



U.S. DEPARTMENT OF  
TRANSPORTATION

# Order

Subject: **Federal Highway Administration Occupational  
Safety and Health**

**Federal Highway  
Administration**

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3902.4B

Date  
July 14, 2016

Office of Primary Interest  
HAMS-10

Par.

1. **What is the purpose of this directive?**
2. **Does this directive cancel an existing FHWA directive?**
3. **What are the authorities for this directive?**
4. **What is the FHWA policy concerning the OSH Program?**
5. **What are the key OSH Program definitions?**
6. **What are the roles and responsibilities of the FHWA offices?**
7. **Are reports and postings required?**
8. **Where can I obtain additional information in carrying out this directive?**

1. **What is the purpose of this directive?** This order issues policies and guidance for the Federal Highway Administration's (FHWA's) Occupational Safety and Health (OSH) Program.
2. **Does this directive cancel an existing FHWA directive?** Yes. This directive cancels [FHWA Order 3902.4A](#), *Occupant Safety and Health Program*, dated August 24, 2004.
3. **What authorities govern this directive?** The authorities for this directive are:
  - a. Department of Transportation (DOT) Order M 3902.7B, *Occupational Safety and Health Management Manual*, dated July 13, 1995;
  - b. Public Law 91-596, the [Occupational Safety and Health Act of 1970](#) (the Act);
  - c. Executive Order (EO) 12196, [Occupational Safety and Health Programs for Federal Employees](#);
  - d. Title 29 Code of Federal Regulations (CFR) Part 1960, [Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters](#);
  - e. Title 29 CFR Part 1904, [Recording and Reporting Occupational Injuries and Illnesses](#);

f. Title 41 CFR 102-74, [Facility Management](#), and;

g. [The FHWA Occupational Safety and Health Manual](#).

4. **What is the FHWA policy concerning the OSH Program?** It is FHWA's policy to ensure its employees are provided a workplace free of hazards that may cause injury or death. The *FHWA Occupational Safety and Health Manual* (the Manual) will serve as the primary guide to administering the FHWA OSH program.

5. **What are the key OSH program definitions?**

a. **Abate** – To eliminate or reduce an unsafe or unhealthful working condition.

b. **Accident** – Any event that results in personal injury, illness or death, or damage or loss to government owned or controlled personal or real property.

c. **Designated Agency Safety & Health Official (DASHO)** – The individual responsible for the administration of the FHWA safety and health program.

d. **Establishment** – A single physical location where business is conducted, or where services or operations are performed. If distinctly separate activities are performed at a single physical location, each activity shall be treated as a separate establishment.

e. **Hazard** – A workplace condition that might result in injury, illness, or death to anyone exposed to the condition, or damage or loss to government owned or controlled personal or real property.

f. **Imminent Danger** – Any condition or practices, in any workplace, that could reasonably be expected to cause death or serious physical harm before the danger can be eliminated through normal abatement procedures.

g. **Inspection** – A comprehensive survey of all or part of a workplace in order to detect safety and health hazards.

h. **Occupational Safety and Health Officer (OSHO)** – The employee in the Office of Management Services who supports the DASHO by developing FHWA-wide safety policies, responding to data calls, and providing assistance and technical support to FHWA headquarters and field offices in all matters related to OSH.

i. **Occupational Safety and Health Manager (OSHM)** – The employee in each office that is assigned collateral duty occupational safety and health responsibilities, which includes acting as the point of contact for their office on all OSH program related matters, and coordinating and/or conducting safety inspections for their assigned space.

j. **Reprisal** – Any act of restraint, interference, coercion or discrimination against an employee.

- k. **Senior Leader** – An FHWA employee that has oversight responsibilities for their respective establishment. This includes, but is not limited to; Associate Administrators, Directors of Field Services, Division Administrators, Assistant Division Administrators, and Office Directors.
- l. **Serious Hazard or Condition** – A hazard, violation, or condition that poses an increased probability that death or serious physical harm will result.

6. **What are the roles and responsibilities of the FHWA offices?**

a. **FHWA-wide**

(1) **Senior Leaders**

- (a) Adhere to, and promote, all FHWA OSH program requirements outlined in this order, and the Manual;
- (b) Ensure budget submissions include appropriate financial resources that may be needed to provide the office with the necessary safety and health equipment, testing, materials, and training;
- (c) Designate an Occupational Safety and Health Manager (OSHM) for each office, and provide the designated employees name, phone number(s), and email address to the OSO;
- (d) Furnish employees a place of employment that is free from recognized hazards that are causing, or are likely to cause, serious physical harm or death;
- (e) Acquire, maintain, and require the use of approved personal protective equipment (PPE), approved safety equipment, and any other devices necessary to protect employees;
- (f) Ensure employees are trained in the proper use of, and care for, agency provided PPE;
- (g) Post in their office a poster informing employees of the provisions of the Act, EO 12196, and the agency's OSH program;
- (h) Ensure no employee is subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthy working condition, or for participating in agency OSH program activities;
- (i) Authorize OSH personnel to utilize expertise from any available source, including but not limited to; other agencies,

professional groups, consultants, universities, labor organizations, and safety and health committees.

**(2) Employees**

- (a) Use safety equipment, PPE, and other devices provided by FHWA and necessary for their protection;
- (b) Comply with the safety standards, rules, regulations, manuals and orders issued by DOT and FHWA in accordance with the Act, EO 12196, Title 29 Part 1960, and this order;
- (c) Shall report identified unsafe and unhealthful working conditions to appropriate officials;
- (d) Not be subjected to reprisal for filing a report of unsafe or unhealthful working conditions, participating in FHWA OSH program safety and health activities, or exercising any right afforded by section 19 of the Act, EO 12196, or the Title 29 Part 1960.

**b. Washington Headquarters**

**(1) The Associate Administrator for Administration serves as the FHWA DASHO. The DASHO shall:**

- (a) Act as the senior FHWA OSH official and represent FHWA when interacting with senior Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), and other Federal agency leaders on all matters related to FHWA's OSH program;
- (b) Operate an OSH program in accordance with the requirements of this order, the Manual, EO 12196, section 19 of the Act, and the basic program elements found in Title 29 Part 1960;
- (c) Support the Secretary of Transportation, or his/her designee, in the management and administration of DOT's OSH program;
- (d) Establish goals and objectives for the FHWA OSH program;
- (e) Develop plans and procedures for evaluating the effectiveness of the FHWA OSH program;
- (f) Ensure appropriate resources are available to support the FHWA OSH program;

- (g) Ensure the performance evaluation of any management official in charge of an establishment, or any supervisory employee, measures that employee's performance in meeting requirements of the agency occupational safety and health program, consistent with the employee's assigned responsibilities and authority.

**(2) The role of OSHO shall reside within the Office of Management Services (OMS). The OSHO shall:**

- (a) Develop policy for, and provide guidance on, the FHWA OSH program;
- (b) Periodically evaluate the effectiveness of the FHWA OSH program, ensuring it is compliant with all Federal laws, EO's, DOT Orders and regulations, and the Manual;
- (c) Coordinate and conduct safety inspections at the DOT Headquarters (HQ) building;
- (d) Be responsible for coordinating, and responding to, all OSH program data calls and reports;
- (e) Communicate OSH related news and information to FHWA offices;
- (f) Act as the point of contact for the FHWA OSH Program and support all FHWA offices in implementing the requirements of this order.

