# INDIAN AFFAIRS INSPECTIONS AND ABATEMENT HANDBOOK

25 IAM 3-H, Volume 4



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#### FOREWORD

Due to the extensive content covered by Indian Affairs' (IA) Occupational Safety and Health Program (OSHP) policy, as documented in 25 IAM 3, several handbooks have been created that tie to the original policy, but which cover a very specific procedural aspect of the program. These handbooks refer to the original policy (i.e., 25 IAM 3) but include a volume reference as well (e.g., 25 IAM 3-H, Volume 4).

This handbook documents the procedures required to implement the IA inspections and abatement portion of the OSHP policy. Its content supersedes 25 IAM H: Safety and Health Handbook for Field Operations, issued (updated) 10/05/2004, and all policies and procedures related to IA inspections and abatement that may have been created and/or distributed throughout IA previously.

Although this handbook in intended to primarily assist IA Safety Offices who administer the IA OSHP policy, it may also be informative for IA employees.

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# Chapter 1: Overview

This chapter specifies the minimum requirements for conducting Occupational Safety and Health (OSH) inspections of Assistant Secretary - Indian Affairs (AS-IA), Bureau of Indian Affairs (BIA), and Bureau of Indian Education (BIE) establishments, and the timely abatement of hazards recognized during the inspection process. The IA Division of Safety and Risk Management (DSRM) is responsible for oversight, policy, and procedures governing the IA OSH inspection and abatement program (the Program). The Program can be driven by compliance; however, changing worker mindsets to help them prevent hazards as well as self-correct hazards and non-compliances should also be a Program goal.

Inspections should identify OSH hazards and other Program non-compliances, and then abatement actions and/or hazard reductions should be documented. OSH inspections should be part of every Safety Program Plan at every Indian Affairs (IA) site (including leased space and field locations), school, and facility. Any space assigned to IA, BIA, or BIE by the General Services Administration (GSA) must also comply with inspection requirements before acceptance and occupancy.

The Program includes inspections of machines and equipment, processes, field work, and any other task performed by IA employees, volunteers, and students. Educational and other facilities operated under the contract and grant provisions of P.L. 93-638 and P.L. 100-297 are also included in this Program.

### 1.1 IA Inspectors

Inspectors have a right to enter any IA, BIA, or BIE site, school, facility, field camp, or other workplace without delay and at reasonable times to perform inspections. They also have the right to inspect any item or place within the establishment, and to question, privately, any employee, manager, supervisor, visitor, volunteer, contractor, or concessioner associated with the establishment. IA inspectors are required to do the following:

- Have the necessary equipment to conduct the inspection.
- Examine appropriate accident records and previous inspection reports.
- Conduct opening conferences with establishment managers.
- Consult with employees on matters of safety and occupational health.
- Inform management and employees of imminent danger conditions.
- Take environmental samples, where appropriate.
- Comply with safety rules and practices.
- Take or obtain photographs, where appropriate.

- Avoid unreasonable disruption of the operation.
- Conduct closing conferences that:
  - o include appropriate level(s) of management and the employee representative(s),
  - o disclose the findings of the inspection,
  - o recommend abatement measures and actions to prevent recurrence, and
  - hear other information provided by managers and employees regarding conditions in the workplace.

# 1.2 IA Facilities Management System Safety and Condition Assessment Portal

The IA - Facilities Management System (IA-FMS) Safety and Condition Assessment Portal (S&CAP) is the IA automated system used to enter and track safety, health, and accessibility deficiencies identified during inspections.

S&CAP uses letters and numbers to identify OSH deficiencies using the following Occupational Safety and Health Administration (OSHA) definitions of "serious" and "other-than-serious" violations. The letters and numbers are also used to identify accessibility deficiencies and other plant issues.

Safety deficiencies are defined as follows:

- S-1 is a serious hazard, violation, or condition such that there is a substantial probability that death or serious physical harm could result.
- S-2 is a violation that has a direct relationship to job safety and health but is not serious in nature.

