



COVID-19 WORKPLACE SAFETY AND HEALTH PLAN

October 20, 2022

NCPC COVID-19 Workplace Safety and Health Plan

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1.0 PURPOSE

The National Capital Planning Commission (NCPC) is committed to maintaining a safe and secure work environment for its employees. The health and safety of the NCPC workforce and the public is leadership's highest priority. The purpose of this COVID-19 Workplace Safety Plan (the Plan) is to set forth the safety and health requirements for NCPC. It is designed to provide guidance for management, supervisors and workers to develop, implement, and carry out programs, procedures, and practices consistent with the requirements of the Occupational Safety and Health Act, Title 29 Code of Federal Regulations (CFR), 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, 1987. The goal of our plan is to maintain safety protocols consistent with best public health practices and to ensure the health and safety of all federal employees, contractors, and individuals interacting with our federal workforce.

As set forth in the January 20, 2021, Executive Order 13991 "[*Protecting the Federal Workforce and Requiring Mask-Wearing*](#)," the policy of the Administration is "to halt the spread of coronavirus disease 2019 (COVID-19) by relying on the best available data and science-based public health measures". NCPC will accomplish the Plan by relying upon the following guidance:

- Office of Management and Budget (OMB) memorandum [M-21-15](#),
- *COVID-19 Safe Federal Workplace: Agency Model Safety Principles*, issued January 24, 2021 [M-21-25](#),
- *Integrating Planning for a Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment*, issued June 10, 2021;
- *Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles*, updated September 13, 2021;
- Executive Order 14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors*, signed on September 9, 2021,
- Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*, signed September 9, 2021,
- Relevant court orders; guidance from the Safer Federal Workforce Task Force; updated U.S. Centers for Disease Control and Prevention (CDC) guidance; Occupational Safety and Health Administration (OSHA) guidelines; and other federal guidance.

2.0 UPDATES

This Plan supersedes the NCPC Safety and Health Program Plan dated on December 2, 2013, and provides overall NCPC requirements and guidance for the current workplace and schedules. Issuance of updated guidance and health directives will be added to this Plan as a modification or added as appendices.

3.0 SAFETY AND HEALTH CONTROL

NCPC has an experienced staff with a qualified safety manager on-site. Our safety manager conducts regular facility inspections to mitigate safety hazards. In addition to the regular duties of the safety manager, NCPC has developed a thorough Plan to reduce workplace hazards and encourage a productive, protected working environment. The Plan is designed to standardize hazard recognition,

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evaluation, prevention and control procedures, as well as to help avoid work-related injuries and illness. The safety principles apply to federal employees, contractors, and any others entering or working at our NCPC facility.

Key Plan components below are based on guidelines developed by the Occupational Safety and Health Administration (OSHA). Their specific implementation forms the core of this Plan along with incorporating the appropriate elements to ensure compliance with COVID-19 Workplace Safety guidelines.

- Protocols have been updated consistent with CDC guidance for mask-wearing, physical distancing, screening testing, travel, post-exposure precautions, and isolation.
- Establishment of a NCPC COVID-19 Coordination Team.
- TCDC has set recommendations related to COVID-19 Community Levels, which measure the impact of COVID-19 illness on health and healthcare systems. The appropriate prevention strategies will be implemented to requiring mask-wearing, encouraging consideration of physical distancing, avoiding crowding, and implementing screening testing for high-risk settings. In addition to guidance for agencies using the [COVID-19 Community Levels](#) link to monitor status on a weekly basis, a chart providing an overview of federal facility safety protocols by COVID-19 Community Level is included in this Plan in section 3.4.
- As a routine practice NCPC will utilize telework and flexible work schedules consistent with the principles set forth in OMB Memorandum M-21-25. As the health and safety of the NCPC workforce is of paramount concern, internal risk assessments via the Executive Staff Meeting discussions will be conducted to monitor COVID-19 Community Levels.
- In the event of elevated COVID-19 Community Levels at the workplace or of individual employees, NCPC management will consider the health and safety of the workforce to make determinations on in-person routine work and gatherings.
- Consistent with [CDC guidance](#), for most federal workplaces, COVID-19 workplace safety protocols will not vary based on vaccination status or otherwise depend on vaccination information.
- The COVID-19 safety principles set forth the protocols NCPC must follow to comply with our obligations under section 2(a) of E.O. 13991, as well as protocols NCPC would need to follow to implement Safer Federal Workforce Task Force guidance issued pursuant to E.O. 13991.

3.1 The COVID-19 Coordination Team

In accordance with OMB Memorandum [M-21-15](#), each agency needs to maintain its COVID-19 Coordination Team. The COVID-19 Coordination Team should include or consult with, as needed, NCPC's Senior Agency Official for Privacy. This team should, at a minimum, include a representative from:

- The Divisions representing each component of the agency (if applicable) -Representative from each NCPC division;
- The Human Resources office(s) -NCPC HR Specialist;
- The occupational safety and health experts;
- The Executive Leadership – Director, Office of Administration;

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- The agency legal counsel -NCPC General Council.

The NCPC Coordination Team should meet regularly to:

- review compliance with agency COVID-19 workplace safety plans, protocols, and policies; consider and—following consultation with the Task Force—implement potential revisions to agency COVID-19 workplace safety plans, protocols, and policies consistent with Safer Federal Workforce Task Force and CDC guidance;
- ensure agency COVID-19 workplace safety plans, protocols, and policies are broadly communicated to NCPC employees and, as appropriate, onsite contractor employees, visitors to agency facilities, and in-person attendees at NCPC-hosted meetings, events, and conferences;
- evaluate any other operational needs related to COVID-19 workplace safety. The NCPC Coordination Team should coordinate all decisions with Facility Security Committees, as appropriate. For privately owned facilities leased by the General Services Administration (GSA), the team should coordinate with GSA, where appropriate, and the lessor's designated representative.

3.2 Management Commitment and Employee Involvement

Management commitment and support at all organizational levels starting from the top down, provides the motivating force and resources necessary for the success of an occupational safety and health (OSH) program. The program policy and goals must be clear, effectively communicated and require total participation. Proactive employee involvement must become the key by which a strong program takes hold and continues to be self-sustaining. All individuals must recognize their personal responsibility that encompasses not only the protection of themselves and the workplace, but also their fellow workers.

The NCPC Safety/Emergency Evacuation Committee, comprised of employees and management, will actively promote safety and health throughout the agency and advise senior management on safety and health issues and policy.

NCPC instituted our plan for reentry to the workplace on July 19, 2022. Accommodations for specific medical or personal circumstances that prevent an employee from returning onsite are considered on a case-by-case basis.

3.3 Worksite Analysis

Various worksite examination methodologies coupled with identifying existing and potential future hazardous conditions, can be effective means for ensuring worker safety and health and preventing harmful occurrences. Examples of some of the commonly used worksite hazard identification techniques include:

- Regular inspections/evaluations of workplaces and work practices should be conducted to ensure compliance with applicable standards. The effectiveness of exposure controls and hazard elimination/reduction applications should be verified.

