

Chapter 1

INTRODUCTION

I. Purpose.

This Instruction cancels and replaces IOSH Instruction IACPL 02-00-150, Iowa Field Operations Manual (FOM), issued March 1, 2012. This FOM describes Iowa OSHA's enforcement policies and procedures which provides the office a reference document for identifying the responsibilities associated with the majority of our inspection duties.

II. Scope.

This Instruction applies to Iowa OSHA operations.

III. References. (References will be considered updated as adopted by Iowa OSHA)

- A. [Title 5 United States Code 504](#), The Equal Access to Justice Act.
- B. [Title 18 United States Code 601](#), Small Business Regulatory Enforcement Fairness Act.
- C. [Title 18 United States Code 1905](#), Disclosure of Confidential Information.
- D. [Title 28 United States Code 2412](#), Rules Implementing the Equal Access to Justice Act; Costs and Fees.
- E. [Title 29 United States Code 651](#), Occupational Safety and Health Act of 1970.
- F. [Title 29 United States Code 1802](#), Migrant and Seasonal Agricultural Worker Protection Act.
- G. [Title 31 United States Code 3717](#), Debt Collection Improvement Act.
- H. [Title 39 United States Code 101](#), The Postal Employee Safety Enhancement Act of 1998.
- I. [29 Code of Federal Regulations 2.21](#) and [2.22](#), Employees Served with Subpoenas.
- J. [29 Code of Federal Regulations Part 20](#), Federal Claims Collection.

- K. [29 Code of Federal Regulations 500.132](#), Applicable Federal Standards: ETA and OSHA Housing Standards.
- L. [29 Code of Federal Regulations Part 654](#), Social Responsibilities of the Employment Service System.
- M. [29 Code of Federal Regulations 1903.6](#), Advance Notice of Inspections.
- N. [29 Code of Federal Regulations 1903.14](#), Policy Regarding Employee Rescue Activities.
- O. [29 Code of Federal Regulations 1903.19](#), Abatement Verification.
- P. [29 Code of Federal Regulations 1904.39](#), Reporting Fatalities and Multiple Hospitalizations to OSHA.
- Q. [29 Code of Federal Regulations Part 1908](#), Consultation Agreements.
- R. [29 Code of Federal Regulations Part 1910](#), Occupational Safety and Health Standards.
- S. [29 Code of Federal Regulations Part 1915](#), Occupational Safety and Health for Shipyard Employment.
- T. [29 Code of Federal Regulations Part 1926](#), Safety and Health Regulations for Construction.
- U. [29 Code of Federal Regulations Part 1928](#), Occupational Safety and Health Standards for Agriculture.
- V. [29 Code of Federal Regulations Part 1960](#), Basic Program Elements for Federal Employee Occupational Safety and Health Programs.
- W. [29 Code of Federal Regulations 1975.4\(b\)\(2\)](#), Coverage – Agricultural Employers.
- X. [29 Code of Federal Regulations Part 2200](#), Rules of Procedure.
- Y. [40 Code of Federal Regulations Part 170](#), Worker Protection Standard.
- Z. Housing for Agricultural Workers: Final Rule, *Federal Register*, March 4, 1980 (45 FR 14180).

- AA. Incorporation of General Industry Safety and Health Standards Applicable to Construction Work, *Federal Register*, August 12, 1996 ([61 FR 41738](#)).
- BB. Delegation of Authorities and Assignment of Responsibilities to the Assistant Secretary for Employment Standards and Other Officials in the Employment Standards Administration, *Federal Register*, January 2, 1997 ([62 FR 107](#)).
- CC. Safety and Health Program Management Guidelines; Issuance of Voluntary Guidelines, *Federal Register*, January 16, 1989 ([54 FR 3904](#)).
- DD. Final Rule on State Plans Coverage of the U.S. Postal Service (*Federal Register*, June 9, 2000 ([65 FR 36618](#))).
- EE. Final Policy Concerning the Occupational Safety and Health Administration's Treatment of Voluntary Employer Safety and Health Self-Audits, *Federal Register*, July 28, 2000 ([65 FR 46498](#)).
- FF. Secretary's Order 5-2002; Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Occupational Safety and Health, *Federal Register*, October 22, 2002 ([67 FR 65007](#)).
- GG. OSHA Instruction [ADM 01-00-003](#), Redefinition of Authority and Responsibility of the Assistant Secretary for Occupational Safety and Health, March 6, 2003.
- HH. OSHA Instruction [ADM 03-01-005](#), OSHA Compliance Records, August 3, 1998.
- II. OSHA Instruction [CPL 02-00-025](#), Scheduling System for Programmed Inspections, January 4, 1995.
- JJ. OSHA Instruction [CPL 02-00-028](#), Compliance Assistance the Powered Industrial Truck Operator Training Standards, November 30, 2000.
- KK. OSHA Instruction [CPL 02-00-051](#), Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.
- LL. OSHA Instruction [CPL 02-00-080](#), Handling of Cases to be Proposed for Violation-By-Violation Penalties, October 21, 1990.
- MM. OSHA Instruction [CPL 02-00-152](#), Guidelines for Administration of Corporate-Wide Settlement Agreements, June 22, 2011.