Accessibility deficiencies are defined as follows:

- A-1 is a serious accessibility violation with high potential to discriminate against physically impaired persons.
- A-2 is a violation that has a direct relationship to accessibility but is not serious in nature.

# **Chapter 2: Inspections and Abatements**

This chapter addresses the minimum requirements for conducting OSH inspections of IA sites, and abating hazards recognized during the inspection process in a timely manner.

## 2.1 Codes and Standards

OSH inspections must comply with following IA-adopted safety and health codes, and mandatory standards:

- 1. **OSHA.** All workplace sites and operations must comply with the occupational safety standards issued under Section 6 of OSHA of 1970, as amended, or alternate standards issued pursuant to this part.
- 2. **Fire and Fire Safety.** All workplace sites and operations must be classified according to their occupancy and must conform to the National Fire Codes as published by the National Fire Protection Association (NFPA).
- 3. Accommodations for People with Disabilities. All workplace sites and operations must confirm with 36 Code of Federal Regulations (CFR) 1191, Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADAABAAG,) as well as Section 504 of the Rehabilitation Act of 1973, as amended in 1978, which generally requires that IA programs do not discriminate against physically impaired persons.

Per 25 U.S.C. § 2005, all facilities connected with the education of Indian children must follow ADAABAAG's Chapter 2: Scoping Requirements. Additionally, chapters 3 through 10 (Technical Requirements), as referenced by the Americans with Disabilities Act (ADA) Scoping Chapter 2, are to be applied also.

In addition to standard 'adult' (more than 12 years old) accessibility requirements, 'child' (12 years old and younger) accessibility is to be provided in school facilities using ADAABAAG children guidance, applied in accordance with any indicated age groupings.

- 4. **Building Safety Code.** All buildings, structures, and facilities must confirm with the current edition of NFPA 5000 Building Construction and Safety Code.
- 5. **Boiler/Pressure Vessels.** All boiler and unfired pressure vessels must conform to the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, and must be marked with appropriate ASME Code symbols. All existing units must conform to the National Board Inspection Code and should be marked with appropriate code symbols.
- 6. **Elevators.** All passenger and freight elevators, dumbwaiters, escalators, and moving sidewalks must conform to the ASME Safety Code for Elevators and Escalators and applicable accessibility standards. All platform lifts must confirm with the ASME Standard Safety Standard for Platform Lifts and Stairway Chairlifts and applicable accessibility standards.

7. **Piping.** Boiler/pressure vessel external piping and installations must conform to the American National Standards Institute (ANSI) and ASME Boiler and Pressure Vessel Codes, Section I, Section IV, and Section VIII. Other fuel piping, steam and water piping, air piping, and their respective installations must conform to applicable sections of the Uniform Plumbing Code and the Uniform Mechanical Code.

### 8. Mechanical Systems.

- a. Liquefied Petroleum Gas. Liquefied petroleum gas heating systems and distribution facilities must conform to NFPA Standards No. 58 and 86.
- b. Natural Gas. Natural gas systems must comply with NFPA Standards No. 54 and 86.
- c. Oil. Oil burning system installations must comply with NFPA Standards No. 31 and 86.
- d. **Electrical.** Electrical heating and cooling systems must be in accordance with the National Electrical Code (NFPA Standard No. 70). Specific equipment must be Underwriter's Laboratory (UL) or Factory Mutual (FM) listed or labeled.
- e. **Solar.** Solar installations must be in accordance with the Uniform Solar Code and the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards.
- f. **Electrical.** Electrical power transmission, distribution, and installation must comply with the National Electrical Code (NFPA Standard No. 70) and the National Electrical Safety Code.

