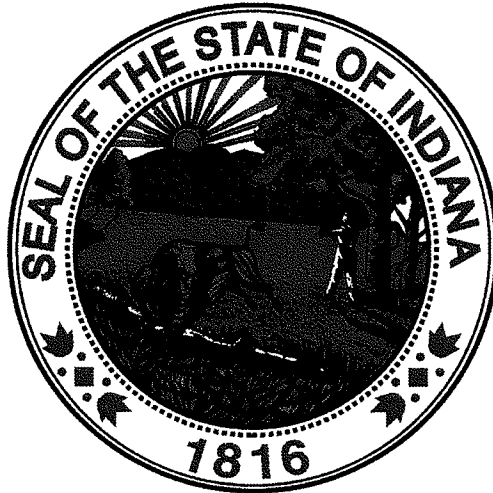




Jeffry Carter
Department of Labor

Corporate-Wide Settlements Directive
CPL 02 00 152

After a careful and lengthy review the Department concludes that adoption of CPL-02-00-152 which addresses Corporate-Wide settlements is in the best interest of the Citizens of Indiana. This directive is identical to the current Federal OSHA directive on the same topic.

This directive is effective September 27, 2011 and shall remain in effect for a period of 3 years.

Jeffry Carter
Deputy Commissioner of Labor

SEP 5, 2011

Date signed

10/1/10

10/1/10



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-00-152

EFFECTIVE DATE: June 22, 2011

SUBJECT: Guidelines for Administering Corporate-Wide Settlement Agreements

ABSTRACT

- Purpose:** The purpose of this Instruction is to revise the guidelines for the administration of corporate-wide settlement agreements (CSAs) by OSHA. This Instruction cancels CPL 02-00-090, which was issued June 3, 1991.
- Scope:** This instruction applies OSHA-wide.
- References:** See paragraph III.
- Cancellations:** CPL 02-00-090, Guidelines for Administration of Corporate-Wide Settlement Agreements, June 3, 1991; IRT 01-00-006 [ADM 1-1.32] - The Enforcement User Skills Manual for Use with the NCR Computer System (Internal Directive), Chapter XIV, CORPORATE-WIDE SETTLEMENT AGREEMENTS (some sections of this instruction are eliminated and some procedures remain in effect), July, 19, 1993.
- State Impact:** Notice of Intent and Equivalency required; see Section VI.
- Action Offices:** National, Regional, Area and State Plan Offices.
- Originating Office:** Directorate of Enforcement Programs.
- Contact:** Directorate of Enforcement Programs
Office of General Industry Enforcement
200 Constitution Avenue, NW, N-3119
Washington, DC 20210

By and Under the Authority of

David Michaels, PhD, MPH
Assistant Secretary

Executive Summary

This Instruction cancels and replaces OSHA Instruction CPL 02-00-090, Guidelines for Administration of Corporate-Wide Settlement Agreements, issued June 3, 1991. This Instruction also clarifies the notification, coordination, monitoring, and termination procedures for the processing of CSAs.

Significant Changes

- Removed references to the Office of Field Operations and, where appropriate, replaced them with the Directorate of Enforcement Programs.
- References to the Field Operations Manual were updated to refer to CPL 02-00-150, the latest version of the manual, issued April 22, 2011.
- OSHA may initiate negotiation of CSAs. Where appropriate, these agreements may be used on a broader range of enforcement cases; particularly where an employer has or may have a significant pattern of non-compliance with the OSH Act across multiple locations.
- Abatement references were updated to include the Abatement Verification regulation, 29 CFR 1903.19.
- The CSA monitoring terminology (baseline, periodic, and follow-up monitoring) has been changed to align the procedures with the Abatement Verification regulation and OSHA procedures for monitoring and follow-up inspections.
- CSA monitoring will be tailored to the complexity of the agreement.
- Clarified National and Regional CSA procedures.
- Included a tool to evaluate the value of a CSA to the Agency.
- Mandated that each agreement include a termination date and/or sunset clause, which is not to extend beyond two years from the final order date.

Table of Contents

I.	Purpose.....	1
II.	Scope.....	1
III.	References.	1
IV.	Cancellations.....	1
V.	Action Offices	1
VI.	Federal Program Change.	2
VII.	Significant Changes.	3
VIII.	Background.....	4
IX.	Definitions.	4
X.	Mutual Commitment.....	5
XI.	Suitability of Cases for CSAs.	6
	A. High Profile Enforcement Cases.	6
	B. Extensive Recordkeeping Deficiency Cases.....	6
	C. Cases Where High Gravity Serious Citations Were Issued.	6
XII.	Overview of CSA Process.	7
	A. Initiation and Evaluation of a Corporate-Wide Settlement Agreement.....	7
	B. Agreement Procedures.....	7
	C. Transmission of an Electronic Copy of the CSA to the Salt Lake City Technical Center (SLCTC).	9
	D. State Plan State Notification.....	9
XIII.	General Oversight of CSAs.	9
	A. National CSAs.	9
	B. Regional CSAs.	10

XIV. National and Regional CSA Content.....	10
A. Technical Provisions of CSAs.....	10
B. Administrative Provisions of CSAs.....	11
XV. Abatement.....	15
A. CSA Abatement Obligations.	15
B. Failure to Verify Abatement.....	15
C. Failure to Abate.	15
D. Agreement Tracking.	16
E. Petition for the Modification of Abatement (PMA).....	16
XVI. CSA Monitoring Plan.	18
A. National CSAs.	18
B. Regional CSAs.	19
C. Monitoring Abatement Items that Exceed One Year.....	19
XVII. Corporate-Wide Settlement Agreement Reporting.	19
A. Regional Briefing Reports for all CSAs.	19
B. Final Summary Report for all CSAs.....	20
C. Acceptance of Abatement Measures and Uniformity.....	20
XVIII. Tracking CSA Abatement in the OIS Database.	21
A. Area Office Standard Reports.....	21
B. Local CSA Tracking System.	21
XIX. Enforcement of CSAs.....	21
A. Violation of CSA Terms.....	21
B. Ensuring Continued Effectiveness of the CSA.....	21
XX. Notification of Final Abatement Action.	22
A. Follow-Up Inspections.....	22
B. Abatement Not Satisfactorily Completed.	23
C. Abatement Satisfactorily Completed.....	23
XXI. Inspections not Related to CSAs.....	23
A. Notification of the Regional Administrator and NCSC.....	23
B. Programmed Inspections.	24
C. Unprogrammed Inspections.....	24
XXII. Coding [RESERVED].....	24

APPENDIX A.....	A-1
APPENDIX B.....	B-1
APPENDIX C.....	C-1
APPENDIX D.....	D-1
APPENDIX E.....	E-1
APPENDIX F.....	F-1

I. Purpose.

The purpose of this Instruction is to revise the guidelines for the administration of corporate-wide settlement agreements (CSAs) by OSHA. This Instruction cancels CPL 02-00-090, which was issued June 3, 1991.

II. Scope.

This instruction applies OSHA-wide.

