

# HIOSH DIRECTIVE

<b>DIRECTIVE NO.: CSP 02-19-01</b>	<b>EFFECTIVE DATE: April 18, 2019</b>
<b>SUBJECT: Fiscal Year (FY) 2020 Instructions for 23(g) State Plan Grants</b>	

This CSP has been adopted in its entirety.



# OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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<b>DIRECTIVE NUMBER: CSP 02-19-01</b>	<b>EFFECTIVE DATE: 04/18/2019</b>
<b>SUBJECT: Fiscal Year (FY) 2020 Instructions for 23(g) State Plan Grants</b>	

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## ABSTRACT

**Purpose:** This Notice contains instructions and forms necessary for the preparation and submittal of the FY 2020 applications for 23(g) State Plan Grants.

**Scope:** This Notice applies to the twenty-two states with 23(g) comprehensive State Plans and the six states with 23(g) State and Local Government only State Plans.

This Notice does not apply to 21(d) On-Site Consultation Projects, but does apply to all State Plans that provide state and local government sector On-Site Consultation and the two States that provide private sector On-Site Consultation under the 23(g) State Plan.

State Plans that operate both 23(g) and 21(d) programs should submit their 21(d) On-Site Consultation Cooperative Agreement Grant application separately in accordance with the FY 2020 On-Site Consultation Cooperative Agreement Application Instructions.

**References:** OSHA Instruction CSP 01-00-004, State Plan Policies and Procedures Manual; 29 CFR 1902 and 1956; OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200; DOL Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Exceptions) 2 CFR 2900.

**Cancellations:** None.

**Expiration Date:** This Notice expires on September 30, 2020.

**State Plan Impact:** Affected State Plans (see Scope) must adhere to the requirements applicable to them as set out in this Notice in submitting their FY 2020 grant applications.

**Action Offices:** National, Regional, and State Offices.

**Originating Office:** The Directorate of Cooperative and State Programs (DCSP)

**Contact:** Directorate of Cooperative and State Programs  
Office of State Programs  
USDOL - OSHA  
Frances Perkins Building, Room N3700  
200 Constitution Avenue, N.W.  
Washington, DC 20210  
202-693-2200

By and Under the Authority of

Loren Sweatt  
Acting Assistant Secretary

## **Executive Summary:**

This Notice contains instructions and forms to assist State Plan and Regional Office staff in preparing and reviewing the 23(g) State Plan Grants. Each application must contain a one-year annual performance plan in the required format and should use the appropriate templates in the Appendices.

## **Significant Changes:**

Outlined within this Notice are the following significant changes:

- 1) Appendix H - 23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions has been updated to reflect Section 516 of the 1989 Department of Labor Appropriation Act.
  
21. In accordance with Section 516 of the 1989 Department of Labor Appropriation Act, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program, the grantee shall clearly state:
  - (a) The percentage of the total costs of the program or project which will be or is being financed with federal money;
  - (b) The dollar amount of Federal funds for the project or program; and
  - (c) Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The following language may be used as a template:

The \_\_\_\_\_ State Plan, at the time of initial publication of this document (MM/YYYY), is funded by a grant of \$\_\_\_\_\_ federal funds, which constitutes \_\_\_\_ percent of the State Plan budget. \_\_\_\_percent, or \$\_\_\_\_\_ of the State Plan budget, is financed through non-governmental sources.

- 2) If possible, State Plans should submit a copy of their financial documents in Microsoft Excel format if the original document is in PDF form.
  
- 3) State Plans should now annually submit their current Five-Year Strategic Plan with the grant application, even if the Strategic Plan is not new and has been submitted previously.
  
- 4) If the program has an Indirect Cost Agreement, a copy of the current agreement must be submitted with the grant application.

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## Application for 23(g) State Plan Grants

- I. Purpose. This Notice contains instructions and forms necessary for the preparation and submittal of the FY 2020 applications for 23(g) State Plan Grants. State Plans are required to annually submit an application that includes a one-year annual performance plan, a five-year Strategic Plan, and financial documents.
- II. Scope. This Notice applies to the twenty-two states with 23(g) comprehensive State Plans and the six states with 23(g) State and Local Government Only State Plans. This Notice does not apply to 21(d) On-Site Consultation Projects, but does apply to all State Plans that provide state and local government On-Site Consultation and the two states that provide private sector On-Site Consultation under the 23(g) State Plan.

State Plans that operate both 23(g) and 21(d) programs must submit their 21(d) On-Site Consultation Cooperative Agreement Grant application separately according to the OSHA Notice for FY 2020 On-Site Consultation Cooperative Agreement Application Instructions.

- III. References.
  - A. OSHA Instruction CSP 01-00-004, State Plan Policies and Procedures Manual.
  - B. 29 CFR 1902 and 1956.
  - C. 2 CFR 200 OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).
  - D. 2 CFR 2900 DOL Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance Exceptions).
- IV. Expiration Date. This Notice expires on September 30, 2020.
- V. Action Information.
  - A. Responsible Offices. The Directorate of Cooperative and State Programs (DCSP)'s Office of State Programs (OSP), the Directorate of Administrative Programs (DAP), and the Office of the Assistant Secretary (OAS).
  - B. Action Offices.
    1. National Office. The National Office is responsible for the review and approval of State Plan applications that satisfactorily meet all required financial, operational, and policy requirements.
      - a. DAP. The Division of Grants Management is responsible for reviewing all financial documents for accuracy, posting funding

award levels in the Payment Management System, transmitting the award letters to each recipient, and administering all financial aspects of the State Plan grant.

- b. DCSP. OSP is responsible for reviewing the applications and resolving any program issues with the appropriate Regional Staff. OSP has overall responsibility for coordinating comments among DCSP staff and ensuring that DCSP issues are reflected in the award letters transmitted by DAP. OSP is responsible for the final administering of all program aspects of the State Plan grant.

2. Regional Offices. Throughout the application and review process, the Regional Administrator (RA) remains the point of contact with the State Plan(s).

- a. The Regional Office must coordinate with State Plans within its jurisdiction and provide assistance in the development, submission and revisions of grant applications. The Regional Office should resolve all issues prior to authorizing the State Plan's submission of the grant application package.
- b. The RA must ensure that the State Plan's application submission meets all the instruction requirements, contains all properly completed forms, and is reviewed against the checklist (Appendix N).
- c. Once the package is submitted to Grants.gov, the RA will notify the State Plan if a revised application package needs to be submitted in Grants.gov.
- d. By August 15, 2019, the RA must submit a memorandum to the Directors of DAP and DCSP for each State Plan grant application, providing recommendations for approval or disapproval of the application package, the one-year performance plan and, if appropriate, changes to the Five-Year Strategic Plan. The memorandum must be based on the Region's review of the final application package submitted in Grants.gov (Appendix L). It must identify each state by the corresponding Grants.gov application numbers, and must reflect the Region's assessment of any unresolved issues in the application. The RA may submit one memorandum covering all State Plans within the Region or separate memoranda for each application. If an appropriate State Plan response to the Regional Administrator's concerns has not been received prior to processing in the National Office, then specific suggested language should also be included for any restrictions to be placed in the award letter.