### g. Environmental Quality.

- i. **Food Service.** All workplace sites and operations of food service facilities must conform to the guidelines set forth in the latest edition of the Food and Drug Administration (FDA) Food Code.
- ii. **Sanitation Facilities.** All workplace sites, operations, and sanitation facilities must conform to the following guidelines:
  - (a) Liquid Waste: Applicable parts of 40 CFR and 29 CFR 1910.
  - (b) Solid Waste: Applicable parts of 40 CFR.
- h. Water Facilities. All workplace sites and operations of domestic water facilities must conform to 40 CFR and 29 CFR 1910.
- i. **Illumination.** All workplace sites and operations must provide facilities which conform to Illuminating Engineering Society Standards and Regulations on Illumination.
- j. **Heating, Ventilation and Air Conditioning (HVAC).** All workplace sites and operations of facilities must conform to minimum requirements described in the Uniform Mechanical Code, NFPA Standard Nos. 90A and 90B, and the ASHRAE standards.

- k. **Pest, Vector and Vermin Control.** All workplace sites and operations must comply with regulations on pest, vector, and vermin control included in 29 CFR Parts 162, 163, 165, 170, and those provisions outlined in the FDA Food Code.
- 1. **Plumbing.** All plumbing installations, equipment and fixtures must comply with the Uniform Plumbing Code.

# 2.2 Inspection Procedures

Assigned IA inspectors will conduct and document inspections of all establishments under their control for OSH compliance as required by this chapter and 29 CFR 1960 Subpart D. More frequent inspections may be conducted when there is an increased risk of accidents or incidents.

### A. Day-to-Day Inspections.

Supervisors must monitor conditions in the workplace daily to prevent injuries, occupational illnesses, property damage, and near miss incidents.

### **B.** Annual Inspections.

All workplaces must be inspected at least annually. More frequent inspections will be conducted where there is an increased risk of accident, injury, and/or illness due to the nature of the work. Annual inspections will be conducted by assigned IA inspectors who are trained in hazard recognition and OSH inspection procedures.

Establishment managers, supervisors, and employees may participate in the inspection although the inspector may deny participation to any person who interferes with the inspection.

During inspections, the inspector may privately question any employee, manager, supervisor, visitor, volunteer, contractor, or concessioner associated with the site, school, or facility.

IA inspectors must comply with the following:

- Have the necessary equipment to conduct the inspection.
- Examine appropriate accident records and previous inspection reports.
- Conduct opening conferences with establishment managers.
- Consult with employees on OSH matters.
- Inform management and employees of imminent danger conditions.
- Take environmental samples, where appropriate.
- Comply with safety rules and practices.

- Take or obtain photographs, where appropriate.
- Avoid unreasonable disruption of the work.
- Conduct closing conferences to discuss inspection findings, and to recommend abatement measures and actions to prevent recurrence.

#### C. Unannounced Inspections.

A reasonable number of unannounced follow-up inspections of selected work sites will be conducted to determine overall program effectiveness and to ensure the proper identification and abatement of hazardous conditions.

#### 2.3 Scheduling Inspections

After DSRM creates a safety inspection and assigns it in S&CAP, the inspector will receive an email indicating that Planned Start and End Dates are needed for the inspection. The inspector has seven calendar days to finalize their Planned Start and End Dates. If the inspector does not finalize the Planned Start and End Dates within seven calendar days, DSRM and the inspector's supervisor will be notified by automated email.

The IA inspector must keep these criteria in mind while determining the inspection schedule for the fiscal year (FY):

- The IA inspector must schedule and conduct not *less* than 20% of the assigned inspections during the 1<sup>st</sup> quarter of the FY (i.e., October December).
- The IA inspector must schedule and conduct not *more* than 10% of the assigned inspections during the 4<sup>th</sup> quarter of the FY (i.e., July September).
- The IA inspector must schedule all remaining assigned inspections during the 2<sup>nd</sup> and 3<sup>rd</sup> quarter periods of the FY.

Once the initial schedule is established, changes may be made in accordance with the S&CAP schedule change procedures outlined in the S&CAP Safety Inspector Training Manual, Section 2. However, any changes that would exceed the criteria discussed herein require supporting justification in writing to the Chief, DSRM.