**7. Are reports and postings required?**

- a. An annual OSH report will be submitted to the Department of Labor via the Office of the Secretary of Transportation (OST). The Office of Management Services will coordinate FHWA's response to this requirement.
- b. On an annual basis, and no later than May 1<sup>st</sup> of each year, injury and illness data for each establishment shall be submitted to the Bureau of Labor Statistics. The Office of Management Services will coordinate FHWA's response to this requirement.
- c. Each FHWA establishment must maintain an OSHA 300 log for the calendar year, and post the log for employee review from February 1 through April 30.
- d. Each establishment shall display a poster informing employees of the provisions of the Act, EO 12196, and the FHWA OSH program.

8. **Where can I obtain additional information in carrying out this directive?** The Manual serves as the primary guide to administering the FHWA OSH program. The Manual can be found on the OSH StaffNet page at <http://staffnet.fhwa.dot.gov/osh/index.htm>.



Gregory G. Nadeau  
Administrator

Attachments

# **FEDERAL HIGHWAY ADMINISTRATION**

## **OCCUPATIONAL SAFETY & HEALTH MANAGEMENT MANUAL**

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## CHAPTER 1: INTRODUCTION

### 1.1 Background

On December 31, 1970, the Occupational Safety and Health Act (the Act) became law. Section 19 of the Act directed Federal agencies to establish and maintain comprehensive and effective Occupational Safety and Health (OSH) programs consistent with the standards found in Section 6 of the Act.

On July 26, 1971, Presidential Executive Order (EO) 11612, *Occupational Safety and Health Programs for Federal Employees*, was signed. EO 11612 directed the head of each Federal Agency to establish an OSH Program in compliance with Section 19 of the Act.

On September 28, 1974, EO 11807 was issued, replacing EO 11612. EO 11807 more clearly defined the scope, requirements and responsibilities of Federal Agency OSH Programs. In addition, EO 11807 required the Secretary of Labor issue guidelines designed to assist Federal agencies in establishing their programs.

On October 9, 1974, the Secretary of Labor issued OSH Program guidelines as Title 29, Code of Federal Regulations Part 1960, *Safety and Health Provisions for Federal Employees*.

On February 26, 1980, EO 11807 was replaced with EO 12196, *Occupational Safety and Health Programs for Federal Employees*. EO 12196 required, among other things, that the Secretary of Labor issue basic program elements with which agency heads shall operate their OSH Programs, and that each Agency head operate an OSH Program in accordance with the standards issued under Section 6 of the Act, and the basic program elements issued by the Secretary of Labor.

On October 23, 1980, the Secretary of Labor revised Title 29, Part 1960, and reissued the guidelines as the *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*.

On August 24, 2004, the Federal Highway Administration (FHWA) issued Order 3902.4A, which established policies and guidelines for FHWA's OSH Program.

The purpose of this manual is to complement the new FHWA OSH order by further defining FHWA OSH Program policies, and providing guidance on implementing the FHWA OSH Program. It is FHWA's policy to comply with the Act, EO 12196, and Title 29 Parts 1904 and 1960.

## CHAPTER 2: ROLES & RESPONSIBILITIES

### 2.1 Overview

The FHWA has a diverse workforce spread across 60 plus offices throughout the United States. While business conducted at FHWA Headquarters (HQ) is primarily administrative, FHWA field office employees are engaged in a wide range of activities that require OSH Program oversight and administration at the local level. The FHWA OSH Program roles and responsibilities are detailed below.

### 2.2 Roles and Responsibilities

#### A. Designated Agency Safety & Health Official

The Designated Agency Safety & Health Official (DASHO) is the employee responsible for the management of the safety and health program within an Agency. The Associate Administrator for Administration serves as the FHWA DASHO. The DASHO shall:

1. Act as the senior FHWA OSH official and represent FHWA when interacting with senior U.S. Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), and other Federal Agency leaders on all matters related to FHWA's OSH Program;
2. Operate an OSH Program in accordance with the requirements of this manual, EO 12196, section 19 of the Act, and the basic program elements found in Title 29 Part 1960<sup>1</sup>;
3. Ensure appropriate resources are available to support the FHWA OSH Program<sup>2</sup>;
4. Support the Secretary of Transportation, or his/her designee, in the management and administration of DOT's OSH Program;
5. Establish goals and objectives for the FHWA OSH Program<sup>3</sup>;
6. Develop plans and procedures for evaluating the effectiveness of the FHWA OSH Program<sup>4</sup>; and
7. Ensure the performance evaluation of any management official in charge of an establishment, or any supervisory employee, measures that employee's performance in meeting requirements of the Agency occupational safety and health program, consistent with the employee's assigned responsibilities and authority<sup>5</sup>.

<sup>1</sup> 29 CFR Chapter XVII 1960.6 (b)(1)

<sup>2</sup> 29 CFR Chapter XVII 1960.6 (b)(2) and 1960.7 (a)

<sup>3</sup> 29 CFR Chapter XVII 1960.6 (b)(4)

<sup>4</sup> 29 CFR Chapter XVII 1960.6 (b)(5)

<sup>5</sup> 29 CFR Chapter XVII 1960.11

**B. Occupational Safety and Health Officer**

The role of the Occupational Safety and Health Officer (OSHO) shall reside within the Office of Management Services (OMS). The OSHO shall:

1. Develop policy for, and provide guidance on, the FHWA OSH Program;
2. Periodically evaluate the effectiveness of the FHWA OSH Program, ensuring it is compliant with all Federal laws, EO's, and DOT Orders and regulations;
3. Coordinate and conduct safety inspections at the DOT HQ building (see *Chapter 3*);
4. Be responsible for coordinating, and responding to, OSH Program data calls and reports;
5. Communicate OSH related news and information to FHWA offices; and
6. Act as the point of contact for the FHWA OSH Program and support all FHWA offices in implementing the requirements of this order.

**C. All FHWA Offices – The senior leader(s) within each FHWA Office shall:**

1. Adhere to, and promote, all FHWA OSH Program requirements outlined in this order;
2. Ensure budget submissions include appropriate financial resources that may be needed to provide the office with the necessary safety and health equipment, testing, materials, and training<sup>6</sup>;
3. Designate an Occupational Safety and Health Manager (OSHM) for their office, and provide the designated employees name, phone number(s), and email address to the OSHO;
4. Furnish employees a place of employment that is free from recognized hazards that are causing, or are likely to cause, serious physical harm or death<sup>7</sup>;
5. Acquire, maintain, and require the use of approved personal protective equipment (PPE), approved safety equipment, and any other devices necessary to protect employees<sup>8</sup>;
6. Authorize OSH personnel to utilize expertise from any available source, including but not limited to; other agencies, professional groups, consultants, universities, labor organizations, and safety and health committees<sup>9</sup>;
7. Ensure employees are trained in the proper use of, and care for, Agency provided PPE;
8. Ensure no employee is subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthy working condition, or for participating in Agency OSH Program activities<sup>10</sup>; and

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<sup>6</sup> 29 CFR Chapter XVII 1960.7 (b) and (c)

<sup>7</sup> 29 CFR Chapter XVII 1960.8 (a) and 1960.9

<sup>8</sup> 29 CFR Chapter XVII 1960.8 (d)

<sup>9</sup> 29 CFR Chapter XVII 1960.8 (e)

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9. Post in their office a poster informing employees of the provisions of the Act, EO 12196, and the Agency's OSH Program<sup>11</sup>.

