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EXECUTIVE ORDER _____

Occupational Safety and Health Programs
for Federal Employees

This new order is being issued to make a firm commitment to making Federal Government civilian service safe and healthful.

The success of our efforts in this area will depend upon the participation of, and cooperation between, the employees and management at individual workplaces. The Labor-Management Safety and Health Committees that agencies will establish will promote recognition and abatement of safety and health hazards and will help develop agency plans to assure safe and healthful workplaces and to promote attention to problems before injury or illness result.

This order imposes new duties on agency heads, the Secretary of Labor, and the Administrator of the General Services Administration to ensure that agency heads manage their operations, provide safe and healthful employment, and that agency heads are provided with appropriate assistance.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and in order to carry out the provisions of section 19 of the Occupational Safety and Health Act and the provisions of section 7902 (c) of title 5 of the United States Code, it is ordered:

Scope of this Order

SECTION 1. This order applies to all agencies of the Executive Branch except military personnel and unique military workplaces. For the purposes of this order, the term "agency" means an executive department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal Government, other than those of the judicial and legislative branches. Since section 19 of the Occupational Safety and Health Act ("the Act") covers all federal employees, however, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial branches of the government to help them adopt safety and health programs.

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Duties of Heads of Agencies

SECTION 2. The head of each agency, after consultation or negotiation with the representatives of the employees thereof shall:

(1) Operate an occupational safety and health program in accordance with the requirements of this order and basic program elements approved by the Secretary.

(2) Establish joint labor-management safety and health committees to participate in the agency safety and health programs and assist the committees with their duties contained in section 3.

(3) Assure that the committees have access to data from the agency program, including records of injuries and illness and exposure to toxic substances, consistent with provisions of the Privacy Act.

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

(5) In consultation with the General Services Administration, furnish to employees employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm.

(6) Comply with all standards issued under section 6 of the Act, except where the Secretary approves compliance with alternative standards. When an agency head determines it necessary to apply a standard different from an OSHA standard, that agency head shall, after consultation with the Labor-Management Safety and Health Committees, notify the Secretary and provide justification that equivalent protection will be assured by the alternate standard.

(7) Comply with a set of basic program elements to be promulgated by the Secretary of Labor.

(8) To the extent conditions are under the control of agency heads, assure prompt abatement of any unsafe or unhealthful working conditions.

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(9) Assure response to reports by employees or others of unsafe or unhealthful working conditions, and assure the anonymity of those making the reports if requested.

(10) Establish adequate procedures to assure that no employee is subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthful working condition, or other participation in occupational safety and health activities. These procedures must be consistent with section 7 of the Inspector General Act of 1978 and section 202 of the Civil Service Reform Act of 1978.

(11) Assure that unannounced periodic inspections of all agency workplaces are performed by personnel with equipment and competence to recognize hazards.

(12) Assure response to employee reports of hazardous conditions and require inspections within twenty-four hours for imminent dangers, three working days for potential serious conditions, and twenty working days for other conditions.

(13) Assure that employees or their representatives have the opportunity to accompany inspections of agency workplaces without loss of pay.

(14) Operate an occupational safety and health management information system, which shall include the maintenance of such records as occupational accidents, injuries, illnesses and their causes, and the compilation and transmittal of such reports based upon this information, as the Secretary may require.

(15) Provide safety and health training for supervisory employees, employees responsible for conducting occupational safety and health inspections, all members of Labor-Management Safety and Health Committees, and other employees without loss of pay. The training shall include information about the occupational safety and health program, and the ways employees may participate and assist in the operation of the program.

(16) Submit to the Secretary an annual report on the agency safety and health program that includes information the Secretary prescribes.

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Labor-Management Safety and Health Committees

SECTION 3. Committees shall:

(1) Be established at the national level and at every establishment or installation within the agency where there are more than fifty employees regularly employed, with the inclusion of small establishments under another committee.

(2) Be composed of representatives of management and an equal number of representatives of employees.

(3) Have access to agency information relevant to their duties, including information on the nature and hazardousness of substances in agency workplaces not in violation of the Privacy Act.

(4) Monitor performance, including agency inspections, of the agency safety and health programs at the level they are established.

(5) Consult and advise the agency on the operation of the program.

(6) Request the Secretary of Labor to conduct an evaluation or inspection pursuant to section 4 of this order if a majority of the Committee is not substantially satisfied with an agency's responses to reports of hazardous working conditions.

Duties of the Secretary of Labor

SECTION 4. The Secretary shall:

(1) Provide leadership and guidance to the heads of agencies to assist them with their occupational safety and health responsibilities.

(2) Maintain liaison with the Executive Office of the President in matters relating to this order and coordinate the activities of the Department with those of other agencies that have responsibilities or functions related to federal employee safety and health, including the Office of Personnel Management, the Department of Health, Education, and Welfare, and the General Services Administration.

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(3) Provide, subject to approval of the Executive Office of the President, a set of basic program elements to be proposed by the Federal Advisory Council on Occupational Safety and Health. The program elements shall help agency heads operate effective occupational safety and health programs, and provide flexibility to each agency head to implement a program consistent with mission, size and organization of the agency. Upon request of an agency head, and after consultation with the Federal Advisory Council on Occupational Safety and Health, the Secretary may approve alternate program elements.

(4) Prescribe recordkeeping and reporting requirements that will enable agencies to assist the Secretary meet the requirements of section 19(b) and section 24 of the Act, and that will promote the identification and abatement of hazardous working conditions.