3. 23(g) State Plans. The State Plans are responsible for completing and submitting the draft State Plan agreement application to the Regional Office for review no later than July 12, 2019. This can be submitted by email. Once the draft application package has been reviewed and approved by the Region, the State Plan must submit the approved application package on Grants.gov no later than August 1, 2019. State Plans must meet all the requirements detailed in this Notice when submitting the application. State Plans are responsible for coordinating with their Regional Administrator on an agreed-upon schedule to allow submission of an application package, approved by the Region, to the National Office through Grants.gov. The State Plan should only submit revised application packages or replacement pages at the direction of the Regional Office.
  - a. Before submitting an application, State Plans must ensure that their registration information is up to date and accurate in Grants.gov and with the System for Award Management (SAM). State Plans must maintain an active SAM registration with current information at all times, during which it has an active federal award or an application under consideration.
  - b. Applications approved by the Regional Offices may be submitted on Grants.gov beginning June 29, 2019, for the performance period beginning October 1, 2019, and ending September 30, 2020. The deadline for application submission is **August 1, 2019**. Grants.gov requires all applicants to use the Grants.gov Workspace. Workspace is the standard way to apply for grants in Grants.gov and it provides applicants with a shared, online environment to collaboratively complete and submit grant applications. (<https://www.grants.gov/web/grants/applicants/workspace-overview.html>)
  - c. The website to download the Grants.gov application package is: <https://www.grants.gov/web/grants/applicants/download-application-package.html>. The Funding Opportunity Number is **OSHA-23G-2020-001**.
  - d. Grants.gov requires completion of forms SF-424 and SF-424A online. Only submit the Grants.gov required SF-424 and SF-424A forms, not the draft version. All other documents are submitted as attachments to the application.
  - e. Acceptable formats for document attachments submitted as part of a Grants.gov application are Microsoft Office and Adobe Reader (PDF). Attachments are limited to 15 documents in Grants.gov. The preferred method for attachments is to scan all documents into one Adobe Reader file that can be attached to the Grants.gov application. Documents may also be attached as individual files. Where possible, State Plans should

submit duplicate financial documents in Microsoft Excel if the original document is in PDF form.

- f. File attachment names should be no longer than 50 characters to avoid submission and processing errors. Applicants are limited to using the following characters in all attachment file names: A-Z, a-z, 0-9, underscore (\_), hyphen (-), parenthesis (()), curly brackets ({}), square brackets ([]), tilde (~), exclamation point (!), comma (,), dollar sign (\$), percent sign (%), plus sign (+), equal sign (=), space, and period. Use the appropriate characters to ensure that OSHA staff can view the file attachments. Where possible, file names should reflect the state name and the corresponding section of the grant application.
- g. If an application requires replacement pages or corrections after it has been recommended to the National Office for approval, the National and Regional Offices will coordinate the submission of replacement pages with the applicant.

VI. Significant Changes.

Significant changes to the FY 2020 Grant Instructions:

- A. Appendix H - 23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions has been updated to reflect Section 516 of the 1989 Department of Labor Appropriation Act.
- 21. In accordance with Section 516 of the 1989 Department of Labor Appropriation Act, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program, the grantee shall clearly state:
  - (a) The percentage of the total costs of the program or project which will be or is being financed with federal money;
  - (b) The dollar amount of Federal funds for the project or program; and
  - (c) Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The following language may be used as a template:

The \_\_\_\_\_ State Plan, at the time of initial publication of this document (MM/YYYY), is funded by a grant of \$\_\_\_\_\_ federal funds, which constitutes \_\_\_\_\_ percent of the State Plan budget. \_\_\_\_\_ percent, or \$\_\_\_\_\_ of the State Plan budget, is financed through non-governmental sources.

- B. Where possible, State Plans should submit duplicate financial documents in Microsoft Excel if the original document is in PDF form.

- C. State Plans should now annually submit their current Five-Year Strategic Plan with the grant application, even if the Strategic Plan is not new and has been submitted previously.
- D. If the program has an Indirect Cost Agreement, a copy of the current agreement must now be submitted with the grant application.

VII. Strategic Plans and Annual Performance Plans. The Department of Labor has a multi-year Strategic Plan (2019-2023), and OSHA’s Annual Operating Plan supports the Department’s Plan.

- A. Each State Plan must have a five-year Strategic Plan made up of outcome-oriented strategic and performance goals. Each State Plan must submit a copy of its Strategic Plan as part of the grant application. If a State Plan’s Five-Year Strategic Plan expires before the end of FY 2020, the grant application must include a *new* Five-Year Strategic Plan or a one-year extension of the current Strategic Plan. In any case, the submission of a copy of the State Plan’s current Five-Year Strategic Plan is required, even if it has been submitted previously. All State Plans must include in their Strategic Plan goals directed toward the reduction of fatalities, injuries, and illnesses.
- B. Each State Plan must also develop a one-year Annual Performance Plan describing the specific actions to be undertaken by the State Plan to accomplish its strategic and performance goals during the period covered, as well as to meet all program requirements. Each State Plan must submit a copy of this Performance Plan annually, which may serve as the required grant narrative. The performance goals must be broad enough to encompass all major components of the State Plan, including private sector (when applicable) and state and local government enforcement programs, 23(g) On-Site Consultation programs, whistleblower programs, any compliance assistance activities, training, and cooperative programs. Support activities, such as laboratories, need not be addressed specifically in strategic goals. Appendix B lists the Annual Performance Plan elements, and Appendix C provides a template for documentation.

The annual performance plan should include the following information as applicable: projections of the number of inspections (separately for private sector and state and local government, as well as for construction and non-construction), and On-Site Consultation visits for state and local government; private sector consultation visits and number of Safety and Health Achievement Recognition Program (SHARP) participants (for State Plans with 23(g) On-Site Consultation programs), the number of Voluntary Protection Programs (VPP) participants, the number of cooperative programs (with and without enforcement incentives), and the number of outreach participants, which are the total number of trainees/participants anticipated to directly participate in state outreach activities during the performance period. State outreach activities may include formal

training, workshops, seminars, speeches, conferences, and informal worksite training. This information should be included in the grant application in the chart format set-forth in Appendix D.

- C. State Plan strategic plans and performance plans must contain outcome/results-oriented goals. Strategic Plans that rely solely on activity-based goals and measures are not acceptable. The Performance Plans must describe the specific activities that the State Plan will perform to accomplish its performance goals, must be aligned with the State Plan's Five-Year Strategic Plan and must identify the expected outcome of these activities. Each Performance Plan must include a section that addresses the data elements and informational needs outlined in this section.

State Plans are responsible for identifying the data necessary to establish an appropriate measurement and reporting system for their strategic and performance goals (e.g., OSHA Information System {OIS}, Bureau of Labor Statistics (BLS), or data from state-based systems, such as workers' compensation). These data are to be agreed upon by the State Plans and Regions.

- D. In addition to its strategic and performance goals, each State Plan must continue to satisfy the mandated activities of the OSH Act and 29 CFR Parts 1902 or 1956 (e.g., standards, enforcement program, prohibition against advance notice, etc.) and so certify in its application and demonstrate in actual performance.

Activities mandated under the OSH Act (e.g., inspections and citations) are considered core elements of an effective occupational safety and health program. They should be tied to the State Plan's strategic goals, where possible. The Performance Plan should discuss the performance of mandated activities as strategic tools wherever appropriate to achieve State Plan goals. Issuing standards, conducting inspections, and issuing citations are some examples of activities that could be used to achieve the strategic goal of reducing injuries and illnesses.

- E. Personnel Funding Breakout Chart. Each State Plan must submit, as part of the grant application, a Personnel Funding Breakout Chart that includes information for each of the 23(g) grant positions listed in **Appendix E**. For each type of position, the chart should reflect the following information: allocated full-time equivalents (FTE) funded by the 50/50 grant, allocated FTE funded by 100% state money, total allocated FTE, onboard FTE funded by 50/50 grant, onboard FTE funded by 100% state, and total onboard FTE. The Personnel Funding Breakout Chart should be current as of the date indicated on the form. State Plans should not modify this date. State Plans that accepted the FY 2006 additional funding for a Compliance Assistance Specialist must continue to reflect such a position (or partial position) in their Personnel Funding Breakout Chart. FTE should be expressed in percentage of time allocated under the 23(g) grant agreement. All supervisors above first-line supervisors should be included under

managers/supervisors (admin) on the chart. All allocated or onboard positions or portions thereof, devoted to field enforcement activities (On-Site inspections, case documentation, informal conferences and other CSHO-related activities) should be included under the compliance officer categories. All information in the Personnel Funding Breakout Chart must correspond to the Organization Chart and Object Class/Supportive Cost Breakout Chart (Appendix F), and *must not include personnel outside the 23(g) program*.