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- A reprisal-free system should be established for employees to notify their supervisors or management about hazardous conditions in their work environments. Employees should be encouraged to initiate corrective action when appropriate.
- All accidents and near misses should be investigated and documented to determine root causes, lessons-learned, and actions needed to prevent future similar mishaps.
- Job-related injury/illness data should be analyzed to identify patterns, unusual frequencies, and hazard control system deficiencies.

3.4 Prevention and Controls

Hazard prevention and control measures are generally triggered by a determination that a current or potential hazard exists. These conditions need to and can be anticipated or identified prior to the commencement of work activities. Where feasible, hazards can be reduced by effective design and/or modification of the job site characteristics or work procedures. If it is not practical to eliminate the hazards, then they must be mitigated by controls instituted to preclude unsafe and unhealthful exposures. Such control measures must be instituted in a timely manner once the problem has been identified.

COVID-19 related applicable prevention protocols for NCPC apply to all federal employees, contractors, volunteers, interns, and visitors entering the NCPC workplace.

Vaccinations:

Vaccinations are highly encouraged for all entering NCPC and/or interacting with the NCPC workforce. Federal employees hired prior to November 22, 2019 were required to be fully vaccinated prior to their start date, except in limited circumstances where an accommodation is legally required. NCPC will require documentation to prove vaccination status prior to the new hire enter on-duty date. Employees will be considered fully vaccinated for COVID-19 two weeks after they have received the requisite number of doses of a COVID-19 vaccine approved or authorized for emergency use by the U.S. Food and Drug Administration or that has been listed for emergency use by the World Health Organization. For Pfizer-BioNTech, Moderna, or AstraZeneca/Oxford, that is two weeks after an employee has received the second dose in a 2-dose series. For Johnson and Johnson (J&J)/Janssen, that is two weeks after an employee has received a single-dose.

Current Vaccination Guidance:

To ensure compliance with an applicable preliminary nationwide injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, the Federal Government will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to Executive Order 14043 on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees. Safer Federal Workforce Task Force guidance on other Federal agency safety protocols remains in effect.

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Complete detailed guidance may be found on the [Safer Federal Workforce vaccination-related leave](#) page. When a federal employee is required to be vaccinated, the time the employee spends obtaining any required COVID-19 vaccine dose (including travel time) is duty time; thus, there is no need for the employee to take administrative leave for such time during the employee's basic tour of duty. Employees may not be credited with administrative leave for time spent getting a required vaccine dose. If, due to unforeseen circumstances, the employee is unable to obtain the vaccine dose during basic tour of duty hours, the normal overtime hours of work rules apply. To be consistent with Task Force guidance, agencies would need to provide employees with administrative leave to receive any non-required dose of FDA-authorized COVID-19 vaccine.

To be consistent with Task Force guidance, agencies would need to provide employees with administrative leave to address any side effects related to a recent vaccination. In addition, agencies would need to provide employees with administrative leave to accompany a family member being vaccinated. For this purpose, a "family member" is an individual who meets the definition of that term in Office of Personnel Management (OPM) leave regulations (see 5 CFR 630.201).

Mask Wearing:

The wearing of the "highest-quality" masks (e.g., N95, KN95, KF94), that meet a standard (e.g., ASTM) are strongly encouraged, however "procedure" or "surgical"-styles are allowable. When individuals are required to wear a high-quality mask or respirator (such as an N95) in federal facilities, agency mask-wearing protocols should reflect that:

- Masks and respirators should be well-fitting and worn consistently and correctly (over mouth and nose).
- Masks or respirators should be worn in any common areas or shared workspaces (including open floorplan office space, cubicle embankments, and conference rooms).
- Individuals do not need to wear masks or respirators when outdoors.

When the COVID-19 Community Level is HIGH in a county where a federal facility is located, pursuant to E.O. 13991 and consistent with CDC guidance, agencies must require individuals—including employees, contractor employees, and visitors—who are 2 years or older, to wear a high-quality mask indoors in the facility, regardless of their vaccination status. This includes when federal employees are interacting with members of the public as part of their official responsibilities. As NCPC staff engages with the public in counties where there may be different COVID-29 Community Levels than the Washington, DC and/or different protocols, those individuals are encouraged to take the most protective approach and follow the highest community level guidance if crossing counties is necessary.

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Overview of Federal Facility COVID-19 Safety Protocols by COVID-19 Community Level

Federal Facility COVID-19 Community Level Safety Protocols	Level: LOW	Level: MEDIUM	Level: HIGH
Federal employee vaccination requirement pursuant to E.O. 14043	No implementation or enforcement given a nationwide injunction ³	No implementation or enforcement given a nationwide injunction ³	No implementation or enforcement given a nationwide injunction ³
To be consistent with Task Force guidance, agencies would need to require documentation of vaccination status from employees and ask about the vaccination status of onsite contractor employees and visitors.	Pause, given that COVID-19 safety protocols do not vary by vaccination status at this time ⁴	Pause, given that COVID-19 safety protocols do not vary by vaccination status at this time ⁴	Pause, given that COVID-19 safety protocols do not vary by vaccination status at this time ⁴
Agencies must require all individuals to wear a high-quality mask or respirator (such as an N95) regardless of vaccination status.	NO ⁵ (mask-wearing optional)	NO ⁵ (mask-wearing optional)	YES
Where agencies have established serial screening testing programs and/or point-in-time screening testing requirements for certain agency-identified high-risk settings, ⁶ screening testing must be implemented for individuals enrolled in the program or subject to the requirement, regardless of vaccination status.	NO	YES	YES
To be consistent with Task Force guidance, agencies would need to require symptom screening self-checks for all individuals prior to entry to Federal facilities.	YES	YES	YES
Agencies must instruct all individuals known to be exposed to COVID-19 to wear a high-quality mask or respirator (such as an N95), take other post-exposure precautions, and watch for symptoms for 10 full days after exposure, consistent with CDC guidance—instead of at-home quarantine and regardless of vaccination status. Agencies must require individuals exposed to COVID-19 be tested at least 5 full days (ideally, on or after day 6) after their last exposure.	YES	YES	YES
Agencies must instruct all individuals with probable or confirmed COVID-19 to follow agency isolation protocols and take other precautions consistent with CDC guidance.	YES	YES	YES
To be consistent with Task Force guidance, agencies would need to make and maintain improvements to indoor ventilation and air filtration to the maximum extent feasible.	YES	YES	YES
To be consistent with Task Force guidance, agencies would need to post signage encouraging individuals, regardless of vaccination status, to consider physically distancing themselves from others and avoiding crowding in indoor common areas, meeting rooms, and high-risk settings in Federal facilities. ⁶	NO	YES	YES

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COVID-19 Screening Testing:

The NCPC COVID-19 Coordination Team may recommend routine COVID-19 testing in the facility when notice of potential exposure has been provided, however testing is not a mandate. When COVID-19 Community Levels are MEDIUM or HIGH, asymptomatic individuals (without a known exposure to someone with COVID-19 within the past 10 days) who are enrolled in a serial screening testing program established for agency-identified high-risk settings, if any, should be tested at least twice weekly for any week during which they work onsite or interact in person with members of the public as part of their job duties in that agency-identified high-risk setting.¹⁰ Testing may be conducted at a federal facility or offsite as determined by the agency. The test can be both self-administered and self-read by the employee if the agency has the employee certify as to when they took the test and that they received a negative result.