III. References.

- A. OSHA Instruction CPL 02-00-080, Handling of Cases to be Proposed for Violation-By-Violation Penalties, October 21, 1990.
- B. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
- C. OSHA Instruction CPL 02-00-149, Severe Violator Enforcement Program (SVEP), June 18, 2010.
- D. OSHA Instruction CSP 01-00-002, State Plan Policies and Procedures Manual, March 21, 2001.
- E. Title 29 United States Code 651, Occupational Safety and Health Act of 1970.
- F. 29 Code of Federal Regulations Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs.
- G. 29 Code of Federal Regulations 1903.19, Abatement Verification.
- H. 29 Code of Federal Regulations 2200.37, Petitions for Modification of the Abatement Period.

IV. Cancellations.

- A. OSHA Instruction CPL 02-00-090, Guidelines for Administration of Corporate-Wide Settlement Agreements, issued June 3, 1991.
- B. Chapter XIV of OSHA Instruction IRT 01-00-006, The Enforcement User Skills Manual for Use with the NCR Computer System, July, 19, 1993.

V. Action Offices

- A. Responsible Office.
Directorate of Enforcement Programs.

B. Action Office.

National, Regional and Area Offices

C. Information Office.

State Plan States, OSHA Training Institute, Consultation Project Managers, Voluntary Protection Program Managers and Coordinators, OSHA Strategic Partnership Coordinators, Compliance Assistance Coordinator, Compliance Assistance Specialists, and Regional EEP/SVEP Coordinators.

VI. Federal Program Change.

No Response Required. This Instruction revises the guidelines for administration of Federal CSAs by OSHA and extends their use from egregious (violation-by-violation) cases to a broader range of enforcement cases, particularly where an employer has a significant pattern of non-compliance with the OSH Act across multiple site locations, including SVEP cases. CSAs will be posted on OSHA's Web site.

Although it is not feasible to involve States in the negotiation of individual Federal CSAs, OSHA will notify a State routinely and provide a copy of the agreement to the State whenever such an agreement has been negotiated with an employer who also has locations under the State's jurisdiction.

State Responses to Federal CSAs

Although CSAs negotiated by OSHA are not applicable to corporate sites located in State Plan States, it is desirable for CSAs to have a uniform nationwide impact, and employers are encouraged to follow the terms of a CSA at all of their locations in cooperation with the States, as set forth herein.

When Federal OSHA develops a CSA with an employer who also has locations under State Plan(s) jurisdiction, the State will have the option of: (1) honoring the terms of the Federal agreement at corporate sites within its jurisdiction, (2) entering into a separate State settlement agreement with the employer subject to the Federal CSA that either accepts the terms and conditions of the Federal settlement, or establishes different but equivalent or more stringent terms and conditions; or (3) continuing to enforce all applicable State standards and regulations without regard to the Federal CSA, i.e., not honor the Federal agreement.

When a new Federal CSA with potential applicability to an employer(s) with locations in its State is provided, the State must notify the Regional Administrator which of these options it will follow and provide a copy of any agreement reached with the subject

employer(s). Separate State implementing agreements must address all the principles in the Federal agreement (see provisions of a CSA in section XIV of this Instruction), and any differences in terms must be at least as effective as the Federal provisions. States are asked to keep Regional Administrators informed of any ongoing State negotiations potentially leading toward a CSA (either implementing a Federal CSA or a separate State agreement) or any other settlement negotiations with a company with which OSHA has entered into a CSA or is engaged in such negotiations. States may request technical assistance from OSHA through their Regional Administrator with regard to any aspect of administering such Federal CSA's.

States should follow CSA monitoring procedures comparable to OSHA's (as set forth in this Instruction) and must make the monitoring results for corporate entities subject to a Federal CSA, as accepted or modified by the State, available to the Regional Administrator for review and evaluation. States should also advise their Regional Administrators of specific enforcement actions that may be taken under the terms of individual CSAs with employers that have sites in their States, such as approving petitions to modify abatement, or issuing citations for failure to verify abatement or notifications for failure to abate.

State-wide CSAs

States entering into State-wide, multi-establishment CSAs for corporate entities not otherwise subject to a Federal agreement must assure that such agreements either follow the policies and procedures as set out in this Instruction or at least as effective alternative policies and procedures. States must provide the Regional Administrator a copy of any State-wide corporate settlement agreement concluded with an employer for review and monitoring.

VII. Significant Changes.

- A. Removed references to the Office of Field Operations and, where appropriate, replaced them with the Directorate of Enforcement Programs.
- B. References to the Field Operations Manual were updated to refer to CPL 02-00-148, the latest version of the manual, issued November 9, 2009.
- C. OSHA may initiate negotiation of CSAs. Where appropriate, these agreements may be used on a broader range of enforcement cases; particularly where an employer has or may have a significant pattern of non-compliance with the OSH Act across multiple locations.
- D. Abatement references were updated to include the Abatement Verification regulation, 29 CFR 1903.19.

- E. The CSA monitoring terminology (baseline, periodic, and follow-up monitoring) has been changed to align the procedures with the Abatement Verification regulation and OSHA procedures for monitoring and follow-up inspections.
- F. CSA monitoring will be tailored to the subject and complexity of the agreement.
- G. Clarified National and Regional CSA procedures.
- H. Included a tool to evaluate the value of a CSA to the Agency.
- I. Mandated that each agreement include a termination date and/or sunset clause, which is not to extend beyond two years from the final order date.

VIII. Background.

OSHA has used CSAs as an appropriate and useful compliance procedure to more efficiently address specific topics of non-compliance at multiple locations for certain employers who have been found in violation of the OSH Act. The policy began with a series of egregious enforcement actions involving extensive recordkeeping violations, wherein employers agreed to adhere to OSHA's recordkeeping regulations and guidelines on a corporate-wide basis. The policy was later expanded to other enforcement issues found or believed to exist on a corporate-wide basis. This instruction extends the use of both national corporate-wide settlement agreements (NCSAs) and regional corporate-wide settlement agreements (RCSAs) from egregious (per-instance citation) cases to a broader range of enforcement cases, particularly where an employer has or may have a significant pattern of non-compliance with the OSH Act across multiple site locations.

The Agency believes that CSAs can result in significant improvement in the safety and health environment of American workers. With a CSA, OSHA is able to obtain formal recognition by the employer of the cited hazards and formal acceptance of the obligation to seek out and abate those hazards throughout all the workplaces under its control. CSAs also enable OSHA to leverage resources more widely and thus use them more efficiently by avoiding numerous inspections of like corporate locations. The result is more timely reduction and uniform abatement of serious hazards at multiple worksites.

IX. Definitions.

- A. National Corporate-Wide Settlement Agreement (NCSA) – Settlement agreement involving multiple workplaces of the same employer located in **more** than one Region.
- B. Regional Corporate-Wide Settlement Agreement (RCSA) – Settlement agreement where all of the employer's workplaces are located entirely within the jurisdiction

of a **single** Region.

- C. National Corporate-Wide Settlement Coordinator (NCSC) – Designated National Office representative in DEP responsible for providing overall coordination of NCSAs, including negotiation, implementation, and monitoring for agreements involving more than one region among the National, Regional and Solicitors offices.
- D. Regional Corporate-Wide Settlement Coordinator (RCSC) – Designated Regional Office representative responsible for providing overall coordination of RCSAs, including negotiation, implementation, and monitoring for agreements involving one region among the Regional, National and Solicitors offices.
- E. Initiating Inspection(s) – The original inspection which resulted in citations and subsequent negotiations leading to a corporate-wide settlement agreement.