**D. Occupational Safety and Health Manager** – The senior leader in each office shall designate an OSHM. The OSHM shall:

1. Act as the point of contact for their respective office on all OSH Program related matters;
2. Coordinate and/or conduct safety inspections for their assigned space (see *Chapter 3*); and
3. In leased facilities, act as the safety liaison with the U.S. General Services Administration (GSA).

**E. Employees** shall:

1. Use safety equipment, PPE, and other devices provided by FHWA and necessary for their protection<sup>12</sup>;
2. Comply with the safety standards, rules, regulations, and Orders issued by DOT and FHWA in accordance with the Act, EO 12196, and Title 29 Part 1960<sup>13</sup>;
3. Have the right to report unsafe and unhealthful working conditions to appropriate officials<sup>14</sup>; and
4. Not be subjected to restraint, interference, discrimination, or reprisal for filing a report of unsafe or unhealthful working conditions, participating in FHWA OSH Program safety and health activities, or exercising any right afforded by section 19 of the Act, EO 12196, or the Title 29 Part 1960<sup>15</sup>.

## CHAPTER 3: SAFETY INSPECTIONS

### 3.1 Overview

Regularly scheduled safety inspections are necessary in order to identify hazards that may lead to accidents, injuries, or illnesses. Personnel conducting safety inspections should follow the principles of the hierarchy of hazard control (see *Chapter 6*) to abate any identified hazards. Safety inspections are an important step in ensuring FHWA is providing its employees a place of employment that is free from recognized hazards that could lead to serious physical harm, or death.

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<sup>10</sup> 29 CFR Chapter XVII 1960.10 (c) and (d)

<sup>11</sup> 29 CFR Chapter XVII 1960.12 (c)

<sup>12</sup> 29 CFR Chapter XVII 1960.10 (b)

<sup>13</sup> 29 CFR Chapter XVII 1960.10 (a)

<sup>14</sup> 29 CFR Chapter XVII 1960.10 (c)

<sup>15</sup> 29 CFR Chapter XVII 1960.10 (c) and (d)

Employees conducting safety inspections are authorized to inspect any building, construction site, or environment where work is performed by FHWA employees. The inspections shall be conducted at reasonable times (i.e. during normal business hours), and the inspecting employee shall be given full access to any machines, devices, equipment, or materials that require their attention<sup>16</sup>. If the inspecting employee identifies a hazard, but cannot determine its severity; either due to a lack of training, the complexity of the hazard, or a lack of equipment necessary to properly diagnose the severity of the hazard, the investigating employee shall contact the OSHO and request assistance. In some cases it may be necessary to hire a qualified specialist (i.e. an industrial hygienist) to properly evaluate a hazard.

### 3.2 HQ Safety Inspections

HQ safety inspections shall;

- A. Be conducted by the OSHO;
- B. Be conducted at least once per year<sup>17</sup>;
- C. Be coordinated with the designated OSHM in each office; and
- D. Include an invitation to one or more supervisors in the impacted office to attend the safety inspection.<sup>18</sup>

Prior to the start of an inspection, the OSHO should review any relevant information pertaining to the office being inspected, including hazard reports, injury and illness records, previous inspection records, and prior reports of unsafe or unhealthful working conditions<sup>19</sup>.

The OSHO will identify and document hazards and ensure safety violations are abated in a timely manner. The OSHO shall employ the hierarchy of hazard control procedures outlined in *Chapter 6* in order to mitigate the risks associated with any identified hazard. If the inspection results in a finding of an apparent unsafe or unhealthful working condition, the OSHO shall follow the procedures outlined in *Chapter 9* of this manual.

Following the inspection, the OSHO shall compare walk-through results to prior year reports in order to identify trends and track the progress of each office.

### 3.3 Non-HQ Safety Inspections

Non-HQ safety inspections shall;

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<sup>16</sup> 29 CFR Chapter XVII 1960.26 (b)

<sup>17</sup> 29 CFR Chapter XVII 1960.25 (c)

<sup>18</sup> 29 CFR Chapter XVII 1960.27 (a)

<sup>19</sup> 29 CFR Chapter XVII 1960.26 (a)

- A. Be conducted by the OSHM, or in leased facilities, may be conducted by the GSA, Federal Protective Services, or local fire department personnel;
- B. Be conducted at least once per year, but more often for workplaces where there is an increased risk of accident, injury, or illness due to the nature of the work performed; and
- C. Include an invitation to office leadership to attend the safety inspection.

Prior to the start of an inspection, the OSHM should review any relevant information pertaining to the office being inspected, including hazard reports, injury and illness records, previous inspection records, and prior reports of unsafe or unhealthful working conditions.

The OSHM will identify and document hazards and work with management to ensure safety violations are abated in a timely manner. The OSHM shall employ the hierarchy of hazard control procedures outlined in *Chapter 6* in order to mitigate the risks associated with any identified hazard. If the inspection results in a finding of an apparent unsafe or unhealthful working condition, the OSHM shall follow the procedures outlined in *Chapter 9* of this manual.

Following the inspection, the OSHM shall compare walk-through results to prior year reports in order to identify trends and track the progress of each office.

## CHAPTER 4: GOALS AND OBJECTIVES

### 4.1 Overview

The ultimate goal of the FHWA OSH Program is to eliminate workplace accidents, injuries, and illnesses. In order to evaluate the effectiveness of the FHWA OSH Program, the OSHO will periodically evaluate each office's ability to meet the objectives outlined below.

### 4.2 Objectives

- A. **Objective: Eliminate workplace injuries & illnesses**  
*Measurement: Each establishment shall monitor its injury and illness rate and create an action plan to promote year-over-year injury and illness reductions. Action plans may include safety awareness programs, increased safety walkthroughs to identify and abate hazards, increased signage to identify known hazards, etc.*
- B. **Objective: Ensure each establishment displays a poster informing employees of the provisions of the Act, EO 12196, and the FHWA OSH Program**

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*Measurement: As part of his/her periodic evaluation, the OSHO will require each office confirm the poster is displayed in a conspicuous place in the establishment.*

- C. Objective: Within 6 months of appointment of an employee to a collateral duty safety position, which includes the OSHO and the OSHM, provide training for personnel commensurate with the scope of the employees assigned responsibilities**

*Measurement: As part of his/her periodic evaluation, the OSHO will require each office provide evidence that all collateral duty safety positions have received required training (see Chapter 7).*

- D. Objective: Ensure an OSHA 300 log is maintained for each establishment**

*Measurement: Each year the OSHO is responsible for responding to a departmental data call related to OSHA 300 logs. The OSHO will require each establishment provide a copy of their log for inclusion in the data call.*

## CHAPTER 5: COUNCILS AND COMMITTEES

### 5.1 Overview

Pursuant to Title 29 Part 1960, Subpart F, Federal agencies may elect to establish OSH committees at the national and local level to monitor and assist the Agency's safety and health program. The FHWA has elected not to establish national or local level committees meeting the definition of Subpart F; however, field offices may choose to establish safety committees, councils, groups, or panels (hereafter referred to as safety committees) to strengthen the establishments safety posture, and support and enforce FHWA's OSH Program. Field offices that elect to establish a safety committee must meet the minimum requirements outlined below.