Point in Time testing may be instituted following consultation with the agency COVID-19 Coordination Team, including the agency Office of General Counsel, and the Task Force. Agencies may establish COVID-19 point-in-time screening testing requirements for onsite contractor employees and visitors accessing agency-identified high-risk settings within federal facilities, as well as for in-person attendees at agency-hosted meetings, events, or conferences taking place in high-risk settings within Federal facilities or high-risk non-federal settings, when COVID-19 Community Levels are MEDIUM or HIGH in the county where the facilities with those high-risk settings are located.¹¹ When an agency has identified potential high-risk settings across its facilities, the agency should consult with the Task Force to confirm that those settings are high-risk and that conducting point-in-time screening testing in those facilities would be consistent with CDC and Task Force guidance.

Confidentiality and Privacy:

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing and symptom monitoring, will be treated in accordance with applicable laws and policies on confidentiality and privacy, and will be accessible only to those with a need to know. NCPC will consult their Senior Agency Officials for Privacy on matters related to the collection and handling of personally identifiable information and identify a point of contact for all questions relating to personal medical information.

Travel As It Relates To COVID-19:

There are no Government-wide limits on official travel (i.e., travel conducted under an official travel authorization), regardless of an individual's vaccination status. NCPC employees will follow the NCPC travel policy or the travel policy of the agency sponsoring the official travel. In approving official travel, NCPC or the agency sponsoring the official travel will:

- Inform the traveling individual that CDC recommends that individuals make sure they are up to date with COVID-19 vaccines before travel;
- Recommend COVID-19 testing for current infection with a viral test as close to the time of departure as possible (no more than 3 days) before travel;

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- Instruct the traveling individual to adhere strictly to CDC guidance for domestic and international travel before, during, and after official travel;
- Instruct the traveling individual to check their destination's COVID-19 Community Level before traveling, and to wear a high-quality mask or respirator (such as an N95) while on-duty and around others indoors at their destination, if the COVID-19 Community Level in the county where their destination is located is HIGH;
- Instruct the traveling individual to make sure they understand and follow all travel restrictions put in place by State, Tribal, local, and territorial governments; and
- Advise the traveling individual to prepare to be flexible during their travel, as restrictions, policies, and circumstances may change during their travel.

The NCPC Commission Chair and/or Executive Director, under specific circumstances, will issue specific travel guidance as needed to account for the specific requirements of NCPC's mission.

Travel for Individuals with Known Exposure

For asymptomatic individuals who have had a known exposure to someone with COVID-19 within the past 10 days, it will be at the discretion of the Executive Director in consultation with COVID-19 Coordination Team to approve official travel, consistent with the agency's travel policy. If the individual remains without COVID-19 symptoms before traveling, then pursuant to E.O. 13991 and consistent with CDC guidance, the agency must instruct the individual to, in addition to other standard pre-travel instructions related to COVID-19:

- Wear a high-quality mask or respirator (such as an N95) the entire time they are on-duty and around others indoors for the full duration of their travel that falls within the 10 full days after their last known exposure;
- Not travel on public transportation such as airplanes, buses, and trains if they will not be able to wear a high-quality mask or respirator (such as an N95) when around others indoors for the full duration of their travel within the 10 full days after their last known exposure; and
- Follow other aspects of post-exposure protocols, including the requirement for individuals with a known exposure to be tested for COVID-19 after five full days following their last known exposure (ideally, on or after day 6). Note that this testing may need to occur while the individual is traveling, and that agencies do not need to require that employees wait for the results of this post-exposure diagnostic test to undertake official travel, including return travel.

If the individual develops COVID-19 symptoms after official travel has been approved, then pursuant to E.O. 13991 and consistent with CDC guidance, the NCPC Executive Director or the delegated authority must instruct the individual to not undertake further official travel, including under that previously approved travel authorization, and to instead follow agency protocols consistent with the Task Force guidance on travel for individuals with COVID-19 symptoms (see next section).

Travel for Individuals with COVID-19 Symptoms or a Positive COVID-19 Test:
Pursuant to E.O. 13991 and consistent with CDC guidance, agencies must not approve

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official travel (i.e., travel conducted under an official travel authorization) for individuals who have COVID-19 symptoms and are waiting for an initial diagnostic viral test result, and agencies must not approve official travel for individuals who have tested positive for COVID-19 for at least 5 full days after their first day of symptoms, or after the date of the initial positive diagnostic viral test for asymptomatic individuals. If an individual who tested positive for COVID-19 has returned to working onsite at an agency workplace or interacting with members of the public as part of their official responsibilities (once they are fever free for 24 hours without the use of fever-reducing medication and their other symptoms are improving), then the agency may approve official travel for the individual.

Pursuant to E.O. 13991 and consistent with CDC guidance, the agency must instruct the individual to, in addition to other standard pre-travel instructions related to COVID-19:

- Wear a high-quality mask or respirator (such as an N95) the entire time they are on-duty and around others indoors for the full duration of their travel that falls within the period they are otherwise required to wear a high-quality mask or respirator after ending isolation, consistent with Task Force guidance;
- Not travel on public transportation such as airplanes, buses, and trains if they will not be able to wear a high-quality mask or respirator (such as an N95) when around others indoors for the full duration of their travel that falls within the period they are otherwise required to wear a high-quality mask or respirator after ending isolation, consistent with Task Force guidance; and
- Follow other aspects of post-isolation protocols.

If after official travel has been approved, the individual's COVID-19 symptoms recur or worsen, then pursuant to E.O. 13991 and consistent with CDC guidance on isolation, agencies must instruct the individual to not undertake further official travel, including under any previously approved travel authorization, and to again not enter a federal facility or interact with members of the public as part of their official responsibilities, restarting at day 0 of isolation protocols.

Telework and Remote Work:

Agencies should utilize telework and remote work consistent with the principles set forth in OMB Memorandum M-21-25, OPM guidance on telework and remote work, agency post-reentry work environments, and agency telework and remote work policies.

NCPC has instituted a Hybrid work model. All employees without a valid Reasonable Accommodation or an approved case-by case reason to telework are required to report to the NCPC physical workspace once weekly. The agency designated workday is Tuesday. There are measures in place to operate in a virtual environment 4 days weekly. All of the following have been verified and are routinely monitored:

- IT equipment and IT security measures
- Telework Agreements
- Telework Safety Checklists

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3.5 Safety and Health Training

Workers need to be made aware of potentially hazardous conditions and trained in associated hazard prevention/avoidance skills. Supervisors/managers must also be trained to identify and abate hazards within their areas of responsibility, so they can foster and maintain a safe and healthful working environment. All organizational levels must be trained in applicable OSHA policies and programs as specified in this Plan and in any related specific safe work practices or procedures. All NCPC personnel should also have a clear understanding of the objectives of each program so that their activities can be based on sound scientific judgment and applicable requirements. OSH training is covered in more detail in Section 7.0.

