year 2006. Establishment-specific lost time claims data was obtained from the Office of Workers' Compensation Programs (OWCP) to implement this program.

Given the nature of some federal Departments, some inspections may require a CSHO with a specific security clearance(s). This requirement may necessitate special planning by the Area Office and, in some cases, may delay opening the inspection.

- B. Primary Inspection List. A primary inspection list has been developed, using a random numbers table, for each of the OSHA Regions. On the primary list are 100% of the establishments reporting 100 or more lost time cases (LTCs) during FY 2006, 50% of the establishments reporting 50 to 99 LTCs, and 10% of the establishments reporting 20 to 49 LTCs. All sites on the primary list must be inspected.

- C. Secondary Inspection List. It is recognized that resources available for this program will vary among the Regions and Area Offices. Those offices that have the ability to conduct more targeted federal agency inspections than are provided on their primary inspection list may develop additional inspection cycles from the secondary inspection lists. Once any cycle is opened it must be completed.

On request, OFAP will provide the Federal Agency Program Officers (FAPOs) with secondary lists of sites within their Regions that fall within the scope of this program. The lists will provide basic information about each site, as well as the random number designation assigned to each site. After determining the number of additional inspections desired, the FAPO will use the lists to create a secondary inspection cycle on either a Regional or Area Office basis. To create an Area Office cycle, the FAPO will identify all establishments with oversight by a particular Area Office. These establishments will remain in the same order as on the master list since they have already been subject to random selection and

ranking. For each cycle that is developed, and assuming that the requisite numbers of sites are available, 60% of the sites will come from the list of worksites with 50-99 LTCs, and 40% will come from the list with 20-49 LTCs.

- D. Office Only Sites. The FEDTARG08 inspection system is not intended to focus on sites that are office environments only. Therefore, if a CSHO arrives at an establishment address and discovers that there is only an office at the site, the CSHO must determine if other work locations were included as part of the “establishment” for OWCP purposes. For example, a human resources office may be listed with a large number of LTCs where in actuality those cases are associated with smaller workgroups at various locations. A review of the injury and illness logs will then be undertaken to identify a limited number of physical locations experiencing lost time cases. The Area Director will determine the appropriate number and location of on-site inspections to be initiated to adequately address the apparent problems, but at least one site must be inspected. If the Area Director determines that more than one location needs to be inspected, the sites may be chosen either randomly or based on the highest number of LTCs. In the event a large number of LTCs are occurring in the office environment, the office will be inspected.

XII. Scheduling.

The National Office will provide each Region with a list of establishments that meet the criteria for the primary inspection list within its coverage area. On request, the National Office will also provide each Region with lists of establishments which reported 20-49 and 50-99 LTCs during FY 2006, to be used in generating secondary inspection cycles. These supplemental lists will include the agency name, number of claims, limited establishment location information, and will be sorted by random numbering.

Usually an Area Office must complete the inspections on the primary targeting list prior to initiating cycles from the secondary inspection list. However, a secondary inspection cycle may be opened before completion of the primary list to:

- improve the efficiency of the Area Office, or
- continue federal agency inspection activity if inspections at some of the primary sites had to be deferred.

Once any inspection cycle is opened it must be completed.

A. Deferrals.

1. OSHA Strategic Partnerships (OSP). An establishment participating in an OSP for which there is an active agreement may be deferred from a programmed inspection for up to six months from the signing of the partnership agreement, or the establishment’s subsequent entry into the

partnership. The Regional Partnership Coordinator/Manager will be contacted if there are questions regarding a specific workplace. See [CSP 03-02-002](#).

2. Voluntary Protection Program Applicant (VPP). If an establishment is in the process of applying for OSHA's VPP, the Area Director, upon receiving notification from the VPP Manager that a VPP on-site review has been scheduled, will defer any programmed inspection. The deferral period will start no more than 75 calendar days prior to the commencement of its scheduled pre-approval on-site review.

B. Inspection Priority.

Normally, the first inspection priority for Area Offices is to conduct unprogrammed inspections. The inspection priorities as described in the FIRM (OSHA Instruction [CPL 02-00-103](#)) will be followed, with the following additional guidance:

1. Area Offices that have started but not completed a cycle of federal agency inspections must normally complete that cycle before beginning a new cycle. Carryovers will be handled in accordance with the Scheduling System for Programmed Inspections Directive, [CPL 02-00-025](#), paragraph B.1.b.(1)(e)1, or as outlined in Paragraph XII of this Notice.
2. All establishments on the Federal Agency Primary Targeting list must be inspected unless, in view of resource considerations, the Regional Administrator has received special approval (generally in advance) from the Assistant Secretary to conduct fewer inspections.
3. Secondary inspection cycles do not have to be completed before the expiration of this Notice; however, if a cycle has been started, all sites must be inspected prior to initiating inspections under a new federal targeting program.
4. Area Offices will continue to conduct other programmed inspections under national emphasis programs or under local emphasis programs/initiatives, as the Area Office and Regional goals dictate.