X. Mutual Commitment.

A CSA is the product of a voluntary negotiation process, and therefore represents the mutual commitments of all participating parties, including OSHA, the employer, employees, and where present, the authorized employee representative(s). Mutual commitment to the abatement of cited safety and health hazards is critical to the success of the CSA policy. Every effort must be made to obtain this commitment from all interested parties.

Internally, CSAs are a joint product of SOL and OSHA. OSHA, having prepared the case and issued citations, shall coordinate further input from the field and other Agency staff during the settlement process. SOL is responsible for the negotiation of the agreement.

Where an authorized employee representative has elected party status, its input shall be sought and considered during the CSA process. Where locations to be included in CSAs are represented by authorized employee representatives not present in locations at which initiating inspections occurred, those employee representatives' input shall also be sought and considered, generally by contacting international representatives. Whenever possible, the authorized employee representative shall be included in both the process of negotiating the CSA and in the process of monitoring its implementation. SOL, in consultation with the Regional Administrators, shall determine the appropriate means of contacting such parties (e.g., via formal letter, meetings with the relevant parties-together or separately). OSHA will ensure that employees and their authorized representative are afforded the opportunity to participate in the monitoring and follow-up inspections (as described in Chapter 7 of the FOM).

XI. Suitability of Cases for CSAs.

CSAs shall generally be directed to the areas of safety and health that have been the subject of a citation and should be considered when circumstances are conducive to abatement at multiple worksites of an employer. However, when appropriate, OSHA shall consider going beyond the subject of the citations to include additional safety and health program enhancements in the CSA, especially when compliance problems identified in the inspection may be indicative of a broader pattern of non-compliance (see Section XIV.A.3). An evaluation shall be performed for all proposed CSAs to assess the extent and nature if similar conditions and hazards are believed to exist at other work sites controlled by the employer (Appendix A). CSAs can be suitable under various circumstances, including but not limited to the following:

A. High Profile Enforcement Cases.

As appropriate and where feasible, CSAs may be used for high profile enforcement cases, including:

1. Egregious enforcement actions;
2. Significant penalty cases;
3. Fatality/Catastrophe cases;
4. SVEP cases [See CPL 02-00-149, June 18, 2010];
5. Process Safety Management (PSM) cases; and
6. Where a complex, serious hazard not covered by a standard exists (e.g., under 5(a)(1)).

B. Extensive Recordkeeping Deficiency Cases.

Recordkeeping cases in which systemic deficiencies or extensive problems are evident, such as when a corporate official is making the recordkeeping decisions and/or corporate instructions provide erroneous guidance.

C. Cases Where High Gravity Serious Citations Were Issued.

Corporate inspection history should also reveal one or more of the following:

1. A systemic pattern of violations associated with a particular OSHA standard(s) or Subpart;
2. A significant history of OSHA violations; or
3. Accident or fatality trends stemming from the same or similar conditions.

XII. Overview of CSA Process.

A. Initiation and Evaluation of a Corporate-Wide Settlement Agreement.

A CSA may be suggested by OSHA or the employer. The Directorate of Enforcement Programs (DEP) and the Office of the Solicitor (SOL) shall be notified of any intention to enter into a CSA, regardless of which party suggests the agreement and regardless of whether it is a national CSA or a regional CSA.

1. The Area Office, in coordination with the Regional Solicitor's Office and the OSHA Regional Office, shall complete Appendix A- Evaluating Employers for a Corporate-Wide Settlement Agreement in determining if a CSA is appropriate. Once the Regional Administrator has determined that a CSA should be pursued, the Region shall notify DEP and, if appropriate, DOC of its intention of pursuing a CSA by sending the completed Appendix A to the Director of DEP (see section XII.B).
2. Should an employer contact OSHA's National Office or NSOL regarding initiating a CSA, DEP shall contact the affected Regional Administrators and RSOLs.

B. Agreement Procedures.

The scope of the CSA and the location of the company's facilities will determine how the negotiation and execution of the agreement will be handled. Some agreements will be National in scope while others will be under the control of a single Regional Office.

1. National Corporate-Wide Settlement Agreements (NCSAs).
 - a. NCSAs shall not be executed without the prior knowledge, involvement, and concurrence of DEP. The Director of DEP must concur with the final NCSA prior to execution and submission to the Occupational Safety and Health Review Commission (OSHRC).
 - b. DEP will appoint a National Corporate Settlement Coordinator

(NCSC) with responsibility for oversight of the NCSA. The NCSC will:

- Receive the electronic copy of the completed Appendix A - Evaluating Employers for a CSA with the Regional Administrator's concurrence. DEP will promptly notify the Region of its concurrence or non-concurrence of the proposed CSA.
- Coordinate input from the National Office (OSHA and SOL) and the Regions during the settlement process. NCSAs are negotiated on OSHA's behalf by NSOL in coordination with the RSOL(s). DEP will normally represent the Agency during the negotiation process. It is the NCSA's responsibility to keep the Director of DEP and the affected Regional Administrators apprised of the progress of the negotiations and to obtain their input.
- Screen OSHA's Information System (OIS) for open cases involving the company and canvass Regional Administrators to determine the current status of any open cases. In consultation with NSOL, the NCSC will provide instructions to the RA(s) and RCSC(s) for dealing with any current inspections in workplaces that may be affected by the NCSA.
- Share a copy of the proposed agreement with the necessary National Office directorates.
- Upon execution of the NCSA, be responsible for transmitting copies of the NCSA to affected OSHA Regional Offices.

2. Regional Corporate-Wide Settlement Agreements (RCSAs).

- a. RCSAs will not be executed without the prior knowledge, involvement and concurrence of the RA, as well as the advance notification to DEP (see Appendix A).
- b. RCSAs are negotiated on OSHA's behalf by RSOL. The Regional Administrator will normally represent the Agency during the negotiation process.
- c. The Regional Administrator will forward a signed electronic copy of the RCSA to "ZZOSHA-CSA" and enter the relevant information into the CSA database (See Appendix F).

C. Transmission of an Electronic Copy of the CSA to the Salt Lake City Technical Center (SLCTC).

1. DEP will ensure that an electronic copy of every CSA (National and Regional) is provided to SLCTC within 30 days after the effective date.
2. All CSAs will be posted on the Corporate-Wide Settlement Agreement Page of the OSHA public website and on DEP's internal homepage, and, where appropriate, on DOC's internal homepage. SLCTC will post a copy of the agreement to the Corporate Settlement Page of the OSHA public website within five days of receipt unless release of the document is restricted by Federal law.

D. State Plan State Notification.

The Regional Administrator shall inform the State Plan State(s) within their Region of any CSA when the employer has establishments located within their states and shall provide them a copy of the signed CSA. Any relevant information provided by the State Plan Administrator shall be forwarded to DEP and the Directorate of Cooperative and State Programs (DCSP).

XIII. General Oversight of CSAs.

A. National CSAs.

1. The NCSC will oversee NCSA(s), including development of the monitoring plan and review of relevant documents (e.g., briefing reports, abatement progress). The NSCS will attempt to ensure that the agreement terms are fully implemented.
2. DEP will retain the original copy of the agreement.
3. Any compliance issues involving the relevant parties (employees, employee representatives, etc.) and regarding the negotiation or implementation of the NCSA will be handled by DEP, in coordination with NSOL. Assistance from the Region may be requested by DEP as required.
4. DEP will notify Regional Administrators of all compliance issues, as necessary.
5. The role of the National Office in the CSA abatement verification process will be limited to abatement issues impacting national enforcement policy.