### VIII. General Application Requirements.

- A. Forms. Accuracy of the financial documents is critical for the timely approval of the State Plan. Each application must include the following:
- Signed State Plan Grant Agreement (Form OSHA-110). (A copy of Form OSHA-110 is available on the State Plan Limited Access Page. This is also Appendix G.)
  - Application for Federal Assistance (SF-424)
  - Budget Information—Non-Construction Programs (SF-424A).
  - Supportive Cost Breakout (Suggested template in Appendix F).
- B. Funding Level and Matching Funds. Initial FY 2020 23(g) grant agreement documents should be prepared at the FY 2019 enacted base award levels (Appendix K). State Plans unable to provide the required matching funds at the FY 2019 level for the FY 2020 grant award should complete the application to reflect the award level that it can match. Any change in FY 2020 funding for State Plans will be processed through a grant agreement amendment.
- C. Administrative Cap. No more than 25 percent of the total funding may be budgeted toward administrative costs. Any deviation from this restriction requires a justification that is supported with an indirect cost rate agreement, and a narrative must be included in the application package to explain the deviation. Administrative costs include the cost of all personnel, budget, and management staff above first-line supervisors (salaries, fringe benefits, and related support expenses) as well as costs associated with the approved state indirect rate. An indirect cost rate is a percentage (indirect cost pool/direct cost base) used to distribute indirect costs to all cost centers benefiting from these costs. For staff that perform both administrative and program functions and first-level supervisors who also serve in a managerial capacity for the program, salary costs shall be distributed between Administration and Program in proportion to the percent of time spent in performing duties in these categories. Staff members who perform administrative functions, such as human resources and budgets, should be included in the administrative category as well. If the program has an Indirect Cost Agreement, a copy of the most recent agreement must be submitted with the grant application.

- D. Budget Categories. All costs on the SF-424A can be identified under two budget categories: Administration and Program. A third category must be added where 100 percent state funds are used, and a fourth category for private sector On-Site Consultation (Kentucky and Washington). Financial information for all Object Class categories (i.e., personnel, fringe benefits, travel, equipment, supplies, contractual, other, total direct charges, and indirect charges) must be shown for each of the Budget Categories on the SF-424A and should be traceable and agree with the totals on the Supportive Cost Breakout.

State Plans may continue to use the previously required nine categories (general administration; safety inspections; health inspections; on-site consultation and other voluntary programs; training and education; standards; management information systems; laboratories; and review process and non-discrimination) or any others that better reflect the State Plan's actual organizational structure. State Plans that provide private sector On-Site Consultation services through their 23(g) grant **must** separately identify the staffing and total funding devoted to this program in a manner that clearly delineates the program. This separation must be reflected in the SF-424A.

- E. Object Classes/Supportive Cost Breakout. State Plans are required to provide detailed financial information for all object class categories except Construction and indirect charges. These are based on either the Administration/Program budget categories or the categories used based on the State Plan's actual organizational structure, in a Supportive Cost Breakout format. State Plans may use the format in Appendix F or any format that provides all the required information.

The personnel information provided on the Supportive Cost Breakout Listing must correspond to the organizational chart included in the Performance Plan and should identify the number of on-board staff/vacant positions. All supervisory positions above the first level of supervision must be reflected in Administration.

Compliance assistance position(s) must be identified. Activities of this staff must be limited to compliance assistance, which may also include VPP, Strategic Partnerships, Alliances, speeches, training and other cooperative program outreach efforts, but not activities directly related to Compliance or On-Site Consultation, including SHARP. Positions devoted to private sector On-Site Consultation must be separately identified in the states of Kentucky and Washington.

1. **Personnel** staff time may be apportioned among several functions and between 23(g) and 21(d) in the separate grant applications.
2. **Fringe benefits** must include information on the components and cost formula used.

3. **Travel** refers to personnel travel costs that are reasonable and necessary to effectively manage and carry out grant activities, provide oversight, or measure program effectiveness.
  4. **Equipment** having a useful life of over one year and a unit acquisition cost of \$5,000 or more must be separately identified, in addition to all computer-related equipment.
  5. **Supplies** refers to all consumable materials costing less than \$5,000 per unit.
  6. The contractual information must identify the purpose of each contract, the contractor, and the amount of the contract. Contracts for such things as laboratory sample analysis, equipment calibration, and computer services, especially for the maintenance of alternatives or supplements to the OSHA Information System (OIS), must be clearly identified. Note: State Plans not using Salt Lake Technical Center (SLTC) as their primary lab must provide contract information as indicated in Section VIII.I.1. State Plans using alternatives or supplements to the OIS must provide contract information as indicated in Section VIII.L.1.
  7. If not included elsewhere, the category Other should identify costs associated with such things as reimbursement to the OSHA Training Institute and associated costs for courses brought to the State.
  8. **Indirect Costs** (see Appendix F) must be included under **Administration only** and should be based on an approved indirect cost rate agreement for the grant period. If the program has an Indirect Cost Agreement, a copy of the most recent agreement must be submitted with the grant application.
- F. Program Income. State Plans that are collecting fees associated with grant activities should report the estimated amount of income expected to be generated from the grant on line 7 of the SF-424A. State Plans with program income should include a narrative description, the nature and source of the income, and include the narrative as an attachment in the grant application. The program income may be reflected as part of the State Plan's matching funds contribution. Program income must be reported on the Federal Financial Report (SF-425), submitted each quarter.
- G. Assurances and Certifications/Restrictions and Conditions. By signing Appendix H, the recipient certifies that it will comply with the assurances and certifications, lobbying restrictions, and OSHA-specific restrictions and conditions. Potential consequences for noncompliance with any of the grant conditions can be found at 2 CFR 200 and 2 CFR 2900.

H. Financial Reports. The following financial reports are required:

1. Federal Financial Report (FFR) SF-425. The SF-425 is due 30 days after the end of each federal fiscal quarter, with an additional final closeout report due no later than 90 days after the end of the performance period. All reports will be submitted using the FedConnect system to report the status of all funds (<http://www.FedConnect.net>) .
2. Closeout. All agreements must be closed within 90 days after the end of the performance period (generally December 29) and a final closeout report submitted using the FedConnect system.

Once a grant reaches the end of the 90-day closeout period, the Payment Management System (PMS) will not release requested funds from expired grants unless a closeout extension has been requested and approved by OSHA, or if there is a valid justification.

Closeout Extensions. Recipients unable to close within the 90-day period are required to request in writing a closeout extension from the Regional Office by **December 1**, providing an explanation for the delay. An interim (preliminary) final closeout Federal Financial Report (FFR) is due on December 31, even when a close-out extension has been approved. All closeout extensions must be coordinated in advance with the Regional Office and transmitted to the National Office. The National Office must approve any extensions beyond February 28.

- I. Salt Lake Technical Center (SLTC). State Plans wishing to use the SLTC services exclusively for all their industrial hygiene sample analysis in FY 2020 will need to submit a new, signed Memorandum of Agreement (MOA) with their current fiscal year grant application package (Appendix I). The MOA can be downloaded from the State Plans section of the OSHA Limited Access Page and must be modified to include state-specific information. As indicated in an April 3, 2002, memorandum, State Plans without MOAs may send samples to SLTC on a periodic, as-needed basis. The cost per sample for FY 2020 is as follows:

<b>Sample Type</b>	<b>States with MOA</b>	<b>States without MOA</b>
General Sample Charge	\$250	\$275
Biological Samples	\$300	\$330
CO Methoxyhemoglobin Calculation	\$550	\$600
Explosibility	\$750	\$825



Sample Type	States with MOA	States without MOA
Gas Chromatograph/Mass Spectrometer (GC/MS) Identification	\$450	\$500
Materials Failure, Simple <= 10 hours	\$550	\$600
Materials Failure, Complex > 10 hours	\$2,100	\$2,310

1. State Plans **without** an MOA with SLTC **must** fill out the State Plan Laboratory Information Template and include it as an attachment to the application package (Appendix M). If the State Plan is using the same laboratories for the same fields of testing as the previous fiscal year, they should indicate that by checking the appropriate box on the form and do not need to fill out the rest of the form. In the event that State Plans are using different laboratories than they reported in the previous year's grant application, they should provide the following information in the designated boxes on Appendix M:
  - a. The name and address of each laboratory used for sample analysis and the associated sample type(s) for each designated field of testing. If the site where the sample is actually tested is different from the address of the laboratory's headquarters, then both a headquarters address and a testing address must be included;
  - b. If different sites of the same lab are used for different sample types, then the specific laboratory location for each sample type must be included;
  - c. American Industrial Hygiene Association Proficiency Analytical Testing (AIHA-PAT) Program Identification Number or National Voluntary Laboratory Accreditation Program (NVLAP) Lab Code for each lab. Links to this information are provided in Appendix M.
  - d. As a condition of the grant, State Plans must ensure that each laboratory used during the course of the grant period maintains its proficiency in the AIHA-PAT Program in the relevant fields of testing. In the case of bulk asbestos only, accreditation under the NVLAP through the National Institute on Science and Technology (NIST) is an acceptable equivalent (See page H-9).
  
