

OSHA HAZARD REPORTING

We have extracted the OSHA requirements and present them below along with EOSH guidance comments:

OSHA Requirement: OSHA 29 CFR 1960, “*Basic Program Elements for Federal Employees*”, Subpart D - *Inspection and Abatement*, Standard 1960.28 - *Employee Reports of Unsafe or Unhealthful Working Conditions, states in Subpart (a):*

“The purpose of employee reports is to inform agencies of the existence of, or potential for, unsafe or unhealthful working conditions. A report under this part is not a grievance”.

EOSH Guidance: The primary avenue provided for employees of the FAA to report unsafe or unhealthful working conditions is the UCR program. The UCR program is an on-line application and resides within the Safety Management and Information System (SMIS) (<https://smis.faa.gov>). The ATO EOSH Services and Facility Security Group manages the program for all lines of business and staff offices within the agency.

A UCR is not a complaint but rather an indispensable tool used in ensuring a hazard free workplace. All employees are encouraged to initiate a UCR for any recognized, or potential, hazard to employee safety or health. Managers, including front line supervisors, are prohibited from taking any actions that discourage employees from initiating a UCR.

OSHA Requirement: OSHA 29 CFR 1960.28 (b) states:

“This section provides guidance in establishing a channel of communication between agency employees and those with responsibilities for safety and health matters, e.g., their supervisor, the agency safety and health officials, safety and health committees, safety and health inspectors, the head of the agency, or the Secretary. These channels of communication are intended to assure prompt analysis and response to reports of unsafe or unhealthful working conditions in accordance with the requirements of Executive Order 12196. Since many safety and health problems can be eliminated as soon as they are identified, the existence of a formal channel of communication shall not preclude immediate corrective action by an employee's supervisor in response to oral reports of unsafe or unhealthful working conditions where such action is possible. Nor should an employee be required to await the outcome of such an oral report before filing a written report pursuant to the provisions of this section.”

EOSH Guidance: Employees are encouraged to provide oral reports so that hazards can be immediately controlled or abated when appropriate. However, employees are not required to submit an oral report, discuss the condition, or wait for a response from their supervisor before initiating a written UCR via the SMIS. Also, when a computer is unavailable to access the UCR Form, a hand-written UCR report may be submitted the employee’s supervisor. The supervisor may then populate the UCR in SMIS.

OSHA Requirement: OSHA 29 CFR 1960.28 (c) states:

“Any employee or representative of employees, who believes that an unsafe or unhealthful working condition exists in any workplace where such employee is employed, shall have the right and is encouraged to make a report of the unsafe or unhealthful working condition to an appropriate agency safety and health official and request an inspection of such workplace for this purpose. The report shall be reduced to writing either by the individual submitting the report or, in the case of an oral notification, by the above official or other person designated to receive the reports in the workplace.”

EOSH Guidance: The supervisor, or other official, that receives an oral report must initiate the UCR if the reporting employee does not do so. The UCR must be initiated as soon as practicable after a hazard is recognized and any appropriate immediate action has been taken to control or abate the hazard.

A UCR concerning a hazard to occupational safety and health shall not be considered invalid, or otherwise closed, solely for being associated with any matter enumerated in FAA Order 1800.6B paragraph 8, except that classified matters shall be handled appropriately by persons with the authority to do so.

A UCR is required in cases of immediate abatement to ensure organizational learning, accurate statistical reporting, and organizational trend analysis.

OSHA Requirement: OSHA 29 CFR 1960.28 (d) (3) states:

“Executive Order 12196 requires that agency inspections be conducted within 24 hours for employee reports of imminent danger conditions, within three working days for potentially serious conditions, and within 20 working days for other than serious safety and health conditions. However, an inspection may not be necessary if, through normal management action and with prompt notification to employees and safety and health committees, the hazardous condition(s) identified can be abated immediately.”

Additionally, FAA Order 3900.19 B, Chapter 9, “*Reports By Employees of Hazardous Conditions*”, Section 901. C.3 states:

“Inspections and employee notification will be performed in accordance with the requirements set in 29 CFR 1960.28.”

EOSH Guidance: The reporting employee, Establishment OSHECCOM, workplace supervisor and appropriate bargaining unit employee representatives, shall be provided with a copy of the inspection/investigatory report.

Types of OSHA Citations from 29 CFR 1960.2:

Imminent Danger: any condition or practice in any workplace presenting a danger which could reasonably be expected to cause death or serious physical harm immediately, or

where an employee is reasonably expected to be exposed to it before it can be controlled or abated through normal procedures.

Serious: any condition or practice in any workplace presenting a danger such that there is a substantial probability that death or serious physical harm will result.

Other: any condition or practice in any workplace presenting a danger of physical harm, or constituting a violation of an occupational safety and health regulation, standard, or policy that's not classified as presenting an imminent danger or serious hazard to employees.

OSHA Requirement: OSHA 29 1960.30 (c) states:

“The official in charge of the establishment shall promptly prepare an abatement plan with the appropriate participation of the establishment's Safety and Health Official or a designee, if in the judgment of the establishment official the abatement of an unsafe or unhealthful working condition will not be possible within 30 calendar days. Such plan shall contain an explanation of the circumstances of the delay in abatement, a proposed timetable for the abatement, and a summary of steps being taken in the interim to protect employees from being injured as a result of the unsafe or unhealthful working condition. A copy of the plan shall be sent to the safety and health committee, and, if no committee exists, to the representative of the employees. Any changes in an abatement plan will require the preparation of a new plan in accordance with the provisions of this section.”

EOSH Guidance: An abatement plan is required per OSHA, and must be provided with the UCR via the SMIS, if the hazard cannot be fully abated within 30 days. A plan is encouraged in all cases where immediate abatement is not possible regardless of the expected term of the delay in abatement.

The attached Hazard Abatement Plan template should be completed and attached to each UCR.

The above OSHA regulations and accompanying guidance shall be met in accordance with FAA Order 1800.6B, paragraph 7a, notwithstanding any guidance found elsewhere in the Order pertaining to UCRs initiated for conditions other than hazards to employee occupational safety and health.

Hazard Abatement Plan Template

UCR #:

Hazard Location:

Hazard Description:

Reason for Delay In Abatement:

Risk Assessment (indicate one):

☐ Level 1 = Severe and imminent threat to life, property, and/or environment. Immediate actions must be taken to safeguard employees and facilities. Highest Risk, highest Priority.

☐ Level 2 = Serious or likely threat to safety, health, property and/or environment. Immediate actions must be taken to safeguard employees and facilities. High risk, high priority.

☐ Level 3 = Moderate threat to safety, health, property and/or environment. Prompt actions should be taken to mitigate the hazard. Moderate risk, moderate priority.

☐ Level 4 = Slight or unlikely threat to safety, health, property and/or environment. Actions should be taken to mitigate the hazard in line with other priorities. Low risk, low priority.

☐ Level 5 = Generally in the nature of a technical violation of a standard with little or no real-world impact. Actions should be taken to correct finding to achieve compliance. Lowest risk.

Interim Control Measures:

Measures taken must be verifiable through workplace inspection or records. Attachment of procedures, records of informative briefings or training, and photos of measures implemented are encouraged.

Planned Corrective Actions;

Estimated Cost - \$

Estimated Abatement Date-

Assistance Requested From Higher Authority;

Who –

What –

When -