- NN. OSHA Instruction [CPL 02-00-094](#), OSHA Response to Significant Events of Potentially Catastrophic Consequences, July 22, 1991.
- OO. OSHA Instruction [CPL 02-00-098](#), Guidelines for Case File Documentation for use with Videotapes and Audiotapes, October 12, 1993.
- PP. OSHA Instruction [CPL 02-00-111](#), Citation Policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
- QQ. OSHA Instruction [CPL 02-00-158](#), Inspection procedures for the Respiratory Protection Standard, June 26, 2014.
- RR. OSHA Instruction [CPL 02-00-121](#), Providing Assistance to Smaller Employers, March 12, 1998.
- SS. OSHA Instruction [CPL 02-00-122](#), Enforcement Guidance for the U.S. Postal Service, April 16, 1999.
- TT. OSHA Instruction [CPL 02-00-124](#), Multi-Employer Citation Policy, December 10, 1999.
- UU. OSHA Instruction [CPL 02-00-125](#), Home-Based Worksites, February 25, 2000.
- VV. OSHA Instruction [CPL 02-00-135](#), Recordkeeping Policies and Procedures Manual (RKM), December 30, 2004.
- WW. OSHA Instruction [CPL 03-00-020](#), OSHA’s National Emphasis Program (NEP) on Shipbreaking, March 7, 2016.
- XX. OSHA Instruction [CPL 02-00-154](#), Longshoring and Marine Terminals “Tool Shed” Directive, July 31, 2012May 23, 2006.
- YY. OSHA Instruction [CPL 02-00-155](#), Inspection Scheduling for Construction, September 6, 2013.
- ZZ. OSHA Instruction [CPL 02-00-157](#), Shipyard Employment “Tool Bag” Directive, April 1, 2014.
- AAA. OSHA Instruction [CPL 02-00-149](#), Severe Violator Enforcement Program (SVEP), June 18, 2010.
- BBB. OSHA Instruction [CPL 02-02-035](#), 29 CFR 1910.95(b)(1), Guidelines for Noise Enforcement; Appendix A, December 19, 1983.

- CCC. OSHA Instruction [CPL 02-02-079](#), Inspection Procedures for the Hazard Communication Standard, July 9, 2015.
- DDD. OSHA Instruction [CPL 02-02-043](#), Chemical Information Manual, July 1, 1991.
- EEE. OSHA Instruction [CPL 02-02-054](#), Respiratory Protection Program Guidelines, July 14, 2000.
- FFF. OSHA Instruction [CPL 02-02-072](#), Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records, August 22, 2007.
- GGG. OSHA Instruction [CPL 02-02-073](#), Inspection Procedures for 29 CFR 1910.120 and 1926.65, Paragraph (q): Emergency Response to Hazardous Substance Releases, August 27, 2007.
- HHH. OSHA Instruction [CPL 03-00-010](#), Petroleum Refinery Process Safety Management National Emphasis Program, August 18, 2009.
- III. OSHA Instruction [CPL 04-00-001](#), Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- JJJ. OSHA Instruction [CSP 01-00-004](#), State Plan Policies and Procedures Manual, September 22, 2015.
- KKK. OSHA Instruction [CSP 02-00-003](#), Consultation Policies and Procedures Manual, November 19, 2015.
- LLL. OSHA Instruction [CSP 03-01-003](#), Voluntary Protection Programs (VPP) Policies and Procedures Manual, April 18, 2008.
- MMM. OSHA Instruction [CSP 03-02-003](#), OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
- NNN. OSHA Instruction [CSP 04-01-002](#), OSHA Alliance Program, July 29, 2015.
- OOO. OSHA Instruction [FAP 01-00-003](#), Federal Agency Safety and Health Programs, May 17, 1996.
- PPP. OSHA Instruction [HSO 01-00-001](#), National Emergency Management Plan (NEMP), dated December 18, 2003.