Any requested deviations from the 1st and 4th quarter criteria noted above must also be requested with supporting justification in writing to the Chief, DSRM with concurrence from the first-line supervisor and Regional Director (BIA)/Deputy Director for School Operations (BIE).

DSRM is required to provide weekly and monthly reports to IA leadership on the status of inspections.

# 2.4 Inspector Certificate

For each completed safety inspection, the assigned IA inspector must digitally sign the Inspector Certificate in S&CAP within five calendar days after the conclusion of the inspection. The inspector must enter the actual inspection dates and the Official-in-Charge (OIC) information (OIC name, title, email, telephone number and mailing address) in order to digitally sign the certificate.

# 2.5 Mandatory Guidelines

IA inspectors and inspection services provided through contract services, Memorandum of Agreement (MOA), or Memorandum of Understanding (MOU) are required to use the *Indian Affairs Code Compliance Guidelines* (Guidelines). These Guidelines establish IA internal operating procedures for assigned safety inspectors to perform mandatory annual workplace inspections.

The assigned IA inspector must complete the Guidelines within five calendar days after conclusion of the inspection. These automated electronic Guidelines can be accessed via Power Apps on a mobile device or on a desktop application. They are also available on the IA Safety Management System (i.e., IA Safety Connect) SharePoint site.

# 2.6 Notices of Unsafe or Unhealthful Working Conditions

A written "Notice of Unsafe or Unhealthful Working Conditions" (Inspection Report) may be created if deficiencies are found. These reports cite the deficiencies and recommend corrective actions.

The inspector will enter the notice into the automated IA-FMS S&CAP within 30 calendar days after the date of inspection. A copy of the report will be automatically transmitted to the OIC of the workplace. Any OSH deficiencies identified in IA facilities by Indian Health Services (IHS) should be entered into the S&CAP by the assigned IA inspector for that site.

When a hazard is identified, there are special posting requirements to provide adequate notice of the hazard:

- The notice must be posted in plain sight at or near each location where a hazardous working condition exists.
- The notice should be posted as soon as possible:
  - Within 15 calendar days of completing a safety inspection
  - Within 30 calendar days of completing an occupational health inspection
- The notice will remain posted until the condition is abated or for three calendar days, whichever is longer.

• If the notice cannot be posted at or near the hazard, it will be posted where it is readily seen by all affected employees.

The worksite manager will ensure all employees are briefed on the hazards cited in the notice, and the steps underway to remove the hazard.

Notices issued for violations of *any* OSH rules, regulations, or policies should contain the following minimum information:

- Identification of the location of the hazard.
- Description of the nature and extent of the hazard.
- Risk Assessment Code (RAC).
- Description of the mitigation control or corrective action measures.
- Interim RAC for interim control measures.
- Reference to applicable safety or health standards.
- Estimated date for final hazard elimination. The initial abatement timeframes should be set according to the summary of initial abatement timeframes (see below).

RAC Code	Initial Abatement Timeframe
1	As soon as possible within that work shift
2	As soon as possible, but no later than 15 calendar days
3	Within 12 months
4	Within one budget cycle (no longer than two years)
5	Incorporate abatement into the 5-year plan

# **2.7 RACs**

The IA inspector will assign RACs to each hazard or deficiency that violates any OSH rules, regulations, or policies. RACs are used to assist management in prioritizing resources to abate the most critical hazards or deficiencies on a "worst-first" basis.

The RAC assigned to each hazard is an expression of risk, combining the severity and the probability of a hazardous condition resulting in an accident. Exposing personnel to a hazard is an integral part of the probability determination and should be considered when assessing the likelihood of a hazard resulting in an accident, injury, or illness.

RAC levels are identified by a numerical scale of 1–5, with RAC-1 being the most critical and requiring an immediate response, and RAC-5 being the least critical. RACs are annotated by the RAC number, followed by the frequency and severity.

Examples of RAC annotations are: 1(A)(I) for a RAC-1 that has catastrophic consequences and an immediate danger frequency; 4(B)(IV) would be a low-level risk, with a minor severity level and a minimal probability of occurring. The summary below contains the RAC criteria and definitions.