4.0 NATIONAL CAPITAL PLANNING COMMISSION OSH POLICY

It is NCPC's OSH (Occupational Safety and Health) policy to provide a safe and healthful work environment for its employees, contractors, affiliates, and visitors. It is also NCPC's policy to operate in a manner consistent with OSH regulations, standards, and requirements as specified, herein.

The basic principles of NCPC's occupational safety and health policy can be summarized as follows:

- Occupational injuries and illnesses are preventable.
- Safety is everyone's responsibility.
- Working safely is a condition of employment.
- Comply with all applicable safety and health regulations.

NCPC is committed to identifying, evaluating, and controlling workplace hazards for the protection of its workers. Hazards and necessary controls will be effectively communicated to affected personnel. Exposures to hazardous substances and conditions will be maintained within regulatory standards, and efforts to minimize any exposures well below those standards will be taken, as reasonably feasible. Consistent efforts will also be made to minimize NCPC employee exposure to imminent danger hazards. Effective orientation and training will be provided to affected personnel to assist their ability to work safely and confidently.

4.1 INTERFACE WITH CONTRACTORS AND VISITORS

Recognizing that the activities of employees may impact the safety and health of visitors and contractors working within NCPC (and vice versa), it is important to coordinate all activities, operations and projects to ensure that potential hazards are effectively communicated to all parties. The following controls will be implemented to meet this goal:

- Work activities or tasks shall be carefully evaluated by managers, supervisors and workers to determine the potential impact on visitors and contractor personnel. Tasks will be planned or scheduled (as deemed necessary) to minimize hazards.

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- Effective signs and/or barrier tape shall be used by employees to effectively communicate corresponding safety and health hazards (such as wet slippery surfaces), or prevent access to the work areas.
- Managers and supervisors shall review project specifications and work plans to ensure that contractors will complete all work consistent with applicable safety and health regulations and current building codes.
- Managers may request assistance from the Safety and Occupational Health Manager to review contractor work practices if the project could affect the safety and health of employees or visitors.

5.0 OCCUPATIONAL SAFETY AND HEALTH RELATED ROLES AND RESPONSIBILITIES

NCPC management shall demonstrate commitment to the requirements of this Safety Plan by being personally involved in its implementation. The specific roles and responsibilities for NCPC management and staff are outlined in Table 5.1.

NCPC and designated subcontractor employees shall participate in safety and health functions and activities such as safety meetings, safety committees, and safety walkthroughs. Employees shall be encouraged to offer safety and health improvement suggestions and concerns to which management shall respond. Employees shall participate in necessary training to assist in awareness and qualifications to work effectively and safely.

5.1 Roles and Responsibilities Table

OSH Roles and Responsibilities

Executive Director	<ul style="list-style-type: none">• ensure that the program has adequate direction, management, and resources to achieve its goals and objectives;• assign and communicate safety and health responsibility to all subordinates;• ensure fulfillment of those assigned responsibilities; and• hold subordinates accountable for their performance.
Occupational Safety and Health Manager	<ul style="list-style-type: none">• provide OSH technical expertise necessary to carry out requirements;• disseminate this Plan including safety and health related training; and• perform required OSH inspections.
Managers and Supervisors	<ul style="list-style-type: none">• ensure that staff possess the training, skills and resources to conduct their work in a safe manner• coordinate with the Occupational Safety and Health Manager to develop and implement this Plan and to verify its effectiveness
Employees and Interns	<ul style="list-style-type: none">• perform their duties according to safe job procedures;• report workplace accidents to their supervisors, whether or not personal injury has been sustained;• report any hazardous conditions in their work areas; and• cooperate with their supervisors and the Occupational Safety and Health Manager.
Contractors	<ul style="list-style-type: none">• ensure that all assigned work is properly prioritized and planned;• ensure that staff possess the training, skills and resources to conduct their work in a safe manner;• coordinate all activities with the appropriate NCPC official; and• follow all applicable OSH regulations, standards, projects specifications, and NCPC requirements.
Visitors	<ul style="list-style-type: none">• adhere to the safety practices designated at NCPC; and• remain outside of designated work areas.
Safety Committee	<ul style="list-style-type: none">• monitor and assist in the implementation of the safety and health plan

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6.0 WORK SITE CONTROL

The Safety and Occupational Health Manager shall develop and implement programs to identify, evaluate, and control work area specific hazards in accordance with the established principles of professional safety and health practice. As hazards are identified and evaluated, controls are developed and implemented to eliminate or reduce the potential risks.

Hazard Assessment

Generally, the purpose of hazard identification and assessment is to qualitatively and quantitatively evaluate the extent of exposure and effectiveness of control of OSH hazards. Work area hazard assessments that should be performed by the NCPC Safety and Operational Health manager may include:

- Conducting inspections or surveillances of the project work areas to review implementation of mandated safety and health programs such as communication, means of egress, fire protection, etc., and to review Plan effectiveness.

The Occupational and Safety Health Manager shall identify safety and health hazards, noncompliance, and deficiencies by applying hazard identification, hazard analysis, and safety and health inspection and surveillance.

Safety and Health Inspections

The Occupational and Safety Health Manager will conduct site walkthrough inspections and exposure monitoring, where applicable, at least annually. In particular, (s)he will determine compliance with any applicable regulatory requirements. The Occupational and Safety Health Manager will record any potential safety and health hazards found during the inspections and report these findings along with recommendations for additional and/or interim control methods (if appropriate), and changes in work practices to the Supervisor or Manager. General safety checklist is located in Appendix A. The Supervisor/Manager will be required to notify affected employees and implement corrective measures in a timely manner. Follow up inspections will be performed, as needed, to determine the abatement status.

6.1 Control of Specific Office Work-Related Hazards

Potential hazards usually associated with the completion of specific tasks include a wide array of possible concerns. The selection of potential hazards included for discussion is based on current experience at the National Capital Planning Commission and subject to change upon initiation of specific work operations.

6.1.1 Imminent Office Safety and Health Hazards

In the event that the Safety and Occupational Health Manager discovers an imminent office safety and health hazard danger conditions, or a severe violation of applicable regulations with potential for direct impact on workers' health,

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(s)he shall immediately report it to the appropriate manager/supervisor for resolution. Examples of imminent office hazards include, but are not limited to:

- Obvious hazards of slippery floors or open file drawers.
- Poor lighting, and
- Poorly designed furniture and equipment.

6.1.2 Slips/Trips and Falls

One of the most common and preventable occupational injuries is slips, trips, and falls. The control and prevention of these injuries will be based on periodic inspections of the work areas in order to identify potential tripping or slipping hazards. Loose objects and/or spills will be cleaned up and other tripping hazards such as extension cords, tools, and trash, will be removed or secured. Using any unstable structures as work platforms is prohibited. Working in areas where elevated surfaces are six feet or higher (such as scaffolds and work platforms), where wall openings or floor holes are not protected by appropriate means (such as coverings, railings, chaining or roping off) will require application of such protection.