### 5.2 Safety Committee Requirements

The safety committee shall:

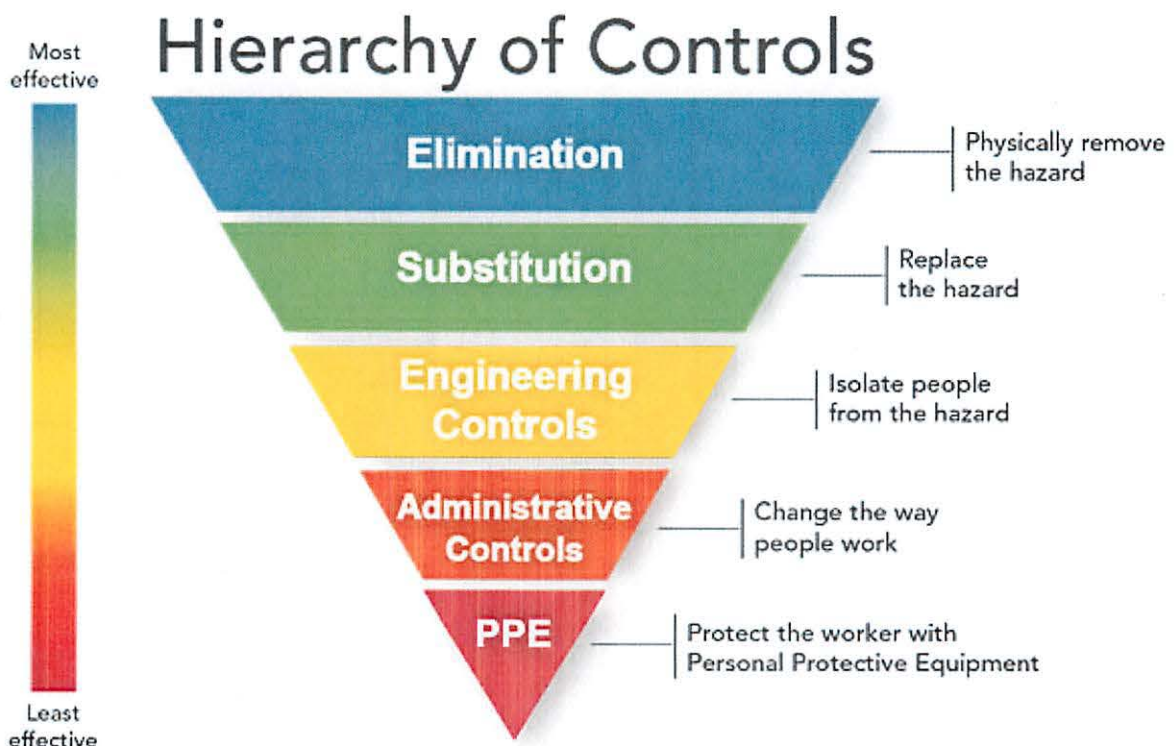
- A. Have representation of management and non-management employees;
- B. Be inclusive, ensuring all employees at the establishment are afforded the opportunity to participate in the committee, and committee activities;
- C. Collectively determine the proper roles and responsibilities of the committee members;
- D. Independently develop its own rules of conduct, agendas, and action items;

- E. Notify the OSHO when the committee is formed, providing the names and roles of the committee members;
- F. Meet at least twice a year and record and maintain meeting minutes, which shall be made available to management, the OSHO, and the DASHO upon request; and
- G. Be granted access to all FHWA OSH Program information relevant and necessary to carry out their duties. This includes, but is not limited to: FHWA OSH Program policies and procedures, accident, injury, and illness data, and inspection reports. Requests shall be made, in writing, to the OSHO.

## CHAPTER 6: PREVENTION AND CONTROL OF WORKPLACE HAZARDS

### 6.1 Hierarchy of Hazard Control

Section 19(a) of the Act requires all Federal employees be provided with a safe and healthful place of employment. To fulfill this requirement, FHWA offices should conduct regularly scheduled safety inspections, and abate any identified hazards by adhering to the principles of the hierarchy of hazard control; Elimination, Substitution, Engineering, Administration, PPE.



Graphic is courtesy of the Centers for Disease Control and Prevention – National Institute for Occupational Safety and Health



**Elimination** – While most effective at reducing hazards, this tends to be the most difficult to implement when dealing with existing processes or infrastructure. A simple example of eliminating a hazard is drying a wet floor in order to prevent slips or falls.

**Substitution** – This method is used in order to replace a hazardous process or item when elimination is not an option. For example, a broken office chair cannot be eliminated entirely since an employee needs a place to sit, but can easily be substituted, or replaced, with a new model.

**Engineering Controls** – Used to isolate employees from identified hazards when elimination and substitution are not possible. For example, fumes in laboratories cannot be eliminated, or substituted, but FHWA can install fume hoods in order to reduce/eliminate the risk of airborne contaminants.

**Administrative Controls** – The fourth most effective option, this method alters the way in which work is done. An example would be requiring custodial staff to mop floors after normal business hours to reduce the chance of slips and falls.

**Personal Protective Equipment** – Personal Protective Equipment (PPE) is equipment meant to reduce an employees' exposure to a known hazard. Examples of PPE include hard hats, steel toed boots, safety goggles, and reflective vests.

All recognized safety and health hazards shall be evaluated using the hierarchy of hazard control and abated as quickly as possible.

## CHAPTER 7: TRAINING

### 7.1 Overview

The number one goal of the FHWA OSH Program is to eliminate workplace accidents and injuries. This can be accomplished, in part, by providing employees with training opportunities to develop and enhance their OSH knowledge and skills.

Each FHWA office is responsible for ensuring its budget submissions include appropriate financial resources needed to provide employees with necessary safety and health training. Excluding the required training outlined below, "necessary training" should be determined at the individual office level. Necessary training may include introductory OSH courses for employees and supervisors, construction worksite safety training, work zone traffic safety training, and how to identify workplace hazards. Training should correspond to the responsibility level of the individual, but at a minimum should provide employees with a basic understanding of OSH laws, rules, and regulations.

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## 7.2 Required Training

- A. Top management officials shall be provided with learning opportunities that will enable them to effectively manage the FHWA OSH Program. This should include coverage of section 19 of the Act, EO 12196, and the requirements of Title 29 Part 1960.<sup>20</sup>
- B. Managers and supervisors shall be provided with learning opportunities that include; supervisory responsibilities for providing and maintaining safe and healthful working conditions for employees, to include identifying hazards in the workplace, a basic overview of section 19 of the Act, EO 12196, and the requirements of Title 29 Part 1960, procedures for reporting hazards, procedures for reporting and investigating allegations of reprisal, and procedures for the abatement of hazards.<sup>21</sup>
- C. Safety and health personnel, to include collateral duty personnel and employees occupying the roles of OSHO or OSHM, shall, within 6 months of appointment, receive training corresponding to the scope of their assigned responsibilities. The training shall include; a basic overview of section 19 of the Act, EO 12196, and the requirements of Title 29 Part 1960, procedures for reporting, evaluating and abating hazards, procedures for reporting and investigating allegations of reprisal, and the recognition of hazardous conditions and environments<sup>22</sup>.
- D. All other employees shall be provided appropriate safety and health training, including specialized job safety and health training, appropriate to the work being performed.<sup>23</sup>

## 7.3 Training Resources

The resources below offer a starting point for those seeking to identify training opportunities.