#### **Risk Assessment Codes**

- **RAC-1 (Critical)** Represents an immediate danger to life, health, property, or infrastructure and requires emergency correction or hazard controlled to a lower level of risk.
- **RAC-2 (Serious)** Represents a high level of threat to life, health, property, or infrastructure and requires hazard correction or hazard controlled to a lower level of risk as soon as possible.
- **RAC-3 (Moderate)** Represents a medium level risk to life, health, property, or infrastructure, with correction planned and completed, or hazard controlled to a lower level of risk.
- **RAC-4 (Minor)** Represents a low-level risk, with correction planned and completed, or hazard controlled to a lower level of risk.
- **RAC-5 (Negligible)** Represents the lowest level risk and is considered minor. The correction of these risks can be planned in the out-years.

If an imminent danger (RAC-1), which represents a high threat to life, health, or property conditions is found, the site manager must initiate corrective/protective action immediately and, if necessary, stop the operation and/or evacuate the area, except for those needed to eliminate the hazard.

Where RAC-1 or RAC-2 conditions are identified, a written Notice of Hazard (a separate notice from the Inspection Report) completed by the IA inspector will be conspicuously posted at or near each place the hazardous working condition exists. The notice will be posted as follows:

- Within one calendar day for a RAC-1 hazard.
- Within 15 calendar days for a RAC-2 hazard.

The Notice of Hazard must remain posted until the condition is abated. The establishment manager will ensure all employees are briefed on the hazard and the steps being taken to eliminate the condition.

The RAC assigned to each hazard is an expression of risk, combining the severity code and the probability code. The severity code describes the most serious type of injury or illness that can be reasonably expected from the exposure to the hazard. The probability code describes the likelihood that a condition related hazard will occur.

#### **Probability Codes**

Frequent (A) Immediate danger to health and safety of the public, staff, or property and resources; occurs frequently or continuously. Probably will occur in time if not corrected, or probably will occur one or Likely (B) more times during the life of the system. **Occasional (C)** Possible to occur in time if not corrected. Rarely (D) Unlikely to occur; may assume exposure will not occur. **Severity Codes** Catastrophic (I) Imminent and immediate danger of death or permanent disability, chronic or irreversible illness, major property, or resource damage. Critical (II) Permanent partial disability, temporary total disability greater than three months, significant property, or resource damage. Significant (III) Hospitalized minor injury, reversible illness, period of disability of three months or less, loss or restricted workday accident, compensable injury or illness, minor property, or resource damage. First aid or minor medical treatment. Presents minimal threat to human Minor (IV) safety and health, property, or resources, but is still in violation of a standard.

#### **Risk Assessment Code Matrix**

Severity	<b>Risk Assessment Code</b>			
Catastrophic (I)	1	1	2	3
Critical (II)	1	2	3	4
Significant (III)	2	3	4	5
Minor (IV)	3	4	5	5
Probability	Frequent (A)	Likely (B)	Occasional (C)	Rarely (D)

## 2.8 Abatement Plans

The OIC will ensure that abatement plans are completed in S&CAP for deficiencies that cannot be abated within 30 calendar days. The abatement plan must include the following:

- Explanation for the delay in abatement.
- Proposed abatement action and timetable for abatement.
- Summary of interim steps taken to protect personnel.

If the abatement plan changes, the OIC will prepare a new plan and notify the inspector, OSH representatives, and the local safety committee. Interim control measures do not decrease the RAC assigned to the original hazard. The inspector will reevaluate the hazard with the interim controls in place and assign a new, interim RAC that will be shown on the posted Notice of Hazard.

Abatement plans will be reviewed and updated at least every 90 calendar days until all abatement actions are completed. Sites, schools, and facilities will incorporate safety deficiencies into the facilities maintenance management system. Abatement plans should note the entry of the deficiency into the facility maintenance systems.

If the facility is owned by another agency, such as the GSA, abating cited hazards may have to be coordinated with the building owner.