B. Regional CSAs.

1. The Regional Administrator is responsible for providing oversight and monitoring for regional CSAs in accordance with the applicable policy outlined in this directive.
2. The Regional Office will retain the original copy of the agreement.
3. Any compliance issues involving the relevant parties regarding the negotiation or implementation of the regional CSAs will be handled by the Regional Administrator unless the agreement impacts National enforcement policy. Assistance from the National Office may be requested by the Region, as required.

XIV. National and Regional CSA Content.

A. Technical Provisions of CSAs.

1. Hazards and Programmatic Elements Covered by the Agreement.

The technical provisions of the CSA deal with the specific hazards, conditions, operations, programmatic elements, and citations that are the subject of the settlement. The CSA will detail the required abatement, including any agreed upon abatement methods beyond those stated in the cited standard, and interim controls, if any. All of the terms and obligations relating to the settlement will be detailed in the agreement.

2. Independent Consultant and Corporate-Wide Self-Audits.

In appropriate situations, including where an employer has been notably remiss in meeting past abatement commitments, consideration will be given to requiring the employer to hire, at its expense, an independent consultant to plan, oversee, and verify to OSHA abatement actions required in the agreement.

3. Safety and Health Program Enhancements.

Consideration shall be given to including additional safety and health program enhancements in the CSA, especially when compliance problems identified in the inspection may be indicative of a broader pattern of non-compliance. Examples of additional safety and health program enhancements include, but are not limited to:

- a. Employer agrees to establish and implement an overall written safety and health program utilizing the principles outlined in OSHA Publication 3071, Job Hazard Analysis, OSHA's Safety and Health Program Management Guidelines, or other similar program.
- b. Employer agrees to hire one or more full-time staff to manage and coordinate health and safety.
- c. Employer agrees to utilize the services of an external safety and health consulting service to conduct comprehensive safety and occupational health inspections of each of the locations covered in the agreement. The inspections will be conducted no less than annually for the term of the agreement. The employer will forward to OSHA within one month of receipt of the consultant's inspection report, certification that the inspection was completed and that identified hazards and deficiencies have been abated or an explanation of why the deficiencies have not been abated.
- d. Employer agrees to implement a regular corporate newsletter distributed to all employees covering relevant health and safety issues for the period of the agreement.
- e. Employer agrees that the CEO, President and senior executive leadership shall receive training regarding corporate responsibility for work place safety and health.

B. Administrative Provisions of CSAs.

1. Worksite Identification.

Worksite information shall be included in the written agreement as an attachment and will be used by OSHA for monitoring and tracking identification purposes, and to notify state plans, as indicated herein.

CSAs shall include the following information:

- a. The name and address(es) of the covered worksite(s).
- b. Additional background information provided by the company for use in monitoring. This includes names, titles, telephone numbers, and email addresses for corporate management and local management. Where applicable, detailed union contact information should be obtained for both the national union and

the local union representative at each covered worksite

- c. A list of all locations within State Plan States with essentially the same operations as locations covered under the CSA.
- d. A provision that facilities acquired by the employer during the life of the agreement will be included under the agreement's abatement provisions. OSHA shall be promptly notified of the acquisition. Additionally, OSHA shall be promptly notified if there has been a sale or shut down of a facility covered under the agreement.

2. State Plan Provision.

Each CSA shall contain a provision stating that the agreement does not apply to corporate sites located in State Plan States but that the affected States will be made aware of the agreement and employers are encouraged to follow the terms of a Federal CSA or enter into an implementing or alternative agreement, at all of their locations, in cooperation with the respective State Plans.

The employer should contact the affected State Plans(s) to determine whether the State will honor the terms of the Federal CSA; require a separate agreement with the same, equivalent, or more stringent terms; or proceed with enforcement as usual.

3. Abatement and other performance provisions.

- a. Abatement dates for each citation and performance provision of the agreement, including interim abatement, if any, and specific abatement verification requirements (including, as appropriate, dates for submitting progress reports) must be included.
- b. Dates for reporting the implementation of abatement controls shall be included where applicable. Interim progress reports shall be required when final abatement will require more than one year.
- c. Abatement details required in the agreement will, to the extent possible, include information on the extent to which the hazardous conditions addressed in the agreement exist at covered worksites.
- d. Site specific abatement plans may be required where worksite

specific information is needed to effectively monitor the agreement.

- e. The employer must be required to submit verification to the local OSHA Area Office certifying that all abatement provisions in the CSA have been completed. Abatement certifications including progress reports and final abatement shall be signed by a company executive having overall authority and knowledge of compliance efforts required by the agreement.
- f. Abatement verification must be submitted for each covered worksite and evaluated by the local Area Office. When notification is submitted by the corporate office to each OSHA Area Office, it must meet the requirements of the Abatement Verification regulation.

4. Monitoring.

OSHA's right of entry and entry rights for monitoring and follow-up purposes, as well as the employer's waiver of the right to require an inspection warrant will be explicitly recognized.

5. Enforceability.

- a. Each CSA will contain enforcement language indicating the following:
 - Agreement by the parties that the underlying, affirmed citations are amended to include as abatement the full terms of the agreement;
 - The employer has withdrawn its notice of contest and the underlying, affirmed citations and agreement are a final, enforceable order of the OSHRC;
 - The employer agrees that its failure to comply with the agreement is enforceable by issuance of notices for failure to abate pursuant to section 10 of the OSH Act, and/or by enforcement under section 11(b) of the OSH Act. The reference to enforcement under section 11(b) shall include language that the employer will not object to OSHA seeking enforcement of the final order in the appropriate U.S. court of appeals and;

- The employer agrees that passage of the termination date of the agreement cannot be alleged as a defense to the employer's failure to comply with any requirement in the agreement.

6. Termination Provisions.

- a. Each CSA shall include a termination date and/or sunset clause. The termination date is the final date after which the formal terms of the CSA are no longer recognized by OSHA. In no case will a termination date extend beyond two years from the final order date without prior approval of the Director of DEP.
- b. In limited circumstances, a CSA may be renewed at OSHA's discretion with the agreement of the other parties. This may only occur after reviewing the results of the original agreement with affected regions to determine if renewal is appropriate. Renewals must be approved by DEP and the Regional Administrator from each affected region.

7. Reporting Requirements.

- a. Each CSA must specify how written reporting requirements will be handled. In the case of a NCSA, the agreement should specify which reports are to be sent to the National Office and which are to be sent to the Area Office(s).
- b. Periodic progress reports are required in every CSA where any of the abatement dates exceed one year. Progress reports may be appropriate where abatement dates do not exceed one year.
 - The agreement must state the date when progress reports are due.
 - At a minimum, the progress report must identify the action taken to achieve abatement, the date the action was taken, the result of the action taken (e.g., airborne exposures reduced, machine guarded, etc.) and, if action will not be timely accomplished under the agreement, why progress is delayed.
 - Other specific reporting requirements that are linked to abatement milestones (e.g., implementation of training programs, completion of engineering studies, or

implementation of a medical management programs) may be included as appropriate.