- A. **OSH Academy** – Offers a number of free online courses for Federal and private sector employees. ([www.oshatrain.org](http://www.oshatrain.org))
- B. **The OSHA Directorate of Training and Education** – The OSHA Directorate of Training and Education (DTE) develops, directs, and manages the implementation of OSHA's national training and education policies and procedures. The site includes links to a number of training resources. ([www.osha.gov/dte/dte.html](http://www.osha.gov/dte/dte.html))

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<sup>20</sup> 29 CFR Chapter XVII 1960.54

<sup>21</sup> 29 CFR Chapter XVII 1960.55

<sup>22</sup> 29 CFR Chapter XVII 1960.25 (a) and 1960.58

<sup>23</sup> 29 CFR Chapter XVII 1960.59

- C. **OSHA Training Institute Education Centers** – Offers numerous instructor-led, fee-based, OSHA courses throughout the country.  
([https://www.osha.gov/dte/ecd/course\\_otiec\\_search\\_public.html](https://www.osha.gov/dte/ecd/course_otiec_search_public.html))
- D. **Talent Management System** – Online, and instructor-led, training opportunities. Search using keywords “OSHA” or “safety”.  
(<https://tms.abc.doi.gov/learning/user/login.do>)
- E. **StaffNet Safety and Health Portal** – Offers links to various training courses, resources, and modules. (<http://staffnet.fhwa.dot.gov/osh/training.htm>)

## CHAPTER 8: PERSONAL PROTECTIVE EQUIPMENT

### 8.1 Overview

The principles of the hierarchy of hazard control (see *Chapter 6*) shall be the primary method used to evaluate hazards in the work place. This chapter establishes the policies and procedures that shall be followed in cases where PPE is the recommended hazard control.

The PPE shall be provided, used, and maintained when it has been determined by the OSHM or senior leadership its use is required and that such use will lessen the likelihood of occupational injuries or illnesses. Offices shall provide necessary PPE where there is a reasonable probability that the use of the equipment will prevent or reduce the likelihood of injuries or illnesses.

It is important to note that PPE does nothing to reduce or eliminate the hazard itself. The PPE establishes a "last line of defense" and any equipment failure or misuse immediately exposes the employee to the hazard. The PPE, through misapplication or improper maintenance, can become ineffective and can have potentially serious consequences. For this reason, proper equipment selection, maintenance, employee training, and mandatory enforcement of equipment use are key elements in an effective PPE program.

### 8.2 Responsibilities

After determining PPE is required, senior leadership in each office shall:

- A. Select, and have impacted employee use, PPE that will protect the employees from identified hazard(s);
- B. Enforce the use of employer provided PPE to the best of its abilities;
- C. Ensure personnel are well-versed in the proper use, inspection, and care of PPE required for a given situation;

- D. Ensure PPE is properly fitted for each affected employee;
- E. Periodically inspect, clean, and disinfect the provided PPE;
- F. Ensure PPE is stored properly in order to maximize the life of the equipment, and maintain its effectiveness; and
- G. Ensure PPE meets Federal, American National Standards Institute (ANSI), National Institute of Occupational Safety and Health (NIOSH), or Underwriters Laboratories, Inc. (UL) specifications.

## CHAPTER 9: REPORTING, INVESTIGATING, AND RECORDING UNSAFE OR UNHEALTHY WORKING CONDITIONS

### 9.1 Overview

The FHWA employees that identify unsafe or unhealthful working conditions shall immediately report their observations to their supervisor and OSHM.<sup>24</sup> Many hazardous conditions can be eliminated as soon as they are identified, therefore it is important to communicate unsafe or unhealthful conditions as soon as possible. Employees may use the *Notice of Alleged Safety or Health Hazard* form found in Appendix A to document and report their observation.

EO 12196 requires Agency inspections of unsafe or unhealthful working conditions be conducted within 24 hours for employee reports of imminent danger, within 3 working days for potentially serious conditions, and within 20 working days for other than serious conditions.<sup>25</sup>

### 9.2 Unsafe or Unhealthful Working Conditions – Reporting Requirements

- A. All FHWA employees shall immediately report unsafe or unhealthful working conditions to their immediate supervisor and OSHM;
- B. Employees are encouraged to use the *Notice of Alleged Safety or Health Hazard* form found in Appendix A to report the condition. If an employee elects to use an alternative reporting method, it should include the following information;
  - 1. Reason for report (i.e. safety or health hazard?);
  - 2. Name of employee reporting the hazard (employees who wish to remain anonymous should indicate this on the report);
  - 3. Location of the unsafe or unhealthful condition (i.e. address, building, room, etc.)
  - 4. Description of the hazard; and
  - 5. Any actions taken to correct the hazard (if known or applicable).

<sup>24</sup> 29 CFR Chapter XVII 1960.27 (d) and 1960.28 (a) and (c)

<sup>25</sup> 29 CFR Chapter XVII 1960.28 (d)(3)

- C. Upon the request of the individual reporting an unsafe or unhealthful working condition, no person shall disclose the name of the individual making the report, or the name(s) of individual employee(s) referred to in the report, to anyone other than authorized representatives of the FHWA Administrator.
- D. An OSHO or OSHM that identifies a suspected unsafe or unhealthful working condition during a safety inspection shall confer with the official in charge of the workplace and with an appropriate representative of the employees of the establishment, and informally advise them of the apparent condition.<sup>26</sup>

### 9.3 Unsafe or Unhealthful Working Conditions – Investigation Requirements

- A. The OSHM, senior leadership, or a qualified individual appointed by senior leadership shall investigate reports of unsafe or unhealthful working conditions. The investigating employee or individual shall;
1. Promptly investigate the situation and determine if an unsafe or unhealthy working condition exists, and the severity of any such hazard;
    - i. If the severity cannot be determined, either due to the lack of training by the investigating employee, the complexity of the hazard, or a lack of equipment required to properly diagnose the severity of the hazard, the investigating employee shall contact the OSHO and request assistance. In these cases it may be necessary to hire a qualified specialist (i.e. an industrial hygienist) to evaluate the hazard;
    - ii. If the severity of the hazard can be evaluated, and it is determined safe to do so, the investigating employee should employ the hierarchy of hazard control procedures outlined in *Chapter 6* in order to mitigate the risks associated with the hazard;
  2. Upon concluding a danger exists which could reasonably be expected to cause serious physical harm or death;
    - i. Inform the affected employees, official in charge of the workplace, the OSHO, and the DASHO;
    - ii. Request the official in charge of the workplace undertake immediate abatement procedures, and withdraw all employees not necessary for the abatement of the hazard;

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<sup>26</sup> 29 CFR Chapter XVII 1960.26 (b)(6)

3. Describe, in writing, the procedures followed during the inspection, the findings, and the estimated date abatement procedures will be started and completed.<sup>27</sup>