- QQQ. OSHA Instruction IRT 01-00-007, The IMIS Enforcement Data Processing Manual for Use with the NCR Computer System, dated September 20, 1993.
- RRR. OSHA Instruction [TED 01-00-015](#), *OSHA Technical Manual*, January 20, 1999.
- SSS. Memoranda dated September 12 and 13, 2000 to the Regional Administrators from H. Berrien Zettler, Deputy Director, Directorate of Construction (via email) regarding transmittal of information on construction fatalities to the University of Tennessee.
- TTT. Memoranda dated May 14, 2003 and February 18, 2004 to the Regional Administrators from Deputy Assistant Secretary R. Davis Layne regarding transmittal of information on construction fatalities to the University of Tennessee.
- UUU. [Memorandum](#) dated December 16, 2003, to the Regional Administrators from Deputy Assistant Secretary R. Davis Layne regarding IMMLANG Procedures (available on the OSHA Intranet).
- VVV. [Memorandum](#) dated March 24, 2004 to Regional Administrators from Deputy Assistant Secretary R. Davis Layne regarding Procedures for Significant Enforcement Cases (available on the OSHA Intranet).
- WWW. *Frank Diehl Farms v. Sec'y of Labor*, 696 F.2d 1325 (11th Cir. 1983).
- XXX. *Int'l Union UAW v. Gen. Dynamics Land Sys. Div.*, 815 F.2d 1570 (D.D. Cir. 1987).
- YYY. *Marion Stevens dba Chapman & Stephens Company*, [5 BNA OSHC 1395](#) (No.13535, 1977).
- ZZZ. *Darragh Company*, [9 BNA OSHC 1205](#), (Nos. 77-2555, 77-3074, and 77-3075, 1980).
- AAAA. *J. C. Watson Company*, [22 BNA OSHC 1235](#) (Nos. 05-0175 and 05-0176, 2008).
- BBBB. Code of Iowa
- CCCC. Iowa Administrative Code
- DDDD. IOSH Instruction CPL 2.94 – IOSH Response to Significant Events of Potentially Catastrophic Consequences, September 29, 1997.

EEEE. IOSH Instruction DIS 0-0.9 – Discrimination Investigation Manual, January 13, 2016.

FFFF. IOSH Instruction IACSP 03-02-003 – IOSH Strategic Partnership Program or Worker Safety and Health, July 1, 2014.

IV. Cancellations.

- A. OSHA Instruction ADM 01-00-002, Administrative Subpoenas, August 19, 1991.
- B. OSHA Instruction CPL 02-00-045, Field Operations Manual, Chapter VI, Sections D. Handling Monies Received from Employers, and E. Debt Collection Procedures, March 3, 1995.
- C. OSHA Instruction CPL 02-00-045, Field Operations Manual, Chapter XI, Migrant Labor Camps, March 3, 1995.
- D. OSHA Instruction CPL 02-00-103, Field Inspection Reference Manual (FIRM), September 26, 1994.
- E. OSHA Instruction CPL 02-00-112, National Quick-Fix Program, August 2, 1996.
- F. OSHA Instruction CPL 02-00-114 Abatement Verification Regulation Enforcement Policies and Procedures, May 28, 1998.
- G. OSHA Instruction CPL 02-00-137, Fatality/Catastrophe Investigation Procedures, April 14, 2005.
- H. OSHA Instruction CPL 02-00-140, Complaint Policies and Procedures, June 23, 2006.
- I. Memorandum dated March 23, 1995, to the Regional Administrators from Deputy Assistant Secretary James W. Stanley regarding FIRM Change: Minimum Serious Willful Penalty.
- J. Memorandum dated June 21, 1996 to the Regional Administrators from Deputy Assistant Secretary Michael G. Connors regarding FIRM Change: Mandatory Collection of OSHA-200 and Lost Workday Injury and Illness (LWDII) Data During Inspections.
- K. Memorandum dated July 13, 1999 to the Regional Administrators from Assistant Secretary Charles N. Jeffress regarding Child Labor:

Probability Assessment and Good Faith Penalty Adjustment Considerations.