8. Other Requirements.

This directive includes a list of items that have been included in previous settlement agreements (see Appendix C - Corporate-Wide Settlement Agreement Content). This list is provided to assist in the development of CSAs and is not intended to limit the range of issues and enhancements that an agreement could potentially address.

9. Abatement plans as required below.

XV. Abatement.

A. CSA Abatement Obligations.

1. At a minimum, all worksites covered by the CSA are subject to the requirements of the Abatement Verification regulation, 29 CFR 1903.19, and must comply with reporting requirements.
2. The National Office will have a limited role in the CSA abatement verification process. The role will be limited to complex abatement issues impacting national enforcement policy. The local Area Offices retain responsibility for ensuring implementation of the agreement and abatement verification at the CSA-covered worksites.

B. Failure to Verify Abatement

If abatement verification required by the CSA (certification, documentation, abatement plans or progress reports) is not submitted for a covered worksite, the procedures in the FOM will be followed, up to and including issuance of a citation for failure to submit the required verification. For NCSAs, DEP and SOL will be consulted prior to the issuance of such citations.

C. Failure to Abate.

1. A failure-to-abate (FTA) notification may be considered for noncompliance in any single facility covered by an agreement.
2. Prior to issuing a FTA notice under a CSA, notification will be made to OSHA and SOL. The procedures outlined in Section XIX. Enforcement of CSAs must be followed.

D. Agreement Tracking.

1. Coordination and oversight for NCSAs will be provided by the NCSC. The NCSC will be available to assist the Regional and Area Offices participating in the agreement to ensure that the terms of the agreement are effectively and consistently implemented.
2. All CSAs will be tracked (either by the NCSA or RCSA) to ensure that the agreement terms are satisfied. Verification of abatement will be done by the Area Office with jurisdiction over the worksite covered by the CSA. This includes review of abatement certification, abatement documentation, any required abatement plan, and progress reports.
3. CSA tracking may include periodic reporting to the NCSC by the Regional Office on the progress made on RCSAs.
4. Each NCSA requires notification to the NCSC when final abatement of the terms of the agreement has been verified at all participating sites within the Region. See section XX. Notification of Final Abatement Action.
 - a. This report will be submitted within 45 days of the final abatement verification.
 - b. A schedule for submission of additional CSA briefing reports (see paragraph XVII) will vary depending on the complexity of the agreement. A reporting schedule will be included in the monitoring plan.

E. Petition for the Modification of Abatement.

The CSA will provide terms for Petitions for Modification of Abatement (PMA) by the employer if they differ from the provisions of the FOM. The company will file a PMA with the Area Director having jurisdiction over the affected workplace no later than the agreed upon date specified by the CSA.

1. Processing of PMAs related to all CSAs.

If the employer requests more than a 90-day extension or the PMA affects multiple sites, the Area Director will:

- a. Ensure that all of the current requirements of the PMA have been met at the covered establishment(s) in accordance with the FOM and §1903.14a or the terms of the agreement.

- b. Immediately forward a copy of the PMA request to the Regional Administrator.
- c. Make a preliminary recommendation to the Regional Administrator as to whether the PMA should be granted or denied, as soon as possible, but no later than five working days from receipt of the PMA. PMA requests that have national implications will be noted.
- d. Forward any objections received from affected employees or their authorized representative in accordance with the FOM and §1903.14a.
- e. Evaluate the need for a monitoring inspection, considering the employer's record, objections from employees, and the nature of the hazard(s). If a monitoring inspection is performed, it shall be performed under the procedures for PMAs and monitoring inspections in the FOM, and should be completed no later than five working days from the receipt of the PMA. The results of the inspection will be forwarded to the Regional Administrator immediately upon completion.
 - The Regional Administrator will, immediately upon receipt, forward a copy of the PMA request to the NCSC.
 - The NCSC will notify all affected Regional Administrators of the receipt of the PMA if the PMA has national implications.
 - DEP will consult with the Regional Administrator(s) and SOL prior to reaching a decision on PMA's that require National Office consideration.
 - If DEP approves the PMA, all affected Area Directors will be notified as soon as practicable through the Regional Administrator. The Area Director who originally received the PMA will proceed in accordance with the FOM.
 - If DEP objects to the PMA, the Area Director who originally received the PMA will be immediately notified through the Regional Administrator. The Area Director will then proceed in accordance with the FOM. SOL will file an objection to the PMA with the OSHRC.

2. If a PMA cannot be fully evaluated within five working days from its receipt by the NCSC, SOL will request additional time from OSHRC so that an Agency position on the PMA can be determined.

XVI. CSA Monitoring Plan.

All CSAs will be monitored to ensure that the agreement terms are satisfied. All worksites covered by the CSA will be eligible for inclusion in the CSA monitoring plan. Inspections under the monitoring plan may include monitoring inspections and follow-up inspections. The monitoring plan is subject to revision based on the RA's input regarding the adequacy of submitted abatement reports.

A. National CSAs.

NCSAs will be monitored until the agreement requirements are satisfied and all abatement obligations are completed. The monitoring plan will establish:

1. A determination of establishments to receive monitoring and/or follow-up inspections.
 - a. No later than 60 days after the effective date of the CSA, the NCSC, in conjunction with the affected RAs, will determine a sufficient number of worksites to be monitored so that OSHA may assess whether the employer has adequately complied with its responsibilities under the agreement.
 - b. If a site is selected for monitoring under the plan, an onsite visit will be conducted regardless of the submitted abatement verification.
2. A schedule for submission of briefing reports by the Regional Office on monitoring activities and abatement progress. This schedule will correlate with the abatement due dates and progress report schedule established by the CSA.
3. DEP will be informed when problems occur regarding implementation of the agreement that either cannot be resolved at the Regional Office level or would have a significant impact on successful implementation of the agreement in other Regions.

B. Regional CSAs.

1. The Regional Administrator will determine a sufficient number of worksites to be monitored so that OSHA may assess whether the employer has adequately complied with its responsibilities under the agreement.
2. At a minimum, one site from each covered corporation shall be scheduled each year during the life of the agreement.
3. The local Area Office is responsible for ensuring abatement verification at the RCSA-covered worksites in the Office's jurisdiction.
4. In RCSAs involving novel and/or complex abatement issues that impact national enforcement policy, the NCSC will coordinate with the Regional Administrator to determine the level of oversight and assistance to be provided by the National Office.

C. Monitoring Abatement Items that Exceed One Year.

When at least one abatement completion date and/or abatement milestone exceeds one year, the following measures will be taken.

1. The Regional Administrator will work with each Area Director with CSA-covered worksites to ensure a representative number of monitoring inspections are performed each year. These inspections should be included in the annual operations plan.
2. A follow-up inspection for an interim abatement date may replace a required monitoring inspection.
3. Additionally, a representative number of sites covered by the CSA will receive a follow-up inspection at the end of the agreement to verify final abatement.
4. Additional inspections will be conducted where required by other OSHA policy, or at the discretion of the Area Director.

XVII. Corporate-Wide Settlement Agreement Reporting.

A. Regional Briefing Reports for all CSAs.

All regions shall submit a CSA Briefing report by January 31st each year to DEP. The report shall include the information designated in Appendix F for each CSA

affecting a region during the year. The CSA Briefing Report also should include:

1. A list of the monitoring inspections and/or follow-up inspections conducted under the CSA monitoring plan and a summary of the outcome.
2. A summary of facility efforts, including a brief evaluation of the worksite's progress on abatement verification (certification, documentation, abatement plan, progress reports, worker notification, and other terms of the agreement).
3. If applicable, information regarding any anticipated and/or granted PMA requests.
4. Any problems or deficiencies in meeting the requirements of the CSA should be detailed in the report. This should include information about any citations issued for failure to verify abatement.