6.1.3 Noise

Noise is not a significant factor in most areas of NCPC. However, the Safety and Occupational Health Manager will evaluate any noisy operations that may exceed OSHA's action level defined by 29 CFR 1910.95.

6.1.4 Vehicle Hazards

All employees who are required to drive in order to perform their job duties are required to have a current and valid drivers' license from their state of residency.

An authorized driver shall not operate any vehicle that is unsafe while on NCPC business. Defects should be immediately reported to the Safety and Occupational Health Manager so that the vehicle can be taken out of service until repairs are made.

Authorized drivers will follow safe driving practices. Safe practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as, but not limited to, determining clear directions before departing, not manipulating radios or other equipment while the vehicle is moving, and not reaching for objects if you have to take your eyes off the road. Employees are prohibited from engaging in text messaging while driving NCPC leased vehicles; or driving privately-owned vehicles while on NCPC business. Electronic equipment supplied by NCPC (including, but not limited to, cell phones, I-Pads, Blackberries or other electronic devices) shall not be used while driving any vehicle. Executive Order # 13513 is attached in Appendix D.

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6.1.5 Smoking

Smoking within the NCPC facility is prohibited by Executive Order 13058, "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace," issued by the President on August 9, 1997, establishing a smoke-free environment for federal employees and members of the public visiting or using federal facilities. (Appendix E)

7.0 SAFETY AND HEALTH TRAINING

Safety and health training for managers/supervisors, and employees is one of the fundamental elements of an effective OSH program. Various types of training should be conducted including general safety and health training and program orientation, and regularly scheduled refresher training. The type and amount of training required is dependent upon the nature of the work, the hazards encountered, and the specific roles and responsibilities of the employee. Training can vary in form from formal classroom presentations, seminars offered at the Federal Occupational Health (FOH) Center, monthly updates from the "Top Health; The Health Promotion and Wellness Newsletter, as well as simple one-on-one exchanges between a worker and supervisor.

Additionally, the Safety and Occupational Health Manager will also ensure that new employees are provided orientation training and that each employee's training status is tracked, maintained current and remains acceptable.

8.0 ON-THE-JOB ACCIDENT/INJURY REPORTING

In the event of an accident involving employee injury, the first priority is to assist the injured employee and obtain appropriate medical treatment. NCPC policy requires each employee to report all on-the-job accidents/injuries to his/her supervisor immediately. The supervisor will investigate the accident and develop and implement corrective actions(s) to prevent recurrence. Copy of the Supervisor Accident Report Form is included in Appendix B.

All injuries, no matter how minor, must be reported to the District of Columbia Worker's Compensation Division and the NCPC. Supervisors are responsible for ensuring that an Employer's First Report of Injury form is completed and delivered to Human Resources as soon as possible after the injury. A message can be left on 202.482.7200 (any time day or night) to start the reporting process.

NCPC maintains a *Log of Work-Related Injuries and Illnesses* (OSHA Form 300) and the *Injury and Illness Incident Report* (OSHA Form 301) consistent with OSHA record keeping regulations. Each recordable occupational injury or illness must be recorded in the Log no later than six working days after occurrence becomes known. A summary of occupational injuries and illnesses for each year will be posted in a central location by February 1st of the following year using OSHA form 300A, *Summary of Work-Related Injuries and Illnesses*. This summary shall remain posted until April 1st. The OSHA 300 Log and associated supplementary records must be maintained for five years following the end of the year to which they relate.

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All work-related deaths and illnesses shall be recorded. Minor injuries requiring only first aid treatment, and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, do not need to be recorded.

9.0 LIFE SAFETY

It is the policy of NCPC to safeguard the lives of all employees, contractors and visitors from the danger of fire and other emergencies through the implementation of a comprehensive life safety program. Where feasible, in accordance with the NCPC's Occupant Emergency Plan (Emergency Plan), NCPC will follow the requirements set forth within the Emergency Plan.

9.1 Exit routes

Exit routes must remain free and unobstructed. No material or equipment may be placed, either permanently or temporarily, within the exit routes. Chairs or other furniture items should not be stored or used in a manner that will block an exit; this is especially important in meeting rooms where the room configuration changes frequently. The exit access must not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor.

9.2 Exit Signage and Fire Equipment and Automated External Defibrillators (AED)s

Items cannot be placed to limit the effectiveness of exit signage (which must be able to be clearly seen from areas it is designed to service) or fire and safety equipment such as sprinklers and smoke/heat detectors.

Exit signs must not be obscured by hanging material or furniture. Employees must be able to see exit signs from any area serviced by the sign. It is important to be able to easily see each successive exit sign along an egress route until you reach a safe location.

The AED is located at the Boston Property Security Guard's desk for emergency use by trained personnel or "competent good samaritan."

9.3 Room Capacities

Each room has a maximum occupancy we cannot exceed. The Safety Manager will help monitor this when setting up meeting and conference rooms. The Federal Protective Service –contracted Security Officer will also help assess and monitor this safety requirement. It is often the room configuration with furniture that is the greatest limiting factor for occupancy in NCPC space.

9.4 Housekeeping

All places of employment, passageways, storerooms, and meeting rooms shall be kept clean and orderly and in a sanitary condition.

Floors shall be maintained in a clean and so far, as possible, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places are provided where practicable.

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9.5 Fire Extinguishers

Building management shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

Only approved portable fire extinguishers shall be used to meet the requirement of this section. Building management shall assure that portable fire extinguishers are maintained in a fully charged and operable condition and kept in their designated places at all times except during use.

10.0 MEDICAL SERVICES AND FIRST AID

NCPC has entered into an agreement with the Federal Occupational Health (FOH) Center for providing first aid assistance located at the National Archives Health Unit. This trained employee (registered nurse) can provide immediate assistance to employees and arrange for emergency or follow-up care at the nearest Emergency Medical Service (EMS) usually 911 if required. Also, a first aid kit is located in the pantry of the NCPC facility.

In addition, an automated external defibrillator (AED) is located at the security guard's desk for emergency use by trained personnel or competent "good Samaritans."

11.0 UNANTICIPATED HAZARDS

This plan describes the evaluation and control of reasonably anticipated hazards, which may arise during the course of various activities. However, not all potential hazards can be anticipated and evaluated at the onset. The presence of the Safety and Occupational Health Manager is designed to provide oversight and evaluation of actual work area safety and health hazards as they occur. The Safety and Occupational Health Manager is trained to use hazard elimination and control principles, in conjunction with professional judgment, to ensure to the extent feasible that a safe and healthful workplace is maintained. Additionally, his/her periodic work area inspections will serve to pinpoint and control unanticipated hazards should they arise.

12.0 MODIFICATION OF THE SAFETY AND HEALTH PLAN

This Safety and Health Plan is intended to be a dynamic document that is constantly reviewed and evaluated in order to ensure its continued effectiveness in establishing and maintaining safe and healthful work conditions. Based on existing work area conditions, sampling results, and any unanticipated hazards, the Plan will be modified in order to provide continued and effective safety and health hazard controls and encourage attainment of excellence in occupational injury and illness prevention.