2. State Plans should include sufficient funds in their grant application, and identify those funds, to cover payment for an appropriate level of sample analysis whether by a state or private lab with occasional use of SLTC or on an ongoing basis through an MOA with SLTC.

- J. OSHA Training Institute (OTI). State Plans that would like the OSHA Training Institute to deliver courses within their state are expected to reimburse OSHA for the cost of the travel and per diem expenses for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, equipment rental, and training facility rental related to the training.
- K. Information Systems (WebIMIS, OSHA Legacy Data (OLD), and OIS) for All State Plans. Continued participation in the WebIMIS, OLD, OSHA Information System (OIS), and all system components is a program requirement. All 23(g) State Plans will continue to be charged for data processing services, telecommunications, specialized training, and other costs provided through OSHA's data systems based on annual and/or quarterly bills. **All bills must be paid in full no later than September 1.**
- L. Alternative Systems or Supplements to OIS. State Plans may elect to use an alternative system or supplement to the OIS and may use 23(g) grant funds for this purpose, but there are no additional federal grant funds available for this purpose.
1. The State Plan must identify the funding devoted to such a project either by creating an additional category in the Supportive Cost Breakout for this purpose, or appropriately annotating the specific items devoted to this effort, including, but not limited to, personnel, contract, and equipment.
  2. The alternative or supplemental system must continue to provide data to OSHA that is identical to the data required by the OIS, and submitted in the same manner and to the same extent as though continuing to participate in the OIS. Data must be submitted timely through upload (e.g., an interface) into OIS, and must be provided in a manner and format that meets OSHA's current as well as any future requirements. There may be no interruption in submission of data unless authorized by OSHA during the development or modification of such alternative or supplemental systems. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system or modification of an existing system.
  3. A State Plan with such an alternative/supplemental system must meet all requirements of the OIS. There may not be any interruption or delay in submitting data to OSHA.
  4. A State Plan with such an alternative/supplemental system must plan to meet all OIS software releases or modifications within a timeframe negotiated with OSHA upon receipt of specifications for the modifications.

- M. Connectivity to OIS. As OIS is a web-based system, all users will need access to the internet, preferably by high-speed connections with bandwidth capacity of at least 1.544 MB (e.g., T-1 lines or higher) or through an internet service provider, in order to enter and retrieve data interactively and to take advantage of video and other social media capabilities that will be provided by OSHA. State Plans should include plans and appropriate funding in their grant applications for upgrading their internet connectivity, if applicable.
- N. Infrastructure. Although OIS is a web-based applications, it is expected that all State Plans maintain sufficient information technology, including appropriate equipment, internet access with adequate bandwidth, email services, and data connectivity for its staff to effectively operate as a State Plan. In addition, it is expected that the State Plan will maintain and host a webpage for the public that, at a minimum, sufficiently explains the services provided by the State Plan and includes links and/or contact information for the appropriate reporting mechanisms.
- O. Computer Security. All system users (WebIMIS, OLD, Extranet and other OSHA applications) must adhere to federal, Department of Labor (DOL), and OSHA computer security policies, procedures, and processes, including requirements for encryption. All new system users (OLD, Extranet and other OSHA applications) must sign the Rules of Behavior. All OSHA system users must complete the mandatory DOL Annual Computer Security and Privacy Awareness Training and any other federally mandated or DOL-required computer security training to be specified, within the required time frame.
- P. OIS Training. State Plans must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly hired staff; and retraining or additional training of existing staff.
- Q. Professional Certification. State Plan grant funds may be used to pay for the costs associated with obtaining professional certification for safety and health staff by a certifying organization that has been accredited by a nationally recognized accrediting organization. These include such things as a preparation course, the examination, travel, and per diem. Grant funds may not be used to pay for costs associated with preparation for a second attempt for employees who initially fail a professional certification examination. Grant funds may be used to pay for the expenses associated with taking the professional certification examination a second time, including travel and per diem. For those who fail to pass a professional certification examination on their second attempt, grant funds may not be used for any additional attempts. Payment of certification costs cannot exceed the percent of time for which an employee is dedicated to the grant/cooperative agreement. Grant funds may also not be used to pay annual fees for maintaining professional certifications.

- R. OSHSPA Meetings. State Plan attendance at joint OSHA/OSHSPA meetings is expected and is essential to State Plan effectiveness. State Plans may allocate associated costs to 23(g) and/or state matching funds.
- S. On-Site Consultation. All 23(g) State Plans are required to administer on-site state and local government consultation programs that adhere to the requirements of the Consultation Policies and Procedures Manual (CPPM) or an approved, state-specific, at least as effective alternate to the CPPM. Two State Plans, Kentucky and Washington, also operate their private sector on-site consultation program with 23(g) funding and must have policies at least as effective as the provisions of the CPPM. State Plans are required to report out in the State OSHA Annual Report (SOAR) on all mandatory elements of any on-site consultation program funded under 23(g), including those that cover both state and local government and the private-sector (KY and WA only). State Plans that provide private sector consultation services under the 23(g) grant (KY and WA) must also plan to attend the On-Site Consultation Training Conference and otherwise meet equivalent effectiveness requirements. Costs for attendance may be allocated to 23(g) and/or state matching funds. All State Plans must complete Appendix D, while Kentucky and Washington must also complete Appendix J of this agreement.

If a state on-site consultation program has an agreement with the Regional Administrator to use on-site consultation resources to provide assistance during state emergencies outside those activities authorized under the 23(g) agreement or OSHA Directive “National Emergency Management Plan,” then the state must identify the operational description by strategy, activities, and anticipated outcome within Appendix C of this agreement.

- T. Application Outline. Appendix A shows the Table of Contents format for the State Plan’s application, including all required documents. This template should be used as a cover page to show the documents included in the application. Each page of the application should be numbered and the Table of Contents should reference the appropriate page numbers in the completed application.

