

## OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

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### 1. Purpose

This directive establishes Department of Homeland Security (DHS) policy regarding occupational safety and health programs.

### 2. Scope

A. This directive applies to all DHS organizational elements serviced by the DHS Office of Administration. Until the Office of Administration develops and implements permanent, Department-wide occupational safety and health programs, all DHS organizational elements may continue in force their existing occupational safety and health policies and procedures (including administrative support in this area from another Federal agency).

B. Military personnel and uniquely military equipment, systems, and operations are not covered by the Executive Order and do not fall under OSHA jurisdiction. (Coast Guard military personnel performing operations and activities not uniquely military do fall under OSHA jurisdiction.)

### 3. Authorities

This directive is governed by numerous Public Laws, Executive Orders, regulations and national policy, such as:

- A. Occupational Safety and Health Act of 1970, Section 19 and 24, as amended (29 U.S.C. 668 and 673).
- B. 29 CFR Part 1910
- C. 29 CFR Part 1926
- D. 29 CFR Part 1960
- E. 5 U.S.C.7902
- F. E.O. 12196
- G. OSHA Instruction FAP 1.3, Appendix B, dated May 17, 1996. (OSHA Publication 2014).

## 4. Definitions

A. **Designated DHS Official:** Senior DHS officials as designated by the Secretary, Deputy Secretary or Under Secretaries.

B. **The DHS Safety and Health Council:** Council comprised of organizational element safety and health program management officers and other managerial and/or technical officials, as needed, to address safety and health issues. Its purpose is to assist top management in the development and coordination of Department-wide safety and health programs through the DASHO and Chief of Administration.

## 5. Responsibilities

A. **The Secretary** exercises ultimate authority and responsibility for the Department with respect to assuring safety, health, property, and environmental protection in DHS operations.

B. **The Under Secretary for Management**, as the Designated Agency Safety and Health Official (DASHO), is responsible for the management and administration of the Department's safety and health programs.

C. **All Under Secretaries and Designated DHS Officials**, as it relates to their areas of responsibility, shall:

1. Establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under the Occupational Safety and Health Act of 1970, E.O. 12196, 29 CFR Part 1960;
2. Personally (or through delegating authority to a top level official) serve as the organizational element DASHO, manage and ensure the effective implementation of safety and health programs which comply with the Occupational Safety and Health Act of 1970, E.O. 12196, 29 CFR Part 1960, and other applicable safety and health rules and requirements;
3. Commit office management at all levels to support safety and health programs, the prevention of accidental property, business interruption, tort claim, injury and/or illness losses; and monitor the effectiveness of their programs;
4. Provide sufficient professional safety and health staff and other resources to assist management in carrying out safety and health programs management responsibilities;
5. Ensure that inspections and audits of workplaces and operations by technically competent safety and health professionals are conducted at least annually, and employee representatives are given the opportunity to be present;
6. Ensure the prompt identification and abatement of unsafe and/or unhealthful working conditions and/or operations;

7. Ensure safety and health notices are posted/forwarded as required by applicable regulations;
8. Ensure management information systems exist and records of property, tort claims, business interruption, injury, and illness losses are promptly and accurately reported, maintained, analyzed, and receive management action to reduce losses;
9. Establish procedures which ensure that employees are not subject to restraint, interference, coercion, discrimination, or reprisal for exercising their rights under E.O. 12196, 29 CFR Part 1960, or for participating in organizational component and office safety and health programs;
10. Establish adequate safety and health programs, processes, and systems, with education and training for management and employees, and professional development education and training for full time and collateral duty safety/health staff, committee/council members, and other employees with safety/health duties and responsibilities;
11. Establish safety and health committees/councils for the purpose of assisting safety and health programs management officers/risk management officers and management in carrying out their safety and health programs management responsibilities;
12. Require active participation in the Department of Homeland Security Safety and Health Council, and encourage and support active participation in interagency Federal safety and health councils, and other beneficial safety/health organizations; and
13. Evaluate supervisors, managers, and other employees on their performance in meeting the requirements of the safety and health programs of the Department and their respective organizational elements.