- L. Iowa OSHA Instruction IACPL 2.103, IOSH Field Inspection Reference Manual, August 1, 2004.
- M. OSHA Instruction CPL 02-00-149, Enhanced Enforcement Program (EEP), January 1, 2008.
- N. IOSH Instruction IACPL 02-00-148, IOSH Field Operations Manual, January 29, 2010.
- O. IOSH Instruction IACPL 02-00-150, IOSH Field Operations Manual, March 12, 2012.

V. Action Information.

A. Responsible Office.

Directorate of Enforcement Programs (DEP).

Division of Labor Services - Iowa Labor Commissioner

B. Action Offices.

National, Regional, and Area Offices.

Division of Labor Services - Iowa Labor Commissioner

C. Information Offices.

Division of Labor Services – Iowa Labor Commissioner, State Plan States, OSHA Training Institute, Consultation Project Managers, VPP Managers and Coordinators, OSHA Strategic Partnership Coordinators, Compliance Assistance Coordinators, Compliance Assistance Specialists, and Regional EEP Coordinators.

VI. State Impact.

- A. Notice of Intent, Adoption, and Submission of a Plan Change Supplement are required.
- B. By adopting this Iowa Specific Manual, Iowa is complying with the following Federal OSHA requirement. This instruction describes a Federal Program Change which consolidates and updates OSHA’s field

enforcement policies and procedures. States must have, as a part of their State plan, formal written policies and procedures on all aspects of their compliance program, including inspections, targeting, citations, penalties, and post citation processes, which are at least as effective as the procedures in this revised Field Operations Manual (FOM). In adopting equivalent policies and procedures States must address each chapter and/or policy area in this manual. Significant changes to this manual are listed in section VII of this chapter.

States need not adopt the internal OSHA administrative procedures set out in this manual, such as those relating to organizational structure and such matters as penalty collection, but must include documentation of their own comparable internal administrative procedures and processes. These will necessarily differ from those of Federal OSHA.

- C. States must notify OSHA within 60 days whether their enforcement policies will be identical to or different from those in this Instruction. State policies and procedures must be adopted within 6 months of issuance of this Instruction. Each State must both submit a copy of its revised Field Operations Manual as a plan change supplement to OSHA, preferably in electronic format, with a comparison document clearly identifying any differences from the revised FOM, within 60 days of adoption, and either post its equivalent State Field Operations Manual on its State plan website and provide the link to OSHA or provide OSHA with information on how the public may obtain a copy. OSHA will post information on the State responses to this Instruction on its website.

VII. Significant Changes.

A. Corrective Changes made by the February 11, 2018 Edition.

1. Throughout the manual several editorial and typographical corrections were made as well as the following clarifications.
2. Chapter 1, paragraph III., References, References to Federal OSHA and Iowa OSHA documents were updated to the most current versions.
3. Chapter 6, Penalties, The statutory authority for civil penalties has been updated. New penalty structures have been established throughout the chapter.

B. Chapter 2. Program Planning.

1. Section VI.A: References to the Site Specific Targeting Program (SST) have been removed.
2. Section VI.H.4.a: Iowa Administrative Code 875 is now referenced and verbiage regarding full service and limited service consultation visits was removed.
3. Section VI.H.7.: Iowa Strategic Partnership Program protocols have been modified, i.e. no deferrals or deletions from IOSH Enforcement activities exist for program participants.

C. Chapter 3. Inspection Procedures.

1. Section II.C: The paragraph referring to the OSHA Data Initiative (ODI) has been removed.
2. Paragraph II.D.5: Paragraphs have been added to address workplace violence.
3. Paragraph V.A.5: Provisions for a “quick fix” protocol have been established.
4. Paragraph VI.C.2.d: A paragraph has been added which addresses employer’s incentive and disincentive policies which may create recordkeeping violations.
5. Paragraph VII.A.: A paragraph has been added which further describes worker participation in walk arounds.
6. Paragraph VII.I.5.b.: Interview statement verbiage has been removed from the section.
7. Paragraph VII.I.5.c.: Verbiage has been modified to reflect “open records” protocols.

D. Chapter 4. Violations.

1. Paragraph III.D.2.: Guidance on the limitations of the use of the General Duty clause has been added.
2. Paragraphs VII.E.1.b & 2.: Guidance on time limitations for repeat violations has been added.