**Appendix A**

**STATE PLAN  
23(g) FY 2020 Grant Application Documents  
Table of Contents Template**

**5-Year Strategic Plan**.....p. x

**One-Year Annual Performance Plan**.....p. x

    a. Overview of the State Plan.....p. x

    b. Profile of the State Agency.....p. x

        1. State Demographic Profile.....p. x

        2. Covered Issues.....p. x

        3. Organizational Chart.....p. x

        4. 23(g) Personnel Funding Breakout..... p. x

    c. Mandated Activities.....p. x

    d. Projected Activities/Goals.....p. x

**23(g) Object Class/Supportive Cost Breakout**.....p. x

**Form OSHA 110 – 23(g) Grant Agreement**.....p. x

**23(g) Assurances and Certifications/Restrictions and Conditions**.....p. x

**23(g) MOA with Salt Lake Technical Center (SLTC) or  
State Plan Laboratory Information Template**.....p. x

## Appendix B Annual Performance Plan Elements

<b>Overview</b>	A comprehensive overview of the State’s current occupational safety and health program, including identification of any program changes or new initiatives since the previous grant application.
<b>Profile of the State Agency</b>	<p>Provide a detailed organizational chart of the components involved in the State Plan. In addition, the total number of allocated staff and a breakout of compliance, compliance assistance, and on-site consultation staff, expressed in full-time equivalents (FTEs), must be included (See Appendix E, Personnel Funding Breakout Chart).</p> <ul style="list-style-type: none"> <li>• <u>State Demographic Profile</u>. Number of covered private sector employers and number of covered private sector employees, both broken out by major North American Industrial Classification System (NAICS) Division. Number of covered state and local government employers and state and local government employees.</li> <li>• <u>Identification of Covered Issues</u>. List those issues that the State Plan covers and those that remain a federal responsibility.</li> </ul>
<b>Mandated Activities</b>	<p>Activities mandated under the OSH Act (e.g., inspections and citations) are considered core elements of an effective occupational safety and health program. They should be tied to the State Plan’s strategic goals where possible. The Performance Plan should discuss the performance of mandated activities as strategic tools wherever appropriate to achieve State Plan goals. For example, issuing standards, conducting inspections, and issuing citations are among the activities which could be used to achieve the strategic goal of reducing injuries and illnesses.</p> <p>Where the mandated activities are neither tied to specific strategic goals nor addressed through the State Activity Mandated Measures report, ensure that the activities are covered by the grant assurances (<i>See Appendix H, 23(g) OSHA Restrictions and Conditions</i>).</p>
<b>Projected State Plan Activities</b>	<ul style="list-style-type: none"> <li>• <u>Inspections</u>. Provide total projections broken out by safety and health, as well as by private sector and state and local government workplaces. State Plans should also specify construction versus non-construction inspections.</li> <li>• <u>On-Site Consultation Visits in Private Sector (KY and WA)</u>. Provide total projections broken out by safety and health for anticipated number of On-Site Consultation visits in the private sector.</li> <li>• <u>On-Site Consultation Visits in State and Local Government Workplaces</u>. Provide projections broken out by safety and health for the anticipated number of On-Site Consultation visits in state and local government workplaces.</li> <li>• <u>Compliance Assistance</u>. Provide the current number, the projected growth, and end-of-year total for: <ul style="list-style-type: none"> <li>• Voluntary Protection Programs (by general industry, construction, state, and local government sectors as applicable).</li> <li>• State Cooperative Programs: <ul style="list-style-type: none"> <li>○ Partnerships and other similar programs providing enforcement incentives such as inspection exemptions or penalty reductions for participating employers.</li> <li>○ Alliances and other similar programs that do not involve enforcement incentives.</li> </ul> </li> <li>• Outreach Participants/Trainees who directly participated in outreach activities during the period.</li> <li>• Safety and Health Achievement Recognition Program (SHARP) participants.</li> </ul> </li> </ul>

## Appendix C

### Annual Performance Goals Template

**Performance Goals:** For each performance goal, provide the following information in the format listed below. Performance goals should relate to the specific strategic goal. A strategic goal may have more than one performance goal.

<b>Strategic Goal #</b>	
<b>Annual Performance Goal #</b>	
<b>Strategy</b>	
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	
<b>Data Source(s)</b>	
<b>Baseline</b>	
<b>Comment</b>	

## Appendix D

## 23(g) State Plans Projected Program Activities Template

### 23(g) Compliance and On-Site Consultation

23(g) Compliance & On-Site Consultation	Actual FY 2018		Estimated FY 2019		Projected FY 2020	
	Safety	Health	Safety	Health	Safety	Health
Private Sector Inspections - Non-Construction						
Private Sector Inspections - Construction						
State and Local Government Inspections - Total						
<b>Total Inspections</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
State and Local Government Consultation Visits						
Private Sector Consultation Visits - 23(g) (KY and WA Only)						
<b>Total Consultation Visits</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 23(g) Compliance Assistance

23(g) Compliance Assistance	Actual FY 2018		Estimated FY 2019		Projected FY 2020	
	New	Total	New	Total	New	Total
VPP Participants - General Industry						
VPP Participants - Construction						
VPP Participants -State and Local Government						
Participants in Cooperative Programs with Enforcement Incentives (i.e., Partnerships)						
Participants in Cooperative Programs without Enforcement Incentives (i.e., Alliances)						
Private Sector SHARP Participants - 23(g) (KY and WA Only)						
State and Local Government SHARP participants						
Outreach Participants						

*New participants are those that become active during the fiscal year. The total number of participants is the number active at the end of the fiscal year, and includes all new sites from that year.*

*Outreach participants refers to the number of workers who directly participate in outreach activity.*

*Note: The fiscal year is based on the federal fiscal year.*



**Appendix E**  
**23(g) Personnel Funding Breakout Chart Template**

<b>23(g) Grant Positions</b>	<b>Allocated FTE Funded 50/50</b>	<b>Allocated FTE 100% State Funded</b>	<b>Total</b>	<b>50/50 Funded FTE On Board as of 7/1/19</b>	<b>100% State Funded FTE On Board as of 7/1/19</b>
Managers/Supervisors (Admin)			0.00		
First Line Supervisors			0.00		
Safety Compliance Officers			0.00		
Health Compliance Officers			0.00		
Whistleblower Investigators			0.00		
Private Sector Safety Consultants (KY,WA)			0.00		
Private Sector Health Consultants (KY, WA)			0.00		
State/Local Gov. Safety Consultants			0.00		
State/Local Gov. Health Consultants			0.00		
Compliance Assistance Specialist			0.00		
Trainers			0.00		
Clerical/Admin/Data System			0.00		
Other (all positions not elsewhere counted)			0.00		
<b>Total 23(g) FTE</b>	0.00	0.00	0.00	0.00	0.00

*Notes:*

- *FTE should be expressed in percentage of time allocated to 23(g) grant/agreement.*
- *Managers/Supervisors are now separated from First Line Supervisors. Managers/Supervisors are Administration where First Line Supervisors are Program on the Cost Breakout Chart.*
- *For compliance officers, include all allocated or onboard positions or portions thereof, as appropriate, devoted to field enforcement activities (on-site, case documentation, informal conferences, and other CSHO-related activities).*
- *All information on this chart must correspond to the Organizational Chart and Object Class/Supportive Cost Breakout chart, and must not include personnel outside the 23(g) program.*

## Appendix F

### 23(g) Object Class/Supportive Cost Breakout Template

**A. PERSONNEL** (Indicate whether position(s) is (are) Enforcement (safety/health), 23(g) Consultation, Compliance Assistance, Outreach/Training/Cooperative Programs, Standards, Mgt. Information Systems, Laboratories, Review Process, Non-discrimination.)

Title	Program Type	Name	Annual Salary	% of Participation in FTE	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
										\$0.00
Subtotal			\$0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**B. FRINGE BENEFITS** (Include components and cost formula[s] used).

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**C. TRAVEL** (Include travel cost for OTI, OIS training, OSHSPA attendance, etc.).

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Out of State						
						\$0.00
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
In-State						
						\$0.00
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Out-of-State and In-state Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**D. EQUIPMENT** (Itemize and describe details on equipment costing \$5,000+ with a useful life of 1+ year(s) and all computer-related equipment purchases)

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						0
						0
Subtotal	0	0	0	0	0	0

**E. SUPPLIES**

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						0
						0
Subtotal	0	0	0	0	0	0

**F. CONTRACTUAL** (Itemize and describe the purpose of each contract, contractor name and cost. Include costs for such things as laboratory sample analysis, equipment calibration, and computer services.)

Item/Purpose of Contract	Name of Contractor	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
							\$0.00
							\$0.00
Subtotal		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**G. OTHER** (Itemize and describe costs not included elsewhere such as reimbursement to OTI and associated course expenses, etc.)

Item	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
						\$0.00
						\$0.00
Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**H. TOTAL DIRECT CHARGES**

	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Sum of A through G	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!