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APPENDICES

Appendix A: General Safety Checklist

LOCATION: _____

INSPECTOR: _____ DATE: _____

WALKING AND WORKING SURFACE

- ☐ Aisle clearance is adequate for 2-way traffic
- ☐ Floors are free of tripping hazards such as loose carpeting, missing tiles, furniture projections, etc.
- ☐ Floors are clear of pencils, bottles and other loose objects that may provide a slipping hazard.

MEANS OF EGRESS

- ☐ Exits are marked with illuminated exit signs.
- ☐ Emergency lighting is provided.
- ☐ Two distinct and remote exits are available.

EMERGENCY PREPAREDNESS

- ☐ Occupants are familiar with emergency signals, equipment and procedures
- ☐ First aid supplies and EMS assistance are readily available.

FIRE PROTECTION

- ☐ ABC-type fire extinguishers available, inspected, and unobstructed
- ☐ Sprinklers unobstructed by furniture and stored items
- ☐ Fire alarm equipment (pull stations, smoke detectors, speaker/strobes) is not obstructed.

ELECTRICAL

- ☐ Electrical equipment is maintained in good working condition
- ☐ All electrical cords are not frayed, spliced or worn.
- ☐ Electrical cords are not run through openings in doors, walls, ceilings, or under carpet.
- ☐ Small appliances drawing a high current are plugged into wall receptacles.
- ☐ Outlets and switches have cover plates to prevent accidental contact.
- ☐ All equipment is either grounded or double insulated.

GENERAL

- ☐ Housekeeping and sanitation are adequate.
- ☐ All areas are provided with adequate lighting and ventilation.
- ☐ Office furniture, chairs, desks, etc., maintained in safe useable condition.
- ☐ Cabinets and shelves are properly loaded, heaviest items on the bottom.
- ☐ Potentially unstable items such as shelves are secured to the wall.
- ☐ Desks, file cabinets, etc. are arranged so that drawers do not open into aisles or walkways.

HAZARDOUS MATERIALS

- ☐ Hazardous materials (cleaning fluids, etc.) are being stored appropriately.

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Appendix B: Supervisor's Accident Report Form

SUPERVISOR ACCIDENT INVESTIGATION REPORT

BASIC ACCIDENT FACTS

INJURED EMPLOYEE: _____		DEPARTMENT: _____	
LENGTH OF SERVICE - NCPC: _____		On This Job: _____	
SEX: M _____ F _____		AGE: _____	
NATURE OF INJURY: _____			
_____ NA			
TURE OF PROPERTY DAMAGE: _____			
_____ DA			
TE & TIME -- Of Incident: _____ Reported: _____ Investigated: _____ This Report: _____			
Explain if all dates are not the same: _____			

INCIDENT DESCRIPTION: Describe exactly what happened, including exactly what the employee was doing and any extenuating circumstances: _____			

CAUSATION FACTORS

FATIGUE: How many hours did the employee work in the last 24? _____

JOB PROCEDURES: Describe job procedure issues which may have contributed to the accident. Are there established procedures? Did the employee follow prescribed procedure? Were unsafe acts involved?

BEHAVIORAL FACTORS: Are there behavioral issues, such as lack of knowledge, disregard of instructions, inadequate training, emotional upset, or excessive haste, which may have contributed to the accident?

PHYSICAL CONDITIONS: At the accident scene, look at equipment, materials and the environment. Describe the conditions reviewed here or by checking boxes in the list below. Be sure to list any conditions needing corrective action.

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Appendix C: Workspace Condition Checklist

BASED ON CONDITIONS OBSERVED, CHECK ONE BOX IN EACH ROW AND DESCRIBE ANY DEFICIENCIES:

Lighting	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Walking	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Housekeeping	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Layout	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Maintenance	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Noise	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Other	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____

ERGONOMIC FACTORS: Investigate any ergonomic risks associated with the incident. Describe what you looked at and what you found:

Excessive reaching (distance; repetition)	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Awkward postures	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Work surface (too high, too low, etc.)	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Chair design	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Lighting/glare	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____
Other: _____	<input type="checkbox"/> Good	<input type="checkbox"/> Deficient – Action Needed: _____

Report By:

_____ **date:** _____

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Presidential Documents

Appendix D: Executive Order No. 13513



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Executive Order 13513 of October 1, 2009

Federal Leadership On Reducing Text Messaging While Driving

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*, and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective

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agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and sub-recipients as de-scribed in this section to conduct initiatives of the type described in section 3(a) of this order.

Sec. 5. Coordination. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. Definitions.

(a) The term "agency" as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect or alter:

- (i) Authority granted by law or Executive Order to an agency, or the head thereof;
- (ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*;
- (iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 *et seq.*; or
- (iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

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(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the right side.

THE WHITE HOUSE.
October 1, 2009.

IFR Doc. E0-24203
Filed 10-5-011; 8:45 am}
Billing code J105-WO-P

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Appendix E: Executive Order No. 13058

Executive Order 13058 - Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace

August 9, 1997

By the authority vested In me as President by the Constitution and the laws of the United States of America and In order to protect Federal Government employees and members of the public from exposure to tobacco smoke in the Federal workplace, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the executive branch to establish a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities. The smoking of tobacco products is thus prohibited in all Interior space owned, rented, or leased by the executive branch of the Federal Government, and in any outdoor areas under executive branch control in front of air Intake ducts.

Sec. 2. Exceptions. The general policy established by this order Is subject to the following exceptions: (a) The order does not apply In designated smoking areas that are enclosed and exhausted directly to the outside and away from air Intake ducts, and are maintained under negative pressure (with respect to surrounding spaces) sufficient to contain tobacco smoke within the designated area. Agency officials shall not require workers to enter such areas during business hours while smoking is ongoing. (b) The order does not extend to any residential accommodation for persons voluntarily or involuntarily residing, on a temporary or long-term basis, in a building owned, leased, or rented by the Federal Government. (c) The order does not extend to those portions of federally owned buildings leased, rented, or otherwise provided in their entirety to nonfederal parties. (d) The order does not extend to places of employment in the private sector or in other nonfederal governmental units that serve as permanent or intermittent duty station of one or more Federal employees. (e) The head of any agency may establish limited and narrow exceptions that are necessary to accomplish agency missions. Such exception shall be in writing, approved by the agency head, and to the fullest extent possible provide protection of nonsmokers from exposure to environmental tobacco smoke. Authority to establish such exceptions may not be delegated.

Sec. 3. Other Locations. The heads of agencies shall evaluate the need to restrict smoking at doorways and In courtyards under executive branch control In order to protect workers and visitors from environmental tobacco smoke, and may restrict smoking In these areas In light of this evaluation.

Sec. 4. Smoking Cessation Programs. The heads of agencies are encouraged to use existing authority to establish programs designed to help employees stop smoking.

Sec. 5. Responsibility for implementation. The heads of agencies are responsible for implementing and ensuring compliance with the provisions of this order. "Agency" as used in this order means an Executive agency, as defined in 5 U.S.C. 105, and includes any employing unit or authority of the Federal Government, other than those of the legislative and judicial branches. Independent agencies are encouraged to comply with the provisions of this order.