D. **The Chief of Administration** shall serve as the principal safety, health and environmental officer of the Department leading a team of senior safety, health and environmental officers, who shall:

1. Provide safety and health programs management advice and counsel to the Under Secretary for Management, the Secretary, and other Department officials, to assist them in carrying out their safety and health duties and responsibilities;
2. Review Federal, Department, and other safety and health codes, standards, and regulations proposed or enacted which may impact the Department, to assist Department officials in responding to the regulations in a manner consistent with the Department's mission and policy, the Occupational Safety and Health Act of 1970, E.O. 12196, 29 CFR Part 1960, and this directive;
3. Conduct safety and health programs management evaluations consisting of any or all of the following: organizational element self-evaluation report audits, on-site program and/or facility operations reviews, accident, injury, and/or illness data analyses, and other survey instruments, reports, or information from the

organizational elements as may be necessary to provide top management with accurate evaluations;

4. Research, develop, formulate, propose, and assist management in implementing Departmental policy, programs, initiatives, and other management actions to promote safer, healthier work environments;

5. Represent the Department to national regulations, codes, and standards making organizations, other Federal agencies, and private-sector national and international safety and health organizations for the benefit of the Department, Federal government, and the American public we serve; and

6. Chair the DHS Safety and Health Council.

E. **Organizational Element Safety and Health Programs Management Officers**

shall serve as the principal safety, health and/or environmental officer of their organizational element, leading a team of senior safety, health and environmental officers, who shall:

1. Provide safety and health programs management advice and counsel to their respective organizational element head, to the organizational element DASHO, and other management officials to assist them in carrying out their safety and health duties and responsibilities as required by the Occupational Safety and Health Act of 1970, E.O. 12196, 29 CFR Part 1960, and this directive;

2. Assist organizational element heads and organizational element DASHOs in developing annual management action plans for safety and health programs' continuous improvement. Organizational element management action plans should show comparisons of the most recent fiscal year property, tort claim, and business interruption losses, as well as injury rates, lost production days and workers' compensation costs, with the previous two years. Management initiatives and direct involvement to reduce these losses should be cited and program(s) performance milestones documented;

3. Conduct safety and health programs management evaluations consisting of any or all of the following: organizational element self-evaluation report audits, on-site program and/or facility operations reviews, incident, injury, and/or illness data analyses, and other survey instruments, reports, or information from the units as may be necessary to provide management with accurate evaluations;

4. Research, develop, formulate, propose, and assist management in implementing organizational element policy, programs, initiatives, and other management actions to promote safer, healthier, work environments;

5. Represent the organizational element to national regulations, codes, and standards-making organizations, other Federal agencies, and private-sector national and international safety and health organizations for the benefit of the organizational element, Department, Federal government, and American public we serve; and

6. Serve on the DHS Safety and Health Council, and provide the DASHO and OSHE any reports, information, assistance, or other cooperation as may be necessary.

F. **Supervisors** shall:

1. Operate aggressive safety and health programs as required by the Occupational Safety and Health Act of 1970, E.O. 12196, 29 CFR 1960, and this Directive;
2. Assure that all employees receive training in safe, healthful practices, and the safeguards associated with their work;
3. Encourage employee performance that demonstrates positive safety and health behavior, and reward outstanding safety or health performance;
4. Assure prompt, accurate input regarding incidents, and frequently share information with employees and other supervisors to reinforce safety and health programming efforts;
5. Assure incident "root cause" remediation by promptly providing adequate resources and supervision; and
6. Conduct frequent work environment and operations reviews to discover hazards, and take prompt management action to safeguard employees, visitors, property, and operations.

G. **DHS Employees** shall:

1. Perform their duties in a safe and healthful manner and encourage others to do likewise;
2. Comply with the Occupational Safety and Health Act, and DHS safety and health regulations and requirements;
3. Immediately report all property damage, tort claim, business interruption, injury and illness incidents as well as hazards or unsafe acts to others at imminent risk, their supervisor, supervisor's supervisor, etc., for appropriate action; and
4. Promptly review materials provided by supervisors as well as other informational sources to promote health and safety for themselves, coworkers and the American public we serve.

## 6. Policy & Procedures

A. **Policy:** DHS shall maintain comprehensive and effective safety and health programs that meet the requirements of Section 19 of the Occupational Safety and Health Act of 1970, as amended; Executive Order (E.O.) 12196, as amended; and 29 Code of Federal Regulations (CFR) Part 1960.

B. **Procedures:** All officials and employees shall conduct themselves in accordance with the Responsibilities set forth in paragraph 5, above.

C. Any questions or concerns regarding this directive should be addressed to the DHS Office of Administration.