**I. TOTAL INDIRECT CHARGES** (Include in Admin. Provide information on Indirect Cost Rate used.)

	Administration	Federal Share	State Match	State 100% Funded	Total Cost
Total					\$0.00

**J. TOTAL CHARGES (DIRECT AND INDIRECT)**

	Administration	Program	Federal Share	State Match	State 100% Funded	Total Cost
Sum of H & I	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!

**Appendix G  
OSHA 110 Form – 23(g) Grant Agreement**

U.S. DEPARTMENT OF LABOR  
Occupational Safety and Health Administration

**GRANT  
AGREEMENT**

**OSHA 23(g) OPERATIONAL  
PROGRAM**

CFDA: 17.503  
Occupational Safety and Health State Program

(1) Region: \_\_\_\_\_

State: \_\_\_\_\_

Grantee: \_\_\_\_\_

Grant Number: **SP** \_\_\_\_\_

Starting Date: **October 1, 2019**

Ending Date: **September 30, 2020**

(2) Recipient

Name:

Address:

\_\_\_\_\_

Recipient Liaison Representative

\_\_\_\_\_

Area Code and Telephone Number

(3) U.S. Department of Labor

\_\_\_\_\_

OSHA Liaison Representative

\_\_\_\_\_

Area Code and Telephone Number

(4) Authority for Grant: P.L. 91-596, under Section 23(g)

	Pct. Total Funds
1. Federal Base Award Amount: _____	50%
2. State Base Award Amount: (please do not include 100% funding) _____	50%
3. Total Recipient Share: _____	
4. Recipient 100% Funding: (please also include in line 3) _____	
5. Total State and Federal Funds Allocated to This Agreement: (line 1 plus line 3) _____	

Uniform Administrative Requirements, Cost Principles, and Audit Requirements:

2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements, Final Rule

2 CFR Part 2900: DOL Exceptions to 2 CFR Part 200

***Terms and Conditions of the Grant:***

This GRANT AGREEMENT includes the award notification letter as well as the entire grant application, including all attachments, exhibits, enclosures, etc.

(5) Recipient Approval

(6) Federal Approval

Signature

Date

Kimberly A. Locey, Director  
Administrative Programs

Date

\_\_\_\_\_  
Type Name and Title

## Appendix H

### **23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions**

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*Note: Some of these assurances may not be applicable to your program. If you have questions, please contact the awarding agency. Some federal awarding agencies may require applicants to certify to additional assurances. If this is the case, you will be notified.*

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
6. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of disabilities; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) and section 188 of the Workforce Investment Act of 1998 (P.L. 105-220), as it relates to the prohibition against national origin discrimination for persons with limited English proficiency (pursuant to Executive Order 13166 issued August 11, 2000); (j) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply with Executive Orders 12876, 12900, 12928, and 13021 by strongly encouraging contractors to provide subcontracting opportunities to Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities.
8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
9. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
10. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub-agreements.
11. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234), which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.), related to protecting components or potential components of the national wild and scenic rivers system.
14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
15. Will comply with the National Research Act (P.L. 93-348) regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
16. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.

17. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Uniform Guidance 2 CFR 200 and exceptions in 2 CFR 2900.
19. Will comply with all applicable requirements of all other federal laws, executive orders, regulations and policies governing this program.
20. Will comply with the requirements for Federal Funding Accountability and Transparency Act (2 CFR Part 170) and the Universal Identifier and System for Award Management, formerly Central Contractor Registration (2 CFR Subtitle A, Chapter I and Part 25).
21. In accordance with Section 516 of the 1989 Department of Labor Appropriation Act, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program, the grantee shall clearly state:
  - (a) The percentage of the total costs of the program or project which will be or is being financed with federal money;
  - (b) The dollar amount of Federal funds for the project or program; and
  - (c) Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The following language may be used as a template:

The \_\_\_\_\_ State Plan, at the time of initial publication of this document (MM/YYYY), is funded by a grant of \$\_\_\_\_\_ federal funds, which constitutes\_\_\_\_ percent of the State Plan budget. \_\_\_\_percent, or \$\_\_\_\_ of the State Plan budget, is financed through non-governmental sources.

22. In accordance with the Drug-Free Workplace Act of 1988, the grantee certifies that it will provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing a drug-free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
  - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).



## Lobbying Certification

23. The undersigned certifies, to the best of his or her knowledge and belief, that:
- (a) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or an employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal award, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal award, grant, loan, or cooperative agreement.
  - (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activity," in accordance with its instructions.
  - (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

- (d) Section 18 of the Lobbying Disclosure Act of 1995, signed by the President on December 19, 1995, requires that any organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of federal funds constituting an award, grant or loan.
  - (1) This is to certify that we are \_\_\_\_/are not \_\_\_\_ an IRS 501(c)(4) entity.
  - (2) As an IRS 501(c)(4) entity, we have \_\_\_\_/have not \_\_\_\_ engaged in lobbying activities.

## 23(g) OSHA Restrictions and Conditions

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Restrictions and Conditions #1 through #28 are applicable to all grantees and are made a part of these assurances and certifications by the Occupational Safety and Health Administration (OSHA). These include program elements mandated by the Occupational Safety and Health Act of 1970 as amended and implementing regulations that are not addressed through other available monitoring and reporting mechanisms, and a number of other restrictions:

1. The grantee assures that the following mandated program elements are and will continue to be implemented in accordance with all statutory and regulatory requirements: (1) prohibition against advance notice of inspection; (2) worker access to hazard and exposure information; (3) safeguards to protect an employer's trade secrets; (4) employer recordkeeping; (5) legal procedures for compulsory process and right of entry; (6) posting of worker protections and rights; (7) right of a worker representative to participate in a walkaround; (8) right of a worker to review a decision not to inspect (following a complaint); and (9) voluntary compliance programs.
2. The grantee understands that participation in the OSHA Information System (OIS) and all its constituent data components, including WebIMIS, is a condition of plan approval. The State Plan agrees to pay OSHA for data processing services, telecommunication, specialized training, and other services provided through such a system, based on annual and/or quarterly bills. All bills are expected to be paid upon receipt, but must be paid no later than September 1.
3. Although OIS and WebIMIS are web-based applications, it is expected that all State Plans maintain sufficient information technology infrastructure to maintain an effective program. State Plans must maintain appropriate equipment, Internet access with adequate bandwidth, e-mail services, and data connectivity for its staff to effectively operate as a State Plan. In addition, it is expected that the State Plan will maintain and host a webpage for the public of its state/territory that, at a minimum, sufficiently explains the services provided by the State Plan and includes links and/or contact information for the appropriate reporting mechanisms.
4. State recipients that participate in WebIMIS, OLD, OIS, or other OSHA applications are required to submit account request forms for each system if a new account is requested. Upon employee separation, recipients are required to submit an account deletion form for each application no later than the day of departure. The form should clearly mark the account(s) to be deleted (i.e., WebIMIS, OLD, OIS, etc.). WebIMIS and OLD forms can be e-mailed to: [oshaapplications@dol.gov](mailto:oshaapplications@dol.gov). OIS forms should go to the OIS Help Desk at [oishelpdesk@astadia.com](mailto:oishelpdesk@astadia.com).
5. All system users (OLD, OIS, WebIMIS, Extranet and other OSHA applications) must adhere to federal, Department of Labor (DOL), and OSHA computer security policies, procedures, and processes, including use of appropriate federal IT software.
6. Ensures that in order to protect sensitive information, including Personally Identifiable Information, and to meet Office of Management and Budget (OMB) and Department of Labor requirements, all state recipients must ensure that encryption software meeting the requirements of the National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) 140-2 has been installed on all computers/devices that access OSHA systems, and its use is required by all users. This must include full disk encryption of all mobile computers and file-level encryption of data downloaded from OSHA information systems to portable storage devices.
7. All OSHA system users must complete the mandatory DOL annual computer security awareness training and any other federally mandated or DOL-required computer security training to be specified.