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Sec. 6. Phase-In of Implementation. Implementation of the policy set forth in this order shall be achieved no later than 1year after the date of this order. This 1year phase-in period is designed to establish a fixed but reasonable time for implementing this policy. Agency heads are directed during this period to inform all employees and visitors to executive branch facilities about the requirements of this order, inform their employees of the health risks of exposure to environmental tobacco smoke, and undertake related activities as necessary.

Sec. 7. Consistency with Other Laws. The provisions of this order shall be implemented consistent with applicable law, including the Federal Service Labor-Management Relations Act (5 U.S.C. 7101 et seq.) and the National Labor Relations Act (29 U.S.C. 151 et seq.) Provisions of existing collective bargaining agreements shall be honored and agencies shall consult with employee labor representatives about the implementation of this order. Nothing herein shall be construed to impair or alter the powers and duties of Federal agencies established under law. Nothing herein shall be construed to replace any agency policy currently in effect, if such policy is legally established, in writing, and consistent with the terms of this order. Agencies shall review their current policy to confirm that agency policy comports with this order, and policy found not in compliance shall be revised to comply with the terms of this order.

Sec. 8. Cause of Action. This order does not create any right to administrative or judicial review, or any other right or benefit, substantive or procedural enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person or affect in any way the liability of the executive branch under the Federal Tort Claims Act.

Sec. 9. Construction. Nothing in this order shall limit an agency head from establishing more protective policies on smoking in the Federal workplace for employees and members of the public visiting or using Federal facilities.

WILLIAM J. CLINTON
THE WHITE HOUSE,
August 9, 1997.

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Appendix F: Executive Order 13990



Presidential Documents

Executive Order 13990 of January 20, 2021

Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Our Nation has an abiding commitment to empower our workers and communities; promote and protect our public health and the environment; and conserve our national treasures and monuments, places that secure our national memory. Where the Federal Government has failed to meet that commitment in the past, it must advance environmental justice. In carrying out this charge, the Federal Government must be guided by the best science and be protected by processes that ensure the integrity of Federal decision-making. It is, therefore, the policy of my Administration to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.

To that end, this order directs all executive departments and agencies (agencies) to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.

Sec. 2. Immediate Review of Agency Actions Taken Between January 20, 2017, and January 20, 2021. (a) The heads of all agencies shall immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in section 1 of this order. For any such actions identified by the agencies, the heads of agencies shall, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding the agency actions. In addition, for the agency actions in the 4 categories set forth in subsections (i) through (iv) of this section, the head of the relevant agency, as appropriate and consistent with applicable law, shall consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the agency action within the time frame specified.

(i) Reducing Methane Emissions in the Oil and Gas Sector: “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration,” 85 FR 57398 (September 15, 2020), by September 2021.

(ii) Establishing Ambitious, Job-Creating Fuel Economy Standards: “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program,” 84 FR 51310 (September 27, 2019), by April 2021; and “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks,” 85 FR 24174 (April 30,

including the exploration and production, transmission, processing, and storage segments, by September 2021; and

(ii) proposing a Federal Implementation Plan in accordance with the Environmental Protection Agency’s “Findings of Failure To Submit State Implementation Plan Revisions in Response to the 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) and for States in the Ozone Transport Region,” 85 FR 72963 (November 16, 2020), for California, Connecticut, New York, Pennsylvania, and Texas by January 2022.

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(d) The Attorney General may, as appropriate and consistent with applicable law, provide notice of this order and any actions taken pursuant to section 2(a) of this order to any court with jurisdiction over pending litigation related to those agency actions identified pursuant to section 2(a) of this order, and may, in his discretion, request that the court stay or otherwise dispose of litigation, or seek other appropriate relief consistent with this order, until the completion of the processes described in this order.

(e) In carrying out the actions directed in this section, heads of agencies shall seek input from the public and stakeholders, including State local, Tribal, and territorial officials, scientists, labor unions, environmental advocates, and environmental justice organizations.

Sec. 3. Restoring National Monuments. (a) The Secretary of the Interior, as appropriate and consistent with applicable law, including the Antiquities Act, 54 U.S.C. 320301 *et seq.*, shall, in consultation with the Attorney General, the Secretaries of Agriculture and Commerce, the Chair of the Council on Environmental Quality, and Tribal governments, conduct a review of the monument boundaries and conditions that were established by Proclamation 9681 of December 4, 2017 (Modifying the Bears Ears National Monument); Proclamation 9682 of December 4, 2017 (Modifying the Grand Staircase-Escalante National Monument); and Proclamation 10049 of June 5, 2020 (Modifying the Northeast Canyons and Seamounts Marine National Monument), to determine whether restoration of the monument boundaries and conditions that existed as of January 20, 2017, would be appropriate.

(b) Within 60 days of the date of this order, the Secretary of the Interior shall submit a report to the President summarizing the findings of the review conducted pursuant to subsection (a), which shall include recommendations for such Presidential actions or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

(c) The Attorney General may, as appropriate and consistent with applicable law, provide notice of this order to any court with jurisdiction over pending litigation related to the Grand Staircase-Escalante, Bears Ears, and Northeast Canyons and Seamounts Marine National Monuments, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the actions described in subsection (a) of this section.

Sec. 4. Arctic Refuge. (a) In light of the alleged legal deficiencies underlying the program, including the inadequacy of the environmental review required by the National Environmental Policy Act, the Secretary of the Interior shall, as appropriate and consistent with applicable law, place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program, as established by the Record of Decision signed August 17, 2020, in the Arctic National Wildlife Refuge. The Secretary shall review the program and, as appropriate and consistent with applicable law, conduct a new, comprehensive analysis of the potential environmental impacts of the oil and gas program.

(b) In Executive Order 13754 of December 9, 2016 (Northern Bering Sea Climate Resilience), and in the Presidential Memorandum of December 20, 2016 (Withdrawal of Certain Portions of the United States Arctic Outer Continental Shelf From Mineral Leasing), President Obama withdrew areas in Arctic waters and the Bering Sea from oil and gas drilling and established the Northern Bering Sea Climate Resilience Area. Subsequently, the order was revoked and the memorandum was amended in Executive Order 13795 of April 28, 2017 (Implementing an America-First Offshore Energy Strategy). Pursuant to section 12(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1341(a), Executive Order 13754 and the Presidential Memorandum of December 20, 2016, are hereby reinstated in their original form, thereby restoring the original withdrawal of certain offshore areas in Arctic waters and the Bering Sea from oil and gas drilling.

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(c) The Attorney General may, as appropriate and consistent with applicable law, provide notice of this order to any court with jurisdiction over pending litigation related to the Coastal Plain Oil and Gas Leasing Program in the Arctic National Wildlife Refuge and other related programs, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the actions described in subsection (a) of this section.