(5) Provide leadership and guidance to agencies in the occupational safety and health training of their personnel. The Secretary may assist agencies by providing training materials, and by conducting training upon request and with reimbursement.

(6) Facilitate the exchange of ideas and information throughout the government about occupational safety and health through appropriate arrangements.

(7) Provide technical services to any agency upon request, where the Secretary deems necessary, and with reimbursement. These services may include studies of accident, causes of injury and illness, identification of unsafe and unhealthful working conditions, and means to abate hazards.

(8) Evaluate the occupational safety and health programs of agencies and the operation of Labor-Management Safety and Health Committees and promptly submit reports to the agency heads. The evaluations shall be conducted through such scheduled headquarters or field reviews, studies or inspections as the Secretary deems necessary, at least annually for the larger or more hazardous agencies or operations, and as the Secretary deems appropriate for the smaller or less hazardous agencies.

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(9) Determine, in connection with evaluations under this order, whether the operation of a Committee is substantially in compliance with the requirements of this order. When the Secretary determines a Committee is not in compliance, he shall, after informal efforts to have the deficiencies remedied, notify the agency head. The agency head shall provide assurances of compliance satisfactory to the Secretary, or the Committee shall not be considered a Labor-Management Safety and Health Committee for the purposes of this order.

(10) Conduct inspections of agency workplaces in response to reports of unsafe or unhealthful working conditions when agency Labor-Management Safety and Health Committees are not substantially satisfied with agency responses to reports of hazards or when an agency does not have Labor-Management Safety and Health Committees required by this order. In responding to such a report, the Secretary shall observe the requirements imposed upon agency heads by this order and shall notify the person reporting the hazard of the result. When the Secretary or his designee performs an inspection to carry out his responsibilities under this sub-section, and discovers a violation of any provisions of this order, any safety or health standards adopted by an agency pursuant to this order, or any program element approved by the Secretary for use by that agency, the Secretary shall promptly issue a report to the head of the agency and to the appropriate Labor-Management Safety and Health Committee that shall describe the nature of the violation. The report may recommend methods for correcting the violation.

(11) Submit to the President each year a summary report of the status of the occupational safety and health of federal employees, evaluations of individual agency progress and problems in correcting unsafe and unhealthful working conditions, and recommendations for improving their performance.

(12) Submit to the President disagreements between the Secretary and an agency head.

(13) Enter into agreements or other arrangements as necessary with the National Institute for Occupational Safety and Health and delegate to it the inspection and investigation authority provided under this section.

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The Federal Advisory Council on
Occupational Safety and Health

SECTION 5.

(1) The Federal Advisory Council on Occupational Safety and Health, established pursuant to Executive Order 11612, is continued. It shall advise the Secretary in carrying out responsibilities under this order. The Council shall consist of sixteen members appointed by the Secretary, and shall include representatives of federal agencies and representatives of labor organizations representing federal employees. The members shall serve three-year terms with the terms of five or six members expiring each year, provided this Council is renewed every two years in accordance with the Federal Advisory Committee Act. The members currently serving on the Council shall be deemed to be its initial members under this order and their terms shall expire in accordance with the terms of their appointment.

(2) The Secretary, or a designee, shall serve as the Chairman of the Council, and shall prescribe rules for the conduct of its business.

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

Relationship of Duties and Authorities of the
Administrator of the General Services Administration and
Duties and Authorities of the Secretary of Labor

SECTION 6. Within six months of the effective date of this order the Secretary of Labor and the Administrator of the General Services Administration shall negotiate a consistent, structured basis for resolving conflicts about applicability of safety and health standards in leased space. These negotiations will define boundaries between responsibilities for federal job safety and health of the Administrator of the General Services Administration and the Secretary of Labor and heads of agencies occupying the leased space, and will explain how, within budget constraints, the Administrator will control hazards within his jurisdiction.

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In order to assist the agencies in carrying out their duties under section 19 of the Act and this order the Administrator shall:

(1) Upon request, require personnel of the General Services Administration to accompany the Secretary or his designee on any inspection or investigation conducted pursuant to section 3 of this order of a facility subject to the authority of the General Services Administration.

(2) Assure prompt attention to reports from agencies of unsafe or unhealthful conditions of facilities subject to the authority of the General Services Administration and assure abatement of such conditions; and give priority in the allocation of resources available to the Administrator for prompt abatement of hazardous conditions.

(3) Procure and provide safe and healthful supplies, devices, and equipment, and establish and maintain a product safety program for those supplies, devices, equipment and services furnished to agencies, including the issuance of Material Safety Data Sheets when hazardous substances are furnished them.

Effect on Other Powers and Duties

SECTION 7. Nothing in this order shall be construed to impair or alter the powers and duties of the Secretary or heads of other federal agencies pursuant to section 19 of the Occupational Safety and Health Act of 1970, Chapter 71 of title 5 of the United States Code as amended by the Civil Service Reform Act of 1978, sections 7901, 7902, and 7903 of title 5 of the United States Code, nor shall it be construed to alter any other provisions of law or Executive order providing for collective bargaining agreements and procedures or affect the responsibilities contained in title 50 of the United States Code, section 403 (d) (3) of the Director of Central Intelligence to protect intelligence sources and methods.

Termination of Existing Order

SECTION 8. Executive Order No. 11807 of September 28, 1974, is hereby superseded.

The White House

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