8. All users connected through OSHA, Extranet and other OSHA applications must annually sign Rules of Behavior for each system accessed.
9. Only staff and contractors who have been authorized by the state-designated Approving Official can use the Extranet to access internal agency resources. All users must change their Extranet account password every 90 days. Accounts that have not been used for 60 consecutive days will become disabled. Once the account has been disabled, only the user's Approving Official can unlock their account. Accounts that have not been used for 120 consecutive days will be deleted.
10. No 23(g) grant or matching state funds may be expended for the development or operation of a substitute/alternative or supplemental OIS system unless it provides all data required by OSHA and the OIS, in a timely manner and in an acceptable electronic format. Any state developing an alternative or supplemental system must continue to provide data to OSHA that are identical to that required by the Federal Information System and that are submitted in the same manner and to the same extent as though continuing to participate in the federal system. Data must be submitted timely through download (e.g., an interface) into the OIS, and must be provided in a format that meets OSHA's current as well as any future requirements. All OIS software releases or modifications must be deployable within a timeframe negotiated with OSHA upon receipt of specifications. There must be no interruption in submission of data unless authorized by OSHA during the development or modification of such alternative or supplemental systems. States will be expected to continue to meet these requirements upon deployment of the OIS. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system, or modification of an existing system.
11. To maximize the use of the new OIS features and to address the increasing role of videos and other social media that will provide enhanced capabilities, the State Plan's IT capabilities must include network bandwidth capacity for each site of at least 1.544 MB (e.g., T-1 Line or higher).
12. States must assure participation of all appropriate staff in any required OIS training. States must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly hired staff, and retraining or additional training of existing staff.
13. No 23(g) grant or matching state funds may be expended for programs coming within the jurisdiction of and/or funded by another federal agency, whether or not the federal program is administered by the designated State Plan agency.
14. OSHA reserves the right to transfer title to equipment acquired under this agreement with a unit cost of \$5,000 or more.
15. The grantee agrees to pay OSHA for industrial hygiene sample analysis services provided by the Salt Lake Technical Center (SLTC) laboratory. Any State Plan using the SLTC as its primary analytical laboratory must have a signed Memorandum of Agreement (MOA) on file. The fourth quarter payment will be based on an estimated bill. States without an MOA may submit samples on an occasional basis. All bills are expected to be paid upon receipt, but must be paid no later than September 1. Any necessary adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year.
16. The grantee agrees to pay OSHA for costs associated with the conduct of OSHA Training Institute (OTI) training courses conducted for the grantee at the grantee's request. The grantee will pay for travel and per diem for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, equipment rental and training facility rental. All bills are expected to be paid upon receipt, but must be paid no later than September 1. Any necessary

adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year.

17. No 23(g) or matching state funds may be expended for activities prohibited under OSHA's Appropriation Riders. Non-match/100 percent state funds only must be used if the state chooses to perform prohibited activities; an accounting mechanism must be in place to ensure that no 23(g) or matching state funds are expended on these activities. (Any state using 100 percent state funds for such activities must appropriately use the available OSHA Information System (OIS) coding to reflect this.)
18. No legal liability on the part of OSHA arises until the appropriation is made available within OSHA to fund the obligation.
19. States are encouraged to promote safety or health professional certification of their employees by a nationally recognized accrediting organization. State Plan Grant funds may be used to pay for the costs associated with a professional certification preparation course and the examination, including travel and per diem. No 23(g) or matching state funds may be expended for costs associated with preparation for a second attempt to obtain certification by employees who initially fail a professional certification examination. However, grant funds may be used for the examination itself and related travel and/or per diem for a second attempt. Grant funds may not be used for any subsequent attempts. Percentage of certification costs charged to the grant cannot exceed the percentage of time for which an employee is dedicated to the grant.
20. No 23(g) or matching state funds may be expended for annual fees associated with maintaining professional certifications.
21. State representatives are expected to attend all regularly scheduled joint meetings between OSHA and the Occupational Safety and Health State Plan Association (OSHSPA). The 23(g) grant and/or state matching funds may be used for costs associated with such attendance. Attendance is essential to a state's commitment to its program. These meetings are the mechanism through which OSHA both seeks input and informs the states of its expectations for State Plan performance and structure.
22. All state recipients are expected to maintain a State Internal Evaluation Program as part of the State Plan monitoring system. Failure to operate an effective internal self-audit program will result in increased federal oversight.
23. All state recipients must assure that an effective debt collection mechanism is in place and documented in the State Plan to ensure the integrity of the program through collection of assessed penalties. Funds so collected may not be used for operation of the enforcement program.
24. All state recipients must use laboratories that are listed as proficient in each relevant field of testing by the Industrial Hygiene Proficiency Analytical Testing (IHPAT) or the Bulk Asbestos Proficiency Analytical Testing (BAPAT) programs of the American Industrial Hygiene Association (AIHA). The National Voluntary Laboratory Accreditation Program (NVLAP) may be used as an alternative to the BAPAT program only. State Plans must inform the Office of State Programs if they use labs other than those listed in Appendix M or if their contractual lab loses their proficiency in any field of testing for which the State Plan utilizes that specific facility. State Plans are responsible for ensuring SLTC has access to all proficiency results for any labs used.
25. The grantee understands that participation in blended course work (a course that is a combination of web-based training and instructor-led training) offered through the OSHA Training Institute

(OTI) requires the grantee and its students to be able to receive automatic email course notifications from OSHA’s third-party web-based training hosting service (CourseMill) at their official, work-issued email address.

26. All State Plans are required to administer on-site consultation programs under the requirements of the Consultation Policies and Procedures Manual (CPPM) or an approved, state-specific alternative that is at least as effective as the CPPM. This applies to all State Plans in their operation of on-site consultation programs for state and local government employers under 23(g) funding, as well as to Kentucky and Washington, as they also operate their private sector on-site consultation program through 23(g) funding. State Plans are required to report out on all mandatory elements of the on-site consultation program in the SOAR. State Plans that provide private sector consultation services under the 23(g) grant (KY and WA) must plan to attend the On-Site Consultation Training Conference and otherwise meet equivalent effectiveness requirements. Costs for attendance may be allocated to 23(g) and/or state matching funds.
27. States that provide private sector on-site consultation services under the 23(g) grant must complete both Appendix D and Appendix J of this grant application.

*Note: The Restrictions and Conditions which relate to the procedures for payment for various services OSHA provides may be further modified prior to the time of grant submission.*

<b>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</b>	<b>TITLE</b>
<b>APPLICANT ORGANIZATION</b>	<b>DATE SUBMITTED</b>

***Signature must be by official with signatory authority for 23(g) programs and it applies to assurances and certifications, lobbying restrictions and 23(g) OSHA restrictions and conditions.***

## Appendix I

### 23(g) State Plans Memorandum of Agreement (MOA) for Laboratory Services with the Salt Lake Technical Center (SLTC) Template

#### Memorandum of Agreement for FY 2020 under Section 18 of the Occupational Safety and Health Act of 1970 for Laboratory Services by the Salt Lake Technical Center (SLTC) between

the [name of State Plan agency]

and the

#### Occupational Safety and Health Administration (OSHA), United States Department of Labor

Establishing conditions during FY 2020 under which the [State agency], which operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) under Section 18 of the Occupational Safety and Health Act of 1970 will pay the Occupational Safety and Health Administration – Salt Lake Technical Center for laboratory services related to analysis of industrial hygiene samples collected during State occupational safety and health compliance activities.