### 2.9 OSHA Inspection

The following notification must be made if the OSHA conducts an inspection of an IA, BIA, or BIE site, school, or facility:

- 1. The workplace manager should immediately notify the DSRM, BIA Regional Safety Manager (RSM) or BIE Safety Program Manager (SPM) so that an IA OSH and workplace management representative can accompany the OSHA inspector.
- 2. The inspection findings, recommendations, and abatement schedules must be communicated in writing by letter or email to the DSRM, BIA RSM, or BIE SPM by the workplace manager.

# **Reports and Forms**

- Reports/templates and forms mentioned herein are located on the <u>IA Forms webpage</u> (on the 'Indian Affairs Specific Forms and Guidance' tab) and on the IA Safety Management System SharePoint site here: <u>https://doimspp.sharepoint.com/sites/bia-ems/iasafety</u>
- 2) The OSHA Notice/and or Site Visit Report and the Notice of Hazard Identification Report must be submitted by the RSM and BIE SPM to the DSRM no later than the 15<sup>th</sup> day following the end of the FY quarter (this is for reporting on the previous quarter). The report templates are located on the IA Online Forms webpage here: <u>https://www.bia.gov/policyforms/online-forms</u>
- 3) The Internal Control Review (ICR) Safety and Health Inspection Program Accessible Unit Test Corrective Action Plan (CAP) must be submitted by the BIA RSM and BIE SPM to the DSRM no later than the 15<sup>th</sup> day following the end of the FY quarter (this is for reporting on the previous quarter). The CAP is generated within the automated IA Code Compliance App and populates the recommendations; it is included with the overall ICR report that is transmitted to the OIC.

# Definitions

*Americans with Disabilities Act (ADA) and Architectural Barriers Act Guidelines* (*ADAABAAG*) is a document that contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA.

*Annual inspection* is a comprehensive survey of all parts of a workplace to detect safety and health hazards.

*Authority Having Jurisdiction (AHJ)* is the Chief, Division of Safety and Risk Management (DSRM), who has the authority to determine, mandate, and enforce code requirements adopted by Indian Affairs.

*National Fire Protection Association (NFPA)* is a United States trade association, albeit with some international members, that creates and maintains private, copyrighted, fire standards and codes for usage and adoption by Indian Affairs.

**Occupational Safety and Health Administration (OSHA)** is an agency of the United States Department of Labor. OSHA's mission is to "assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance."

*Risk Assessment Code (RAC)* is expressed as a single Arabic number that is used to help determine hazard abatement priorities. The RAC assigned to each hazard is an expression of risk, combining the severity code and the probability code.

*Safety and Condition Assessment Portal (S&CAP)* is the Indian Affairs' automated system used to enter and track safety, health, and accessibility deficiencies identified during inspections.

Workplace is a physical location where the agencies work, or operations are performed.

# Acronyms

ADA	Americans with Disabilities Act			
ADAABAAG	Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines			
ANSI	American National Standards Institute			
ASHRAE	American Society of Heating, Refrigerating and Air- Conditioning Engineers			
AS-IA	Assistant Secretary - Indian Affairs			
ASME	American Society of Mechanical Engineers			
BIA	Bureau of Indian Affairs			
BIE	Bureau of Indian Education			
CFR	Code of Federal Regulations			
DSRM	Division of Safety and Risk Management			
FDA	U.S. Food and Drug Administration			
FM	Factory Mutual			
GSA	General Services Administration			
HVAC	Heating, Ventilation and Air Conditioning			
IA	Indian Affairs			
IA-FMS	Indian Affairs - Facilities Management System			
IHS	Indian Health Services			
NFPA	National Fire Protection Association			
OIC	Official-in-Charge			
OSH	Occupational Safety and Health			
OSHA	Occupational Safety and Health Administration			

RAC Risk Assessment Code
RSM BIA Regional Safety Manager
S&CAP Safety and Condition Assessment Portal
SPM BIE Safety Program Manager
UL Underwriter's Laboratory