XIII. Deletions.

Area Offices will be responsible for making appropriate deletions from the inspection list as indicated below.

- A. Previous Inspections. Establishments that received a comprehensive safety inspection within the previous 24 months prior to the creation of the current inspection cycle will be deleted from the inspection list. The date when an establishment is considered to have received a comprehensive safety inspection will be the opening conference date. Establishments that received a comprehensive or partial health, or partial safety inspection during the previous 24 months will not be deleted from the inspection list.
- B. Voluntary Protection Program (VPP). If the establishment is an approved participant in OSHA's Voluntary Protection Programs, it is to be deleted from the inspection list.
- C. OSHA Strategic Partnership (OSP). If an establishment is participating in an OSHA Strategic Partnership, it may be deleted from the inspection list if it meets the terms outlined in CSP 03-02-002 paragraph XIV.B.5.a.1 and paragraph XIII.A, above.

In accordance with [CSP 03-02-002](#) paragraph XIV.B.5.a.2., the Area Director, with the approval of the Regional Administrator, may extend the deletion for another year if the partner continues to meet the conditions of the partnership agreement and demonstrates improved performance in areas measured by the partnership.

XIV. Inspection Procedures.

- A. Scope. Inspections conducted under this plan will be comprehensive safety inspections. Health inspections (comprehensive or partial) will be limited to CSHO referrals and Area Director discretion based on industry experience or the history of the individual establishment. Ergonomic hazards will be addressed in consultation with the Regional ergonomic coordinator.

When an Area Director orders a health inspection (comprehensive or partial) at a particular establishment, the Area Director must document his/her rationale for the inspection. If an Area Director orders a health inspection at a particular establishment based on experience or knowledge concerning an industry, similar health inspections will also be considered at all other establishments within that industry classification that are on the Area Office's Federal Agency Targeting Inspection Program list. The Area Director also has the discretion to initiate a health inspection based solely on individual establishment criteria or history. Inspections will be conducted in accordance with the procedures described in the FIRM (OSHA Instruction [CPL 02-00-103](#)) and other guidance documents.

Where the CSHO observes contractors performing other work such as

construction or maintenance activity that is not being supervised by the federal agency the CSHO may open another inspection if hazards are observed. The inspection will be expanded to include resident contractors providing services such as security, food service or housekeeping, only when the CSHO observes obvious hazards that need to be addressed.

An inspection at any partnership site will normally be a comprehensive safety inspection. However, if the establishment has undergone a necessary on-site non-enforcement verification inspection, a limited scope inspection may be conducted in accordance with CSP 03-02-002, paragraph XIV.B.4. See also Deferrals at paragraph XII.A. The justification for any limited scope inspection must be documented in the file.

- B. Notices of Unsafe or Unhealthful Working Conditions. Notices will be issued in accordance with 29 CFR 1960.26 and the FIRM (OSHA Instruction CPL 02-00-103).
- C. Recordkeeping Violations. Whenever OSHA recordkeeping violations are identified, appropriate notices will be proposed and supporting documentation will be provided, in accordance with guidance in the FIRM (OSHA Instruction CPL 02-00-103) and the Recordkeeping Policies and Procedures Manual (CPL 02-00-135).
 - 1. Recordkeeping violations found on the OSHA-300 Log. If the CSHO identifies recordkeeping violations on the Calendar Year (CY) 2006 or subsequent OSHA-300 Logs, the Area Director will issue notices in accordance with CPL 02-00-135, Chapter 2, paragraph II.B., or the FIRM, as appropriate.
 - 2. Failing to retain records for the prior five-year period. If an employer is unable to produce copies of the OSHA Federal Agency Log or an OSHA-200/Injury and Illness Log used under the recordkeeping system in effect prior to January 1, 2005, the employer may be cited under 29 CFR 1960.69 for failure to retain required records.
 - 3. Records for CY 2005. Notices will not be issued for recordkeeping deficiencies in CY 2005 where there is evidence the employer has made a good faith effort to comply.
- D. Compliance Officers (CSHOs).

When the Area Director has authorized a health inspection, the safety and health inspections may be conducted either as one combined safety and health inspection

by a cross-trained CSHO (as established through specific training or demonstrated ability), or as separate safety and health inspections, or as joint safety and health inspections.

If the inspection is a joint inspection, conducted by both a safety CSHO and a health CSHO, there will be two OSHA-1s. The two CSHOs may hold joint or separate opening conferences. Therefore, there may be one opening date for the safety inspection and a different opening date for the health inspection for the same employer under the same FEDTARG08 inspection plan. If the inspection is conducted by a cross-trained CSHO, there will be one OSHA-1 and one opening conference date.

