

9 APR 1979

MEMORANDUM FOR: Chief, OS Policy and Plans Group

FROM:

CIA Safety Officer

SUBJECT: Proposed Executive Order on "Occupational
Safety and Health Programs for Federal
Employees

REFERENCE: Memo for DD/Security from C/OLC/LD dated
13 March 1979, same subject
OS 9 0729

1. The Safety Branch has reviewed the proposed Executive Order and suggests the following revisions.

- a. Preamble - Fourth Paragraph - fifth line. ✓
Change the word "direction" to "advise."
Section 19 of PL 91-596 (the Law) makes
the Head of each Federal Agency responsible
for the conduct of the Safety and Health
program in that agency. The Secretary of
Labor is given a consultative role and is
the collection point for agency reports
and transmits them to the President
annually.
- b. Preamble - Fourth Paragraph - eleventh line. ✓
Insert "pertinent" between "any" and
"recommendations."
- c. Scope of This Order - Section 1 - line 15. ✓
Change "employees in the Nation" to read
"employees of the United States Government."
This will ensure coverage of employees
working overseas.

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- d. Section 2 - Duties of Heads of Agencies - Paragraph (1) - third line. Change "mandatory regulations" to "guidelines." This is in line with Section 19 of the Law.
- e. Section 3 - Paragraph (2) - line 1. Change "regulations" to "guidelines." This is in keeping with Section 19 of the Law. Also, it is difficult to have a detailed, yet flexible, regulation.
- f. Section 3 - Paragraph (6) - line 1. Delete "where the Secretary deems necessary and appropriate" and substitute "when requested." Delete the last part of the last sentence starting at "or at the ..."

2. In regard to the concerns expressed in paragraph two of the reference, I would put forward the following.

- a. The Office of Management and Budget Circular A-11 already requires a single-line budgetary identification on line 17125 of "all amounts spent safeguarding the health and working conditions of workers, including amounts spent by Federal agencies for agency employees."
- b. The proposed Executive Order contains no changes in the recordkeeping and reporting requirements. Also, the requirement for the Secretary of Labor to evaluate the Agency Safety and Health Programs and to report annually to the President remains unchanged.
- c. Section 4 is new and on the surface appears to pose problems; however, this Agency will not be affected to the same degree as the rest of the Government because of the classified nature of the work that we do.

- (1) 29 CFR 1960.28 stipulates that where security regulations require, advance notice of inspection must be given.
- (2) The implementing guidelines of Executive Order 12065 (National Security Information), as published in the Federal Register of 5 October 1978, would require that any employee of the Department of Labor who would make an inspection would have to have a demonstrated "need-to-know" and have the appropriate clearances. This is covered by Section IV Safeguards; paragraph B, General Restrictions on access; paragraph B.1. Determination of need-to-know; paragraph B.2. Determination of trustworthiness; and paragraph D. Dissemination.
- (3) The provisions of the National Security Act of 1947 would also pertain.



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