E. Chapter 5. Case File Preparation and Documentation.

Appendix A: As throughout the FOM, form numbers have been updated to reflect the designations found in the OSHA Information System (OIS).

F. Chapter 6. Penalties and Debt Collection.

1. Statutory authority for civil penalties has been updated per the Code of Iowa. New penalty structures for various violations have been established throughout this chapter.
2. Section I.: Verbiage has been added to clarify when penalty adjustment factors may not be applied.
3. Paragraph III.B.2.b.: Rates of penalty reduction for size of business has been modified.
4. Paragraph III.B.3.a.: A provision has been added restricting the allowance for good faith when the employer fails to report a serious incident as defined in 1904.39.
5. Paragraph III.B.6.: Penalty table 6-4 has been removed.
6. Section IV.: Provisions for applying “Quick Fix” have been added.

G. Chapter 7. Post-Citation Procedures and Abatement Verification.

1. Paragraph VI.D.3.: CSHO observed abatement has been modified to include the “Quick Fix” provisions.

H. Chapter 8. Settlements.

1. A provision for corporate wide settlement agreements within the jurisdiction of Iowa OSHA has been added.

I. Chapter 9. Complaint and Referral Processing.

1. Provisions for complaints submitted electronically through the Federal OSHA website at www.osha.gov have been added throughout this chapter.
2. Paragraph I.K.: Guidance has been included for entering complaint and referral information into the OSHA Information System (OIS).

J. Chapter 10. Industry Sectors.

No substantive changes have been made to this chapter

1. **Construction.**

[Reserved]

K. **Chapter 11. Imminent Danger, Fatality, Catastrophe and Emergency Response.**

1. Paragraph II.I.2.d.: Guidance has been added which clarifies when multiple inspections would be initiated regarding fatality/catastrophe scenarios.
2. Paragraphs II.K.6 & II.M.2.: Severe Violator Enforcement Program provisions have been added.

L. **Chapter 12. Specialized Inspection Procedures.**

No substantive changes have been made in this chapter.

M. **Chapter 13. Federal Agency Safety and Health Programs.**

[Reserved]

N. **Chapter 14. Health Inspection Enforcement Policy.**

[Reserved]

O. **Chapter 15. Legal Issues.**

1. Paragraph III.A.2.: The scope of the warrant application has been removed.
2. Appendices A – E have been removed.

P. **Chapter 16. Disclosure under the Freedom of Information Act (FOIA).**

[Reserved]

VIII. Background.

The Field Inspection Reference Manual (FIRM) was revised and issued August 1, 2004 and later replaced by the Iowa Field Operations Manual (FOM) in 2009.

Since that time, the FOM has gone through various revisions including 2010, 2012 and now in 2018. The document is supplemented by numerous additional directives, memorandums, and interpretations.

The FOM is designed to be updated on a regular basis by amending chapters or sections thereof to embody modifications and clarifications to IOSHA's general enforcement policies and procedures.

This manual is intended to provide instruction regarding some of the internal operations of the Iowa Occupational Safety and Health Administration and is solely for the benefit of the government. No duties, rights, or benefits, substantive or procedural, are created or implied by this manual. The contents of this manual are not enforceable by any person or entity against the Iowa Division of Labor or the State of Iowa. Statements which reflect current administrative or judicial precedents do not necessarily indicate acquiescence to those precedents.

IX. Definitions and Terminology.

A. The Act.

This term refers to the Occupational Safety and Health Act of 1970 (29 United States Code 651). For use in this manual (the) Act may refer to Iowa Legislation found in [Iowa Code Chapter 88](#).

B. Compliance Safety and Health Officer (CSHO).

This term refers to Safety Engineers, Safety Compliance Officers, and Sr. Industrial Hygienists.

C. He/She and His/Hers.

The terms *he* and *she*, as well as *his* or *her*, when used throughout this manual, are interchangeable. That is, male(s) applies to female(s), and vice versa.

D. Professional Judgment.

All IOSHA employees are expected to exercise their best judgment as safety and health professionals and as representatives of the State of Iowa Division of Labor Services in every aspect of carrying out their duties.

E. Workplace and Worksite.

The terms *workplace* and *worksite* are interchangeable. *Workplace* is used more frequently in general industry, while *worksite* is more commonly used in the construction industry.