## 9.4 Unsafe or Unhealthy Working Conditions – Record Keeping Requirements

- A. Offices shall record any report of unsafe or unhealthy conditions on a log maintained by the office, which at a minimum shall include<sup>28</sup>.
  1. Date and time of the report;
  2. A unique code, reference, or file number;
  3. The location of the condition;
  4. A brief description of the condition;
  5. Classification of the severity of the condition (imminent danger, serious, or other);  
and
  6. The date, and nature, of any actions that were taken to address the hazard.
- B. An employee submitting a report of unsafe or unhealthy conditions shall be notified in writing, within 15 days, if the official receiving the report determines there are not reasonable grounds to believe such a hazard exists, and does not plan to make an inspection based on the report.<sup>29</sup>
- C. A copy of the report from 9.2 (B), and notification from 9.4 (B), shall be provided to the OSHO.
- D. If the report of unsafe or unhealthy working conditions results in an investigation, the investigation report shall be made available to the employee that filed the report of unsafe or unhealthy conditions;
  1. Within 15 days after completing the inspection for unsafe conditions; and
  2. Within 30 days after completing the inspection for unhealthy conditions<sup>30</sup>
- E. In cases where a Notice of Unsafe or Unhealthy Working Conditions is issued (see section 9.5 below), the head of the establishment shall place in a prominent place where it will be readily observable by all affected employees a copy of the notice, which shall remain posted until the unsafe or unhealthy condition has been abated, or for three (3) working days, whichever is later.<sup>31</sup>

<sup>27</sup> 29 CFR Chapter XVII 1960.26 (c)(1)

<sup>28</sup> 29 CFR Chapter XVII 1960.28 (d)(1) and (2)

<sup>29</sup> 29 CFR Chapter XVII 1960.28 (d)(4)

<sup>30</sup> 29 CFR Chapter XVII 1960.28 (d)(4)

<sup>31</sup> 29 CFR Chapter XVII 1960.26 (c)(4)

## 9.5 Issuance of a Notice of Unsafe or Unhealthful Working Conditions

The Federal Agency equivalent of a "citation" is OSHA's *Notice of Unsafe or Unhealthful Working Conditions* (Notice). The Notice is a report of a violation of OSHA standards, Agency alternate standards, or citable program elements required by Title 29 Part 1960.

A Notice may be issued following an internal, or external, safety inspection. OSHA may issue a Notice following an inspection that stems from an employer's request that OSHA conduct an investigation of an establishment, or an employee report of unsafe or unhealthful working conditions, which was submitted directly to OSHA. Violations may be classified as follows:

**WILLFUL:** A willful violation is defined as a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.

**SERIOUS:** A serious violation exists when the workplace hazard could cause an accident or illness that would most likely result in death or serious physical harm, unless the employer did not know or could not have known of the violation.

**REPEATED:** A Federal Agency may be cited for a repeated violation if the Agency has been cited previously for the same or a substantially similar condition and, for a serious violation, OSHA's region-wide inspection history for the Agency lists a previous OSHA Notice issued within the past 5 years; or, for an other-than-serious violation, the establishment being inspected received a previous OSHA Notice issued within the past 5 years.

**OTHER-THAN-SERIOUS:** A violation that has a direct relationship to job safety and health, but is not serious in nature, is classified as "other-than-serious."

### A. Notice of Unsafe or Unhealthful Working Conditions (Following Internal Investigation)

1. A Notice shall be issued not later than 15 days after completion of the inspection for safety violations, and not later than 30 days for health violations.<sup>32</sup>
2. A Notice shall be in writing and describe the nature and degree of seriousness of the unsafe or unhealthful working condition, including a reference to the standard or requirement involved (see the table in section 9.6 below).<sup>33</sup>
3. The Notice shall set 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.<sup>34</sup>
4. The official in charge of the workplace shall immediately post the Notice 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 referred to in the Notice, it shall be posted in a prominent place where it will be readily observable by all affected employees.<sup>35</sup>

<sup>32</sup> 29 CFR Chapter XVII 1960.26 (c)(2)

<sup>33</sup> 29 CFR Chapter XVII 1960.26 (c)(2)(i)

<sup>34</sup> 29 CFR Chapter XVII 1960.26 (c)(2)(ii) and (iii)

<sup>35</sup> 29 CFR Chapter XVII 1960.26 (c)(3)

5. The unsafe or unhealthful condition shall be promptly abated, using whatever resources are necessary to accomplish the task.<sup>36</sup> If the hazard cannot be abated within the authority and resources of the establishment, the official in charge shall request assistance from the OSHO and the DASHO.<sup>37</sup>
6. The official in charge of the establishment shall prepare an abatement plan with appropriate participation of FHWA OSH personnel if abatement will not be possible within 30 calendar days. The plan shall contain an explanation of the circumstances of the delay in abatement, a proposed timetable for abatement, and a summary of the steps being taken to protect employees from being injured as a result of the condition.<sup>38</sup>
7. Following abatement procedures, the official in charge of the establishment and the OSHM shall conduct a follow-up inspection to ensure the hazard no longer exists.<sup>39</sup>

**B. Notice of Unsafe or Unhealthful Working Conditions (Following External OSHA Investigation)**

1. Upon receiving a Notice resulting from an OSHA-led investigation, FHWA may correct the condition by the date set in the OSHA Notice, or the official in charge of the establishment may request an informal conference within 15 working days from the time the Notice is received with the OSHA Area Director to discuss the Notice.
  - i. Correcting the Condition
    - a. The official in charge of the workplace shall immediately post the Notice 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 referred to in the Notice, it shall be posted in a prominent place where it will be readily observable by all affected employees.
    - b. If the OSHA Notice permits an extended period of time for abatement, FHWA must ensure employees are adequately protected during that time.
    - c. If FHWA believes it will be unable to meet the abatement dates listed in the Notice, it may file a Petition for Modification of Abatement (PMA) with the OSHA Area Director.
    - d. The unsafe or unhealthful condition shall be promptly abated, using whatever resources are necessary to accomplish the task. If the hazard cannot be abated within the authority and resources of the establishment, the official in charge shall request assistance from the OSHO and the DASHO.
    - e. FHWA must promptly notify the OSHA Area Director, by letter, indicating appropriate corrective action has been taken within the timeframe established in

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<sup>36</sup> 29 CFR Chapter XVII 1960.30 (a)

<sup>37</sup> 29 CFR Chapter XVII 1960.30 (d)

<sup>38</sup> 29 CFR Chapter XVII 1960.30 (c)

<sup>39</sup> 29 CFR Chapter XVII 1960.30 (b)



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the Notice. The letter must explain the specific action taken with regard to the violation and state the date each corrective action was taken.

- f. If abatement will not be possible within 30 calendar days the official in charge of the establishment shall prepare an abatement plan with appropriate participation of FHWA OSH personnel.
- g. Following abatement procedures, the official in charge of the establishment and the OSHM shall conduct a follow-up inspection to ensure the hazard no longer exists.

ii. The Informal Conference

FHWA may request an informal conference with the OSHA Area Director to discuss the violations, and to:

- a. Obtain a better explanation for the violations cited;
- b. Obtain a more complete understanding of the specific standards that apply;
- c. Discuss ways to correct violations;
- d. Discuss problems concerning the abatement dates;
- e. Discuss problems concerning employee safety practices;
- f. Resolve disputed violations;
- g. Obtain answers to any other questions FHWA may have.

If FHWA and the Area Director are unable to resolve issues related to the Notice, a summary of the discussion, together with the Agency's position on the unresolved issues, shall be forwarded to the Federal Agency Program Officer (FAPO) within 5 working days of the conference. If there are still unresolved issues following the FAPO's review, FHWA may send a letter of appeal to OSHA's Office of Federal Agency Programs (OFAP). The OFAP will review the disputed issue(s) and make a final determination.