B. Final Summary Report for all CSAs.

1. The Area Director will submit a one-page summary report to the Regional Administrator after all required follow-up inspections have been conducted and the submitted abatement verification is reviewed and found to be complete. The report will be submitted to DEP within 60 days of the final follow-up inspection.
2. Multiple corporate locations covered by a CSA should be consolidated by the Regional Administrator into one report indicating that final abatement and terms of the agreement are completed at each location within the Region. This report will be submitted to DEP within 60 days of the final follow-up inspection.

C. Acceptance of Abatement Measures and Uniformity.

It may be difficult to achieve absolute abatement uniformity throughout a corporation because of local site conditions. Differences in abatement issues may arise regarding the adequacy of abatement measures taken under CSAs by different establishments of the same corporation.

It is expected that most abatement issues can be resolved through coordination among Regional Administrators and Regional Solicitors. Cases that give rise to differences that cannot be resolved through regional coordination, or which involve major policy resolutions, will be resolved by DEP, in consultation with SOL.

XVIII. Tracking CSA Abatement in the OIS Database.

A. Area Office Standard Reports.

Although each covered worksite will be entered into OIS by the Area Office with jurisdiction over the site, the Area Office standard reports will only track abatement on the initiating inspection (the inspection that resulted in the CSA and that have citations entered into the NCR).

B. Local CSA Tracking System.

1. All worksites covered by a CSA must be entered into the CSA Database. The database will track final abatement dates, interim abatement dates, target dates for implementation or engineering controls, abatement milestones, and due dates for abatement plans/progress reports at the covered worksites within their jurisdiction. Refer to the Sample CSA Tracking Database Table in Appendix F.
2. This web-based system must be kept up-to-date to indicate the current status of the case, including any abatement date revisions as a result of approved PMAs.

XIX. Enforcement of CSAs.

A. Violation of CSA Terms.

1. If violations of the terms of the CSA are documented during monitoring of a covered worksite, appropriate action will be taken, depending on the nature of the violations. Actions may range from written communication to the site and/or corporate headquarters to enforcement pursuant to Section 11(b) of the Act or failure to abate notices. Input will be sought from the employees and/or their representatives prior to initiation of enforcement action.
2. The Area Office will notify the Regional Administrator and/or the NCSC whenever an employer is deemed to be violating provisions of the agreement.

B. Ensuring Continued Effectiveness of the CSA.

If an Area Director believes that the employer is not fulfilling the abatement responsibilities agreed upon in the CSA and the employer has not filed a PMA, the following procedures should be followed:

1. As soon as practicable, the Area Director will contact the employer for an explanation and document the response in the file.
2. If the employer appears to be making a good faith effort to abate and this is corroborated by the worker representative or the employees themselves, no enforcement action need be proposed, provided the employer agrees to timely remedy the deficiency.
3. If the employer has no reasonable explanation for the deficiency and refuses to remedy it in a timely manner, the Area Director will recommend an appropriate enforcement action after consultation with the RSOL.
4. If the employer believes that the deficiency is not covered under the CSA, the Area Director will notify the Regional Administrator and they will attempt to resolve the matter. If the issue(s) cannot be resolved at the regional level, the case will be referred to DEP who will consult with NSOL to reach a final decision.
5. Any proposed enforcement action related to issues covered in a CSA (other than a citation for failure to submit abatement verification) must be submitted to the Regional Administrator for approval prior to issuance.
 - a. For RCSAs, the RA will consult with RSOL and decide upon a recommended course of action.
 - b. For NCSAs, the RA will consult with RSOL and DEP to discuss a recommended course of action. The enforcement action will be decided by the Director of DEP in consultation with the RA and NSOL.

XX. Notification of Final Abatement Action.

A. Follow-Up Inspections.

1. Once the employer submits verification that all abatement action under the CSA has been completed at one of its covered locations or for any particular location, follow-up inspections may be initiated according to the monitoring plan. At such time, the employees and/or their representatives may be consulted.
2. The RA will ensure that a representative number of follow-up inspections are completed to verify final abatement and, as deemed necessary by the

Area Director, based on abatement certification, progress reports, worker comments, etc.

3. The RA may request an adjustment to the number of mandatory follow-up inspections required where the abatement verification leaves no doubt regarding the adequacy of abatement. These requests will be considered on a case-by-case basis by the NCSC after evaluating all factors associated with the agreement.

B. Abatement Not Satisfactorily Completed.

In the absence of an approved PMA, the employer's failure to accomplish any action or to adhere to any final abatement date or agreed-upon milestone at any covered location by the date for abatement agreed upon in the CSA may be considered for enforcement in accordance with the Enforcement of CSAs section of this directive.

C. Abatement Satisfactorily Completed.

1. After all Regions have reported that abatement was satisfactorily completed with no apparent significant deficiencies and all other terms of the CSA have been met, the NCSC will inform all Regional Administrators having covered establishments that the employer has apparently fulfilled its obligations under the CSA.
2. As appropriate, the Regional Administrator will notify the affected Area Directors and State Plan States that the employer has apparently fulfilled its obligations under the agreement.

XXI. Inspections not Related to CSAs.

A. Notification of the Regional Administrator and NCSC.

1. For RCSAs, if a programmed or unprogrammed inspection is to be conducted in an establishment covered under a CSA, the AD will contact the Regional Administrator for guidance prior to initiating onsite inspection activity to determine whether any portion of the inspection will include items covered by the CSA.

The RA and AD may determine that it is in the interest of the Agency to maximize the Agency's resources by performing a monitoring visit in conjunction with the programmed or unprogrammed activity.

2. For NCSAs, if a programmed or unprogrammed inspection is to be

conducted in an establishment covered under a CSA, the RA will contact the NCSC for guidance prior to initiating onsite inspection activity to determine whether any portion of the inspection will include items covered by the CSA.

The NCSC and RA may determine it is in the interest of the Agency to maximize the Agency's resources by performing a monitoring visit in conjunction with the programmed or unprogrammed activity.

B. Programmed Inspections.

Programmed inspections are not normally affected by CSAs, although there may be limitations on the extent to which citations may be issued relative to conditions covered by the CSA.

C. Unprogrammed Inspections.

Unprogrammed inspections are not normally affected by CSAs, although there may be limitations on the extent to which citations may be issued relative to conditions covered by the CSA.

Formal complaints concerning conditions covered by the CSA for which valid progress reports have been received do not require an inspection.

1. Instead, the Area Director will contact the complainant and inform him/her of the progress being made.
2. If the complainant insists the employer's reports do not accurately describe the action being taken in the establishment, the Area Director may consider scheduling a monitoring inspection.