For a checklist of items that CSHOs need to accomplish on FEDTARG08 inspections, please refer to Appendix A.

XV. Relationship to Other Programs.

- A. Unprogrammed Inspections. Unprogrammed inspections will be conducted according to the FIRM (OSHA Instruction [CPL 02-00-103](#)) or other guidance documents. If the occasion for an unprogrammed (e.g., complaint, fatality) inspection arises with respect to an establishment that is also in the current inspection cycle under the FEDTARG08 plan, the two inspections may be conducted either concurrently or separately. See also paragraph XVI.B.
- B. Special Emphasis Programs. Some establishments may be selected for inspection under the FEDTARG08 plan and also under one or more other OSHA initiatives (National Emphasis (NEP) or Local Emphasis (LEP) Programs). Programs based on particular hazards (such as silica, lead, or amputations) or on particular industries can be run concurrently with the FEDTARG08 plan. CSHOs will apply all applicable IMIS codes to the inspection. See also paragraph XVI.C.

In the case of an establishment scheduled for inspection under both FEDTARG08 and an NEP/LEP, an inspection limited in scope to the safety and health issues targeted by the NEP/LEP program may be conducted if, after reviewing the OSHA-300 Logs, the CSHO believes that the serious hazards are addressed by the particular NEP/LEP. Justification for the limited scope inspection must be documented in the file.

XVI. Recording and Tracking.

- A. FEDTARG08-Only Inspections. The OSHA-1 Forms must be marked as “programmed planned” in Item 24. In addition, the “NEP” box is to be checked and the value “FEDTARG08” recorded in Item 25d (the FEDTARG08

inspections are being coded under the NEP for ease of tracking). NOTE: Health inspections conducted in accordance with this Notice are also to be coded as FEDTARG08 inspections.

- B. FEDTARG08 Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with a FEDTARG08 inspection, the OSHA-1 Forms must be marked as “unprogrammed” in Item 24 with the appropriate unprogrammed activity identified. In addition, the “NEP” box is to be checked and the value “FEDTARG08” recorded in Item 25d.
- C. FEDTARG08 Combined with NEP or LEP Inspections. For all programmed inspections such as NEPs and LEPs conducted in conjunction with a FEDTARG08 inspection, the OSHA-1 Forms must be marked as “programmed planned” in Item 24. In addition, the “NEP” box is to be checked and the value “FEDTARG08” recorded in Item 25d along with all NEP and LEP IMIS codes applicable to the inspection.
- D. FEDTARG08 Combined with Unprogrammed and other Programmed Inspections. If a FEDTARG08 inspection is combined with an unprogrammed (e.g., complaint) inspection and a programmed inspection, such as an NEP or LEP, Item 24 must be marked “unprogrammed.”
- E. Strategic Management Plan. Enter all applicable Strategic Management Plan hazard/industry codes in Item 25f. (e.g., amputations, ergonomics, lead, silica).

APPENDIX A

Compliance Officer Checklist

VPP sites

If the CSHO discovers that the establishment is a Voluntary Protection Program (VPP Merit or Star) site, exit the site without conducting an inspection. These sites must be deleted from the inspection list. See XIII.B.

If an establishment is a VPP applicant, and a VPP on-site review has been scheduled within the next 75 calendar days, programmed inspections will be deferred. See XII.A.2.

Strategic Partnership Sites

If the CSHO discovers that the establishment is a participant in OSHA's Strategic Partnership Program and has a signed agreement, the site may be deferred for up to six months from the date of the partnership agreement or from the establishment's subsequent entry into the partnership. Check with the Area Director. See paragraph XII.A.1., and reference CSP 03-02-002, paragraph XIV.B.3.

If the establishment is a participant in the OSHA Strategic Partnership Program, the inspection may be of limited scope if the establishment has had an on-site non-enforcement verification inspection. See XIV.A., fourth paragraph.

IMIS

Enter Agency Code

Use the "F7" search feature to locate the appropriate code.

Enter Inspection Type

FEDTARG08-Only Inspections = Programmed Planned

FEDTARG08 Combined with Unprogrammed Inspections = Unprogrammed

FEDTARG08 Combined with LEP Inspections = Programmed Planned

FEDTARG08 Combined with Unprogrammed and other Programmed = Unprogrammed

Enter Inspection Classification

Inspection classification: NEP = "FEDTARG08"

Enter all applicable NEP and LEP Program codes

In Item(s) 25c and 25d when a Federal agency targeting inspection was conducted and the inspection also meets the protocol for other program(s).

Enter all applicable Strategic Management Plan hazard/industry codes

In Item 25f, (e.g., amputations, ergonomics, lead, silica).