If no disputes arise from the informal conference, FHWA shall move to correct the condition, as outlined in section 9.5 (B)(1)(i) above.

**9.6 Title 29 Part 1960 Citable Program Elements**

Program Element	Explanation
§1960.8(a)	The “general duty clause” element that will replace the Executive Order 201(a) for enforcing serious hazards that are not covered by a standard.
§1960.8(b)	Requires all agencies to comply with applicable OSHA standards.
§1960.8(c)	Requires all agencies to develop, implement, and evaluate an occupational safety and health program.
§1960.8(d)	Requires all agencies to acquire, maintain, and mandate employee use of approved personal protective equipment (PPE) and other safety equipment.
§1960.11	Establishes accountability of managers and supervisors and can apply equally to all agencies.
§1960.12(c)	Requires all agencies to post an agency occupational safety and health poster informing employees of the agency safety and health program.
§1960.25(a)	The last sentence stipulating that necessary equipment to conduct inspections must be provided can be enforced in all agencies; the first part of the paragraph may not apply.
§1960.25(c)	The first sentence requires each agency to inspect each workplace annually. The remaining part of the element may not apply to all agencies.
§1960.26(b)(5)	The first sentence provides the CHSO with specific imminent danger instructions that can apply uniformly. The rest of the paragraph may not apply at all locations.
§1960.26(c)(1-4)	Specifies how agencies should handle agency inspection reports and notices of unsafe or unhealthful conditions.
§1960.27(a)	The first sentence specifies that the safety and health inspector is in charge of an agency inspection. The rest of the paragraph is general instruction that would be difficult to enforce.
§1960.28(d)(3)	Specifies time frames for an agency to inspect employee reports of hazards.
§1960.29(b)	Requires all agencies to investigate incidents resulting in a fatality or hospitalization of three or more employees.
§1960.29(d)	Requires agencies to include specific information on all investigative reports of incidents and specifies the report be made available to the Secretary or an authorized representative of the Secretary of Labor.
§1960.30(a-e)	Specifies abatement directions that apply to all agencies.
§1960.34(a-d)	Provides specific directions to General Services Administration (GSA) and other agencies that affect the safety and health programs of agencies in federally owned or leased buildings.
§1960.37(b)	Requires equal representation of management and non-management employees for those agencies that choose to have a Certified Safety and Health Committee.
§1960.37(d)	Requires the chair position of the safety and health committee to alternate between management and non-management; this element applies as well to those agencies that choose to have a Certified Safety and Health Committee.

## CHAPTER 10: REPORTING, INVESTIGATING, AND RECORDING WORK-RELATED ACCIDENTS, INJURIES, OR ILLNESSES

### 10.1 Overview

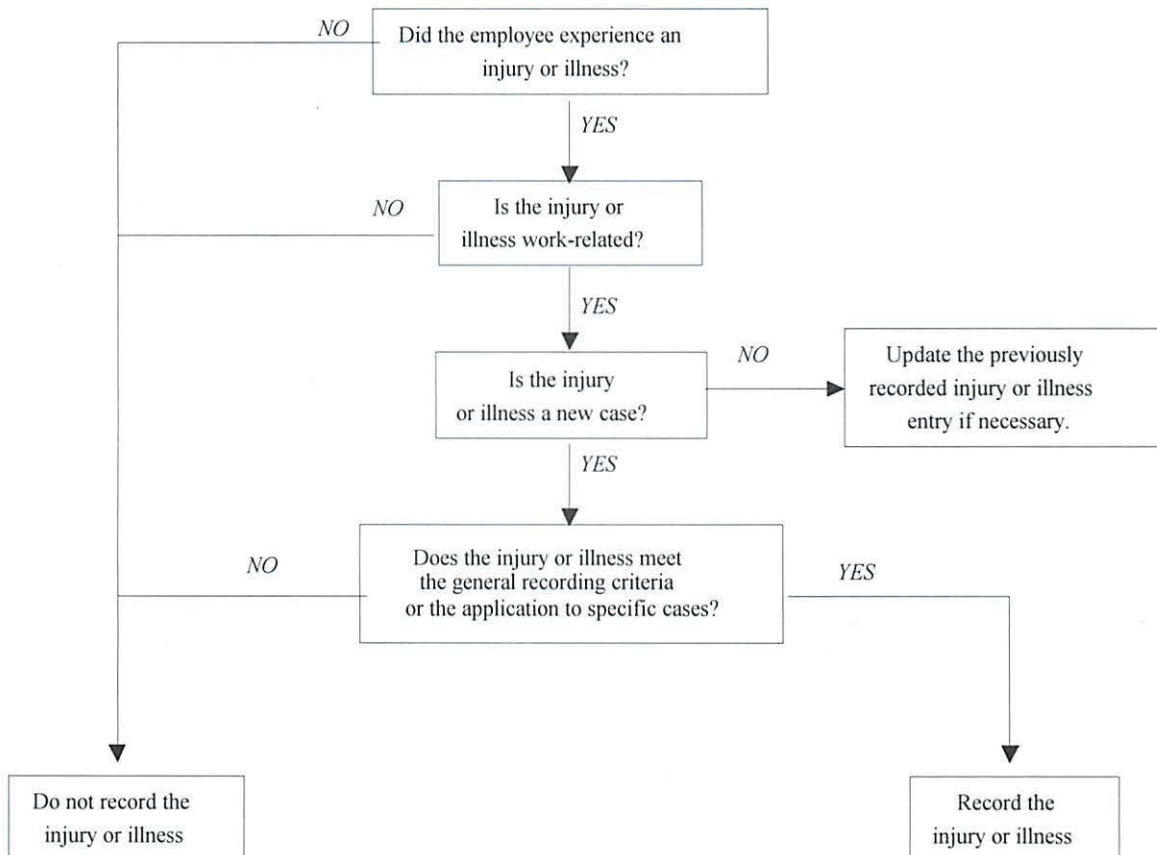
An FHWA employee that experiences a work-related accident, injury, or illness shall, as soon as practical, report the incident to their supervisor and the OSHM. For the purpose of this chapter, accidents include motor vehicle accidents caused by, or involving, on-duty Federal employees, and accidental damage to federally owned or controlled personal, or real, property. An injury or illness is considered work-related if an event or exposure in the work environment caused or contributed to the resulting condition, or significantly aggravated a preexisting injury or illness. See section 10.2 for help determining if an injury or illness must be recorded.

All accidents that result in a fatality or the hospitalization of three or more employees shall be investigated.<sup>40</sup> Federal agencies are required to report to OSHA all work-related fatalities and inpatient hospitalizations of three or more employees (from a single event) within 8 hours of being notified. Federal agencies must also report to OSHA each work-related inpatient hospitalization of less than three employees, each amputation, or each loss of eye within 24 hours of being notified.