XXII. Coding. [RESERVED]

APPENDIX A

EVALUATING EMPLOYERS FOR A CORPORATE-WIDE SETTLEMENT AGREEMENT

I. Industry: ☐ General Industry ☐ Maritime ☐ Construction ☐ Agriculture

II. Agreement Initiator: OSHA or Employer

III. Other Open Inspections Activity:

- ☐ No
☐ Yes (briefly explain): _____

IV. Inspection History (inspections and standards cited):

V. Scope of Agreement:

- ☐ National CSA
☐ Regional CSA (all worksites located within a single Region)

VI. Corporate-Wide Settlement Agreement Justification:

Describe the value of the agreement to the Agency in terms of the perceived extent of the problem throughout the employer; resources leveraged; employees removed from serious hazards; estimated time to develop, implement, and monitor the agreement as opposed to traditional enforcement tools; estimated number of FTE at the Area and Regional Office level; estimated duration of the agreement, etc.

VII. Size (total # of employees Corporate-Wide):

- ☐ 10 – 100
☐ 101 – 200
☐ 201 – 300
☐ > 301

VIII. Total Number of Employer Sites to be Covered by the Agreement:

- ☐ 2 – 10
☐ 11 – 50
☐ > 51

IX. Authorized Employee Representatives at Initiating Inspection Worksites and Other Worksites Likely to be Affected by the Settlement:

Organizational name and address of Authorized Employee Representatives.

X. OSHA Regions and Number of Employer Sites Affected by Agreement:

- | | | |
|--|--|---|
| ☐ Region I: _____ | ☐ Region V: _____ | ☐ Region VIII: _____ |
| ☐ Region II: _____ | ☐ Region VI: _____ | ☐ Region IX: _____ |
| ☐ Region III: _____ | ☐ Region VII: _____ | ☐ Region X: _____ |
| ☐ Region IV: _____ | | |

XI. Number of OSHA Area Offices Affected:

XII. Does the employer have any VPP sites?

- ☐ No
☐ Yes (briefly explain): _____

XIII. Strategic Plan Initiatives Targeted by the Agreement:

Identify hazards addressed by NEPs, LEPs, SEPs, etc.

XIV. Hazards/Deficiencies to be Addressed by Agreement:

XV. Additional Safety and Health Program Enhancements for Consideration:

XVI. Does the employer have a history of failing to submit abatement information in a timely manner?

- A. ☐ Yes (explain): _____
B. ☐ No

XVII. Recommendation for Regional Corporate-Wide Settlement Agreement:

Regional Office(s)

- ☐ Concur
☐ Concur with Comments
☐ Non-Concur

Regional Solicitors Office

- ☐ Concur
☐ Concur with Comments
☐ Non-Concur

XVIII. Approval of National Corporate-Wide Settlement Agreement (need concurrences from Regional OSHA and Solicitors Offices above):

National Office

- ☐ Concur
☐ Concur with Comments
☐ Non-Concur

National Solicitors Office

- ☐ Concur
☐ Concur with Comments
☐ Non-Concur

APPENDIX B

ROLES AND RESPONSIBILITIES

National Office (OSHA and SOL)

Directorate of Enforcement Programs (DEP) – DEP shall:

- Serve as the contact point for SOL for requests for information regarding the CSA program for the field or other National Office entities. This function relates to all CSAs (national and regional).
- Designate a National Corporate Settlement Coordinator (NCSC) who has responsibility for coordinating National CSA activity among the National Office, Regional Office, and SOL.
- Ensure that an electronic copy of every agreement is provided to the Salt Lake City Technical Center (SLTC). SLTC will post a copy of the agreement to the Corporate Settlement Page of the OSHA intranet and public website upon receipt.
- Present the final NCSA to the Director of the Directorate of Enforcement Programs for concurrence prior to its finalization.
- Coordinate with the Regional Administrator, to set priorities for mandatory inspections to be scheduled under the NCSA Monitoring Plan and establish a schedule for the Regions to report CSA abatement and monitoring progress to the National Office.
- Evaluate NCSA monitoring once the agreement is signed and implemented and assist the Regional Offices, as requested, to ensure the terms of the agreement are fulfilled.
- Review the Regional Office CSA Briefing Reports and coordinate action to ensure timely, complete, and consistent abatement.
- Encourage an exchange of information among field offices with covered establishments. Such communication may include conference calls, periodic meetings among the affected Regions, or any other method to effectively share information.

National Office Solicitor (NSOL) – NSOL shall:

- Negotiate the NCSA on OSHA's behalf. NSOL will be directly involved in the CSA assessment, development, and negotiation.
- Obtain the support and concurrence of DEP prior to entering into RCSA negotiations.
- Communicate the status of agreements with RSOL throughout the negotiation process.

Directorate of Construction (DOC) – DOC shall:

- In limited situations where a NCSA is considered for an employer in the construction industry, DOC will work closely with the NCSC following the roles and responsibilities outlined for DEP.

Regional Office (OSHA)

Regional Administrator (RA) – Each Regional Administrator shall:

- Provide oversight and monitoring for national and regional CSAs within their jurisdiction in accordance with the applicable policy outlined in this directive.
- Inform the State Plan State(s) within their Region of any CSA that was negotiated, when the employer has establishments located within their State plan States. The RA shall provide a copy of the signed CSA to affected State Plan States. Any relevant information provided by the State Plan Administrator shall be forwarded to DEP and DCSP.
- Address compliance issues regarding regional CSAs unless the agreement impacts National enforcement policy.
- Provide input into and implementation of NCSAs within their Region. Regional input into the CSA Monitoring Plan will be developed in coordination with other Regional Administrators, NCSC and those Area Directors with jurisdiction over the participating worksites.
- Ensure the NCSC is provided with briefing reports summarizing the abatement progress made by the company under a NCSA, or provided by State Plan States with locations of the covered company within their jurisdictions when provided.
- Ensure the NCSC is notified when Area and Regional Offices' efforts to obtain verification of abatement at covered worksites are unsuccessful.

- Notify the NCSC when all requirements of a NCSA at a covered worksite have been abated and completed.
- Ensure that designated inspections are conducted as outlined in the CSA Monitoring plan. These inspections shall be included with each year's operations plan.
- Ensure Area Directors having jurisdiction fulfill all of the reporting and oversight requirements outlined in this directive.
- Ensure Area Directors fulfill the responsibilities for verifying abatement and monitoring implementation of the agreement at the covered worksite within their jurisdiction. Ensure all reports submitted by the employer under a CSA or generated by OSHA in evaluating those reports are distributed to State Plan States with facilities of the covered facility within their jurisdictions.

Regional Solicitor (RSOL) – RSOL shall:

- Negotiate the RCSA on OSHA's behalf. RSOL will be directly involved in the CSA assessment, development, and negotiation.
- Obtain the support and concurrence of the Regional Administrator prior to entering into RCSA negotiations. These agreements may also require DEP/NCSC notification at various stages of the settlement process.
- Communicate the status of agreements with NSOL throughout the negotiation process and provide status updates, as appropriate, to DEP's NCSC for NCSAs.

Area Office

Area Director (AD) – AD shall:

- As an initial matter, early evaluation and notification of any proposed CSA should be provided to the RA and RSOL to ensure that such an agreement should be pursued.
- Ensure implementation of the agreement and abatement verification at CSA-covered worksites in the Office's jurisdiction.
- Take the necessary steps to ensure that the employer is making a good faith effort to comply with the CSA as expeditiously as possible within the terms of the agreement. This is critical when implementation of engineering controls is required under the CSA.