Sec. 5. Accounting for the Benefits of Reducing Climate Pollution. (a) It is essential that agencies capture the full costs of greenhouse gas emissions as accurately as possible, including by taking global damages into account. Doing so facilitates sound decision-making, recognizes the breadth of climate impacts, and supports the international leadership of the United States on climate issues. The “social cost of carbon” (SCC), “social cost of nitrous oxide” (SCN), and “social cost of methane” (SCM) are estimates of the monetized damages associated with incremental increases in greenhouse gas emissions. They are intended to include changes in net agricultural productivity, human health, property damage from increased flood risk, and the value of ecosystem services. An accurate social cost is essential for agencies to accurately determine the social benefits of reducing greenhouse gas emissions when conducting cost-benefit analyses of regulatory and other actions.

(b) There is hereby established an Interagency Working Group on the Social Cost of Greenhouse Gases (the “Working Group”). The Chair of the Council of Economic Advisers, Director of OMB, and Director of the Office of Science and Technology Policy shall serve as Co-Chairs of the Working Group.

(i) **Membership.** The Working Group shall also include the following other officers, or their designees: the Secretary of the Treasury; the Secretary of the Interior; the Secretary of Agriculture; the Secretary of Commerce; the Secretary of Health and Human Services; the Secretary of Transportation; the Secretary of Energy; the Chair of the Council on Environmental Quality; the Administrator of the Environmental Protection Agency; the Assistant to the President and National Climate Advisor; and the Assistant to the President for Economic Policy and Director of the National Economic Council.

(ii) **Mission and Work.** The Working Group shall, as appropriate and consistent with applicable law:

(A) publish an interim SCC, SCN, and SCM within 30 days of the date of this order, which agencies shall use when monetizing the value of changes in greenhouse gas emissions resulting from regulations and other relevant agency actions until final values are published;

(B) publish a final SCC, SCN, and SCM by no later than January 2022;

(C) provide recommendations to the President, by no later than September 1, 2021, regarding areas of decision-making, budgeting, and procurement by the Federal Government where the SCC, SCN, and SCM should be applied;

(D) provide recommendations, by no later than June 1, 2022, regarding a process for reviewing, and, as appropriate, updating, the SCC, SCN, and SCM to ensure that these costs are based on the best available economics and science; and

(E) provide recommendations, to be published with the final SCC, SCN, and SCM under subparagraph (A) if feasible, and in any event by no later than June 1, 2022, to revise methodologies for calculating the SCC, SCN, and SCM, to the extent that current methodologies do not adequately take account of climate risk, environmental justice, and intergenerational equity.

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(iii) Methodology. In carrying out its activities, the Working Group shall consider the recommendations of the National Academies of Science, Engineering, and Medicine as reported in *Valuing Climate Damages: Updating Estimation of the Social Cost of Carbon Dioxide* (2017) and other pertinent scientific literature; solicit public comment; engage with the public and stakeholders; seek the advice of ethics experts; and ensure that the SCC, SCN, and SCM reflect the interests of future generations in avoiding threats posed by climate change.

Sec. 6. Revoking the March 2019 Permit for the Keystone XL Pipeline. (a) On March 29, 2019, the President granted to TransCanada Keystone Pipeline, L.P. a Presidential permit (the “Permit”) to construct, connect, operate, and maintain pipeline facilities at the international border of the United States and Canada (the “Keystone XL pipeline”), subject to express conditions and potential revocation in the President’s sole discretion. The Permit is hereby revoked in accordance with Article 1(1) of the Permit.

(b) In 2015, following an exhaustive review, the Department of State and the President determined that approving the proposed Keystone XL pipeline would not serve the U.S. national interest. That analysis, in addition to concluding that the significance of the proposed pipeline for our energy security and economy is limited, stressed that the United States must prioritize the development of a clean energy economy, which will in turn create good jobs. The analysis further concluded that approval of the proposed pipeline would undermine U.S. climate leadership by undercutting the credibility and influence of the United States in urging other countries to take ambitious climate action.

(c) Climate change has had a growing effect on the U.S. economy, with climate-related costs increasing over the last 4 years. Extreme weather events and other climate-related effects have harmed the health, safety, and security of the American people and have increased the urgency for combatting climate change and accelerating the transition toward a clean energy economy. The world must be put on a sustainable climate pathway to protect Americans and the domestic economy from harmful climate impacts, and to create well-paying union jobs as part of the climate solution.

(d) The Keystone XL pipeline disserves the U.S. national interest. The United States and the world face a climate crisis. That crisis must be met with action on a scale and at a speed commensurate with the need to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. At home, we will combat the crisis with an ambitious plan to build back better, designed to both reduce harmful emissions and create good clean-energy jobs. Our domestic efforts must go hand in hand with U.S. diplomatic engagement. Because most greenhouse gas emissions originate beyond our borders, such engagement is more necessary and urgent than ever. The United States must be in a position to exercise vigorous climate leadership in order to achieve a significant increase in global climate action and put the world on a sustainable climate pathway. Leaving the Keystone XL pipeline permit in place would not be consistent with my Administration’s economic and climate imperatives.

Sec. 7. Other Revocations. (a) Executive Order 13766 of January 24, 2017 (Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects), Executive Order 13778 of February 28, 2017 (Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule), Executive Order 13783 of March 28, 2017 (Promoting Energy Independence and Economic Growth), Executive Order 13792 of April 26, 2017 (Review of Designations Under the Antiquities Act), Executive Order 13795 of April 28, 2017 (Implementing an America-First Offshore Energy Strategy), Executive Order 13868 of April 10, 2019 (Promoting Energy Infrastructure and Economic Growth), and Executive Order 13927 of June 4, 2020 (Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities), are hereby revoked. Executive Order 13834 of May 17, 2018

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(Efficient Federal Operations), is hereby revoked except for sections 6, 7, and 11.

(b) Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects), is hereby revoked. The Director of OMB and the Chair of the Council on Environmental Quality shall jointly consider whether to recommend that a replacement order be issued.

(c) Executive Order 13920 of May 1, 2020 (Securing the United States Bulk-Power System), is hereby suspended for 90 days. The Secretary of Energy and the Director of OMB shall jointly consider whether to recommend that a replacement order be issued.

(d) The Presidential Memorandum of April 12, 2018 (Promoting Domestic Manufacturing and Job Creation Policies and Procedures Relating to Implementation of Air Quality Standards), the Presidential Memorandum of October 19, 2018 (Promoting the Reliable Supply and Delivery of Water in the West), and the Presidential Memorandum of February 19, 2020 (Developing and Delivering More Water Supplies in California), are hereby revoked.

(e) The Council on Environmental Quality shall rescind its draft guidance entitled, "Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions," 84 FR 30097 (June 26, 2019). The Council, as appropriate and consistent with applicable law, shall review, revise, and update its final guidance entitled, "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," 81 FR 51866 (August 5, 2016).

(f) The Director of OMB and the heads of agencies shall promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, including, if necessary, by proposing such rescissions through notice-and-comment rulemaking, implementing or enforcing the Executive Orders, Presidential Memoranda, and draft guidance identified in this section, as appropriate and consistent with applicable law.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

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(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 20, 2021.

[FR Doc. 2021-01765
Filed 1-22-21; 11:15 am]
Billing code 3295-F1-P