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<sup>40</sup> 29 CFR Chapter XVII 1960.29 (b)

## 10.2 Determining if an Accident, Injury or Illness Should be Reported



### A. You are not required to record injuries and illnesses:

1. At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee;
2. The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment;
3. The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball;
4. The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. **Note:** If the employee is made ill by ingesting food contaminated by

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- workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related;
5. The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours;
  6. The injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or is intentionally self-inflicted;
  7. The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work;
  8. The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work); and
  9. The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

### 10.3 Workplace Accidents, Injuries, or Illnesses – Reporting Requirements

- A. All reportable injuries and illnesses should be recorded on the OSHA 300 log;
- B. An employee involved in a work-related accident involving a Government Owned Vehicle (GOV) shall:
  1. Get the name and address of each witness;
  2. Ask any witnesses to complete Standard Form 94, *Statement of Witness*, contained in the Motor Vehicle Accident Reporting Kit in the glove compartment of each GOV;
  3. Complete Standard Form 91, *Motor Vehicle Accident Report*, at the scene. If conditions prevent this, make notes of the following:
    - i. Registration information (owner's name and address, tag number, VIN, and vehicle description) for other vehicle(s) involved in, or witness to, the accident;
    - ii. Information on other driver(s) (name, address, operator's permit number, and expiration date) involved in, or witness to, the accident;
    - iii. Name and address of each person involved, and extent of injuries, if any;
    - iv. Name and address of company insuring other vehicle(s) and insurance policy number(s); and
    - v. General information such as location, time, weather, damage, etc.
  4. If possible, take photographs of the crash scene and try to include license tag numbers;
  5. Notify State, county, or local authorities as required by law;

6. If the vehicle is leased from GSA and is undriveable, or unsafe to operate, and requires towing, call the Accident Management Center (AMC) at (866) 400-0411, Option 2. (6:00 am – 7:00 pm CT);
  7. Submit all reports and data to your supervisor within 1 working day;
  8. Contact the AMC within 5 business days to report the accident and submit accident documentation as outlined in the GSA Motor Vehicle Accident Reporting Kit found in the glove compartment; and
  9. Process injury claims through Human Resources using a Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, (Form CA-1).
- C. To report fatalities, inpatient hospitalizations, amputations, or loss of an eye, the reporting employee shall;
1. Report the incident to the OSHM or the senior leader at the establishment;
  2. Within 8 hours of learning of the work-related incident for fatalities and inpatient hospitalizations involving three or more employees, or within 24 hours of learning of the work-related incident for inpatient hospitalizations of less than three employees, any amputation, or any loss of an eye, orally report the incident to the Area Office of OSHA that is nearest the site of the incident, call the OSHA toll-free central telephone number 1-800-321-6742, or submit the report electronically using the application found at <https://www.osha.gov/pls/ser/serform.html>;

The reporting employee must provide the following information to OSHA:

- i. The establishment name;
- ii. The location of the incident;
- iii. The time of the incident;
- iv. The number of fatalities or hospitalized employees;
- v. The names of any injured employees;
- vi. The reporting employees contact information; and
- vii. A brief description of the incident.

The senior leader of the establishment where the incident occurred shall, as soon as possible, contact the DASHO and the OSHO and provide them with the information from items (2)(i) through (2)(vii) above.

#### **10.4 Workplace Accidents, Injuries or Illnesses – Investigation Requirements**

- A. While all accidents should be investigated, the extent of any investigation shall be reflective of the seriousness of the injury, or illness.<sup>41</sup>
- B. The investigating employee shall:

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<sup>41</sup> 29 CFR Chapter XVII 1960.29 (a)

1. Create an investigative report that includes the date, time, location, description of accident, injury or illness, photographs, interviews of employees and witnesses, and any other pertinent information<sup>42</sup>;
2. Transmit any information uncovered during the investigation that would be of benefit in developing new OSHA standards, or modifying existing standards, to the DASHO for consideration<sup>43</sup>; and
3. Provide copies of the investigation report to the official in charge of the establishment, the OSHM, OSO, and DASHO.

## 10.5 Workplace Accidents, Injuries, or Illnesses – Record Keeping Requirements

- A. Each FHWA building must maintain an OSHA form 300 *Log of Work-Related Injuries and Illnesses*.
- B. Each establishment's OSHA form 300 must have all injuries and illnesses for the calendar year (January 1 through December 31).
- C. An OSHA form 300A *Summary of Work-Related Injuries and Illnesses* must be posted at each establishment for worker viewing from February 1 through April 30.
- D. An OSHA form 301 *Injuries and Illness Incident Report*, or an equivalent CA-1/CA-2 worker's compensation claim form, must be maintained for every injury or illness on the log.

## CHAPTER 11: ALLEGATIONS OF REPRISAL

### 11.1 Overview

No FHWA employee shall be subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of an unsafe or unhealthful working condition, for participating in Agency OSH Program activities, or for exercising the rights afforded them by section 19 of the Act, EO 12196, or Title 29 Part 1960.

### 11.2 Filing an Allegation of Reprisal

- A. An FHWA employee who believes they are facing, or have faced, reprisal as outlined in section 11.1 above may report the allegation of reprisal as follows:
  1. Report the allegation to the Director of Human Resources, the OSO, and the DASHO;
  2. Report the allegation to the FHWA Office of Civil Rights;

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<sup>42</sup> 29 CFR Chapter XVII 1960.29 (d)

<sup>43</sup> 29 CFR Chapter XVII 1960.29 (c)

3. Report the allegation to the DOT Office of the Inspector General;
4. Report the allegation to the U.S. Office of Special Counsel.

B. An allegation of reprisal shall include:

1. Employee's full name;
2. Employee's current position, including title, series, and grade;
3. Employee's organization and routing symbol;
4. Employee's office address;
5. Employee's work and personal phone numbers and email addresses;
6. A description of the personnel actions that were taken, withheld, or threatened to be taken or withheld, as a result of having made the disclosure;
7. The date, time, and location of the reprisal;
8. The name of the employee(s) who committed the act(s) of reprisal;
9. The identity and contact information for any witnesses that can provide evidence to support the allegations of reprisal; and
10. Whether or not the reprisal has previously been submitted for review or investigation, and to whom it was submitted.

## APPENDIX A: NOTICE OF ALLEGED SAFETY OR HEALTH HAZARD

Double click on the form below to open it.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)  
Notice of Alleged Safety or Health Hazards

<p><b>For Federal Employees:</b></p> <p>This report format is provided to assist Federal employees, or authorized representatives, in registering a report of unsafe or unhealthful working conditions. Pursuant to Title 29 Part 1950.28, the purpose of employee reports is to inform agencies of the existence of, or potential for, unsafe or unhealthful working conditions. Employees are encouraged to report unsafe or unhealthful working conditions to their immediate supervisor and Occupational Safety and Health Manager (OSH/M), however employees have the right to submit their report directly to the Secretary of Labor.</p>
<p><b>Instructions:</b></p> <p>Complete the form as accurately and completely as possible. Describe each hazard you think exists in as much detail as you can. If the hazards described in your complaint are not all in the same area, please identify where each hazard can be found at the worksite. If there is any particular evidence that supports your suspicion that a hazard exists (for instance, a recent accident or physical symptoms of employees at your site) include the information in your description. If you need more space than is provided on the form, continue on any other sheet of paper.</p> <p>After you have completed the form, return it to your immediate supervisor and OSH/M.</p> <p><b>NOTE:</b> It is unlawful to make any false statement, representation or certification in any document filed pursuant to the Occupational Safety and Health Act of 1970. Violations can be punished by a fine of not more than \$10,000, or by imprisonment of not more than six months, or by both. (Section 1760)</p>