- Consider the need for a monitoring inspection prior to granting a local petition to modify abatement (PMA) request or recommending approval of a PMA. Where warranted, a monitoring inspection may be conducted prior to granting a PMA request. The PMA and monitoring procedures in the FOM will be followed unless otherwise specified.
- When necessary, discuss the results of the progress report review with the employer and with the authorized worker representative, if any, and ask for any additional information which may be helpful in the evaluation.
- Pay particular attention to the abatement progress the company has made regarding the abatement dates and particular milestones agreed upon in the CSA.
- Discuss with the employer in a timely manner any weaknesses, deficiencies or potential concerns with the report.
- Ensure that all aspects of the agreement are monitored and receive timely action as required. While a simple agreement with abatement dates of 90 days or less will be relatively easy to monitor, additional oversight will be required for more complex cases.
- Provide input for the CSA Monitoring Plan to the Regional Administrator as requested.
- Ensure CSA Briefing Reports are submitted to the Regional Administrator as required.
- Provide oversight for the CSA Monitoring Plan and ensure the required inspections are completed.
- Ensure all PMA requests are communicated to the NCSC, evaluated and approved or denied as necessary. Requests for PMAs for longer periods of time will be brought to the attention of the Regional Administrator and the NCSC, as appropriate. The abatement dates in the tracking system will be kept updated to reflect any approved PMA request.
- Where an employer fails to submit the abatement verification required by a CSA, follow the policy outlined in Chapter 7 of the FOM.
- Keep the Regional Administrator informed of any problems with the local implementation of the agreement.
- Notify the Regional Administrator when final abatement is completed at the local covered site.

APPENDIX C

CORPORATE-WIDE SETTLEMENT AGREEMENT FILE INFORMATION

National Corporate-Wide Settlement File (National Office).

A CSA file will be created for each NCSA and maintained by DEP. The file will contain the following establishment information for each worksite included in the agreement:

- Employer's name for each worksite (if applicable include legal/corporate name)
- Address
- Name, title, email address, and telephone number for the primary management point of contact
- List the names, addresses, and contact persons of all worker representatives and unions who are party to the CSA.
- Duration of the agreement (not to exceed two years)
- Court docket numbers
- Primary SIC/NAICS codes involved
- Type of agreement (e.g., recordkeeping, ergonomics, etc.)
- Signature and expiration date of the Corporate-Wide settlement agreement
- Table of settlement provisions and final abatement dates in the agreement
- Name and contact information for DOL attorney who executed the agreement
- Name and contact person of the attorney who executed the agreement for the employer
- Briefing reports submitted by the Regional Offices
- Petition to Modify Abatement (PMA) requests and decisions
- Dispute resolution information
- Corporate correspondence impacting multiple regions
- Any special designation, such as SVEP participant

1. Regional Corporate File (Regional Office).

Contains the same information identified in the National Office file but on a regional scale. The file may also include, but are not limited to:

- Unusual abatement information discussed with regional representatives
- Determination between the Regional and Area Office regarding the number of follow-up and monitoring inspections to include the operations plan
- Monitoring and follow-up inspection information.
- Area Office briefing reports

2. Local Worksite File(s) (Area Office).

The file will contain a comprehensive record for every worksite covered by the CSA within the Area Offices' jurisdiction. Information in this file is similar to the regional

corporate file but local contact information for the agreement will be included. A file for each worksite will include:

- Facility name and address
- Site contact and all relevant contact information
- Copy of the original CSA
- Site SIC/NAICS code
- List the names, addresses, and contact persons of all worker representatives and/or unions
- Number of employees
- Activity type
- Primary business operation and function of each worksite
- Initiating (original) inspection number
- Diary sheet containing CSA activity
- Monitoring and Follow-up inspection information
- Abatement and progress reports submitted by the employer including:
 - Receipt and review dates
 - Whether it was sent for external review
 - Dunning letters
 - Date abatement verified, accepted and notification made to the Regional Office
- Petition to Modify Abatement (PMA) requests
- Briefing reports submitted to the Regional Office

APPENDIX D
CORPORATE-WIDE SETTLEMENT AGREEMENT CONTENT

Issues covered by a CSA may include, but are not limited to, the following:

- Successor Employer Language
- Citations in Docket
- Scope of the Settlement Agreement
- Reason for Initiating Inspection
- Abatement Certification, Documentation and Posting
- Additional Terms and Provisions
- Covered Facilities
- Interim Protection
- Abatement Plans
- Medical Management Program
- Training and Education
- Compliance Progress Reports
- Independent Consultants
- Corporate-Wide Self Audits
- Inspections during Term of the Agreement
- Worker Representatives and Participation
- Time for Abatement
- Petition to Modify Abatement (PMA) Procedures
- Verification and Monitoring Visits and Entry into Facilities
- Dispute Resolution
- Cause for Immediate Termination
- Failure-To-Abate Provision in the event of employer non-compliance
- 11(b)

APPENDIX E
CSA MONITORING AND ABATEMENT OVERVIEW

Corporate-Wide Settlement Agreements Monitoring and Abatement Sample			
Duration of CSA	One Year	Two Year	Other
Length of Abatement ¹			
Abatement Certification Required (1903.19(c))			
Abatement Documentation Required (1903.19(d))			
Worker Notification Required (1903.19(g))			
Progress Report Required ³ (1903.19(f))	<i>Optional</i> – may be required if included in the CSA <i>Recommended</i> – for abatement dates exceeding 90 days	Yes <i>Minimum</i> – every six months	Yes <i>Minimum</i> – every six months
Mandatory Inclusion on the CSA Monitoring Plan	No	Yes	Yes
Mandatory Monitoring Inspection	Area Director Discretion	Yes	Yes

Continued on next page

Mandatory Follow-Up Inspection	No, with exceptions ⁴ Follow-up at Area Director Discretion or where required by the Field Operations Manual or other policy	Yes In limited circumstances, a monitoring inspection may replace a required follow-up inspection	Yes
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¹ Abatement date includes all interim abatement dates, target dates for implementation of control measures, and abatement milestones.

² The CSA may suffice as the abatement plan if it is sufficiently detailed. A supplemental site specific abatement plan may be required if called for in the agreement.

³ The Agency may require an employer to submit an abatement plan for each cited violation (except an other-than-serious violation) when the time permitted for abatement is more than 90 calendar days.

⁴ If the employer is covered by another program or policy, such as the SVEP, the follow-up requirements of that program may take precedence unless otherwise specified in the CSA.

APPENDIX F

CSA Tracking Table

[illegible]

July 6, 2011

Karen D. Arnett
Commander - Downtown District
Indianapolis Metropolitan Police Department
39 W. Jackson Place, Suite 500
Indianapolis, IN 46204

Dear Karen,

In response to your formal complaint concerning safety/health hazards at the IMPD Downtown District offices, located at 39 W. Jackson Street, Indianapolis, Indiana, the Indiana Occupational Safety and Health Administration (IOSHA) conducted an inspection at this place of employment. The inspection was completed on June 7, 2011. The results of our investigation of your complaint items are as follows:

Item 1: Employees are exposed to sewer gas. (Men's restroom, exercise room, office rooms)

Response: Sewer gas (hydrogen sulfide) was not detected by monitoring equipment brought to the location for that purpose. No Safety Orders issued.

Thank you for your concern for a safe and healthful workplace.

Sincerely,

Robert A. Kattau
Director, Industrial Compliance

RAK:jh