#### I. Terms of Agreement

- A. OSHA through its Directorate of Technical Support and Emergency Management – Salt Lake Technical Center will provide analytical services with regard to all industrial hygiene samples gathered during compliance-related activities (and On-Site Consultation program activities in the state and local government sector) by the [State Plan agency]. This service is being provided at the State's request. SLTC will provide the same analytical services to the [State Plan agency] as are provided to the Federal OSHA program, in the same manner and to the same extent. Specific policies and procedures for receipt and analysis of samples and delivery of results will be provided and agreed upon separately between the State and SLTC. Samples will be subject to the same chain of custody, priority and quality assurance procedures as the federal program; expert witness testimony, when required, will be provided by the SLTC to the [State Plan agency]. Participation in State Plan enforcement litigation will be governed by the policy established in the January 21, 1998, memorandum from the Office of the Solicitor of Labor to the Assistant Secretary (63 FR 35611).
- B. The [State Plan agency] agrees to utilize the services of the OSHA Salt Lake Technical Center as its primary/exclusive laboratory for compliance-related sample analysis, and to follow the policies and procedures established for sample gathering and submission by the federal program. Samples gathered as a result of On-Site Consultation program activities in the private sector, whether pursuant to a Section 21(d) On-Site Consultation Agreement or under the State Plan, may **not** be submitted to the SLTC for analysis. Samples collected during either compliance or On-Site Consultation program activity in the state and local government sector will be accepted for analysis by the SLTC.

## II. Cost and Payment

- A. The SLTC laboratory will provide these laboratory services at a cost of **\$250** per sample analyzed. This will include all related activity, including expert technical advice and consultation and testimony, as mutually agreed appropriate. There will be a special charge rate for six exceptional sample types:

Biological Samples	\$ 300
CO Methoxyhemoglobin Calculation	\$ 550
Explosibility	\$ 750
GC/MS* Identification	\$ 450
Materials Failure, Simple <=10 hours	\$ 550
Materials Failure, Complex >10 hours	\$2,100
* <i>Gas Chromatograph/Mass Spectrometer</i>	

Quarterly accountings of numbers of samples analyzed for the State will be provided together with a bill requesting payment. The fourth quarter payment will be based on an estimated bill. All bills are expected to be paid upon receipt, but must be paid no later than September 1, 2020. Any adjustments between actual changes and estimates will be made in the first quarter of the following fiscal year.

- B. The **[State Plan agency]** anticipates a sample workload of approximately **[# samples]** per year and intends to pay the U.S. Department of Labor, Occupational Safety and Health Administration, for all services provided upon receipt of billings, but will deliver payment no later than September 1, 2020. The **[State Plan agency]** will include sufficient funds for these expenses in its annual State Plan grant application and will pay OSHA with federal and state grant funds allocated to the program. The **[State Plan agency]** understands that the additional federal staff and resources necessary to provide this service are being made available by OSHA based on the expectation of State Plan payment for at least the estimated number of samples.

## III. Contacts

The **[State Plan agency]** contact for purposes of this agreement is **[Name, title, address, phone, fax, e-mail]**. The OSHA contact for SLTC is:

Dean Lillquist, Director  
Salt Lake Technical Center, USDOL-OSHA  
8660 South Sandy Parkway  
Sandy, UT 84070-6424  
Phone: (801) 233-4902

The OSHA contact for bill processing is:

Randall R. Claud, Director  
Office of Financial Management  
USDOL-OSHA  
200 Constitution Ave., NW, Room N-3419  
Washington, DC 20210  
Phone: (202) 693-2111  
E-mail: [zzosha-paygov@dol.gov](mailto:zzosha-paygov@dol.gov)

**IV. Other Services**

The Salt Lake Technical Center will continue to provide other services to the **[State Plan agency]**, such as assistance from the Health Response Team (HRT), in the same manner as currently provided. Requests for such services are to be coordinated through the Regional Office.

**V. Period of Agreement**

This agreement is entered into for the period **October 1, 2019 through September 30, 2020**, and may/will be renewed annually thereafter, on a fiscal year basis.

\_\_\_\_\_  
Kimberly A. Locey, Director  
Administrative Programs  
Occupational Safety and Health Administration  
U.S. Department of Labor

Signed \_\_\_\_\_, 2019

\_\_\_\_\_  
Authorized State Representative  
State Plan agency

Signed \_\_\_\_\_, 2019



## Appendix J

### Projected On-Site Consultation Program Activities (Private Sector) for State Plans Without a 21(d) Program (Kentucky and Washington)

(Name of State)

Consultation Projects in state-plan states that have not adopted Federal measures and goals.

ACTIVITY & AREAS OF EMPHASIS	Safety	Health	Total
<b>1. TOTAL VISITS</b>	0	0	0
a. Construction			0
b. Non-construction			0
<b>2. Total Area of Emphasis Visits</b>	0	0	0
<b>3. Percentage Area of Emphasis Visits of Total Visits</b>	#DIV/0!	#DIV/0!	#DIV/0!
<b>4. Emphasis Industries</b>	0	0	0
a. Emphasis Industry 1			0
b. Emphasis Industry 2			0
c. Emphasis Industry 3 (etc.)			0
<b>5. Emphasis Safety &amp; Health Hazards</b>	0	0	0
a. Emphasis Hazard 1			0
b. Emphasis Hazard 2			0
c. Emphasis Hazard 3 (etc.)			0
<b>6. Activities related to Agency Measures</b>			
a. Strategic Measure 1			0
b. Strategic Measure 2			
c. Strategic Measure 3 (etc.)			0
<b>7. TOTAL SHARP SITES</b>	0	<b>8. TOTAL RENEWALS</b>	0
a. New	0		
b. Current	0		
<b>9. TOTAL PRE-SHARP SITES</b>	0		
<b>10. Total Interventions (Form 66)</b>	0		

**Appendix K**  
**Occupational Safety and Health Administration**  
**State Plan States – 23(g) Operational Grants**  
**FY 2019/FY 2020 Base Award Levels**

STATE PLAN	FY 2019 Final Base Award Level	FY 2019 Funds Available for Reclamation	FY 2020 Initial Base Award Level
Alaska	\$1,411,100	\$0	\$1,411,100
Arizona	\$2,286,400	\$0	\$2,286,400
California	\$27,067,600	\$0	\$27,067,600
Connecticut	\$642,100	\$0	\$642,100
Hawaii	\$1,584,700	\$0	\$1,584,700
Illinois	\$1,527,100	\$0	\$1,527,100
Indiana	\$2,308,000	\$0	\$2,308,000
Iowa	\$2,040,000	\$0	\$2,040,000
Kentucky	\$3,460,200	\$0	\$3,460,200
Maine	\$407,900	\$0	\$407,900
Maryland	\$4,077,900	\$0	\$4,077,900
Michigan	\$10,159,700	\$0	\$10,159,700
Minnesota	\$4,070,500	\$0	\$4,070,500
Nevada	\$1,486,600	\$0	\$1,486,600
New Jersey	\$1,959,300	\$0	\$1,959,300
New Mexico	\$994,500	\$19,300	\$1,013,800
New York	\$3,778,200	\$0	\$3,778,200
North Carolina	\$5,431,200	\$0	\$5,431,200
Oregon	\$5,225,000	\$0	\$5,225,000
Puerto Rico	\$2,224,300	\$0	\$2,224,300
South Carolina	\$2,095,200	\$0	\$2,095,200
Tennessee	\$3,926,200	\$0	\$3,926,200
Utah	\$1,528,800	\$0	\$1,528,800
Vermont	\$741,200	\$0	\$741,200
Virgin Islands	\$199,600	\$0	\$199,600
Virginia	\$3,998,600	\$0	\$3,998,600
Washington	\$7,157,100	\$0	\$7,157,100
Wyoming	\$541,700	\$0	\$541,700
Total Awards	\$102,330,700		\$102,350,000
Unmatched Funds	\$19,300	\$19,300	\$0
Appropriation Level	\$102,350,000		\$102,350,000

**Appendix L – Regional Administrator Recommendation Memorandum Template**

Date:

MEMORANDUM FOR: DOUGLAS J. KALINOWSKI  
Director  
Directorate of Cooperative and State Programs

KIMBERLY A. LOCEY  
Director  
Directorate of Administrative Programs

FROM: <Regional Administrator Name>  
Regional Administrator

SUBJECT: FY 2020 23(g) State Plan Grant  
Agreement Application

The Region has completed the review of FY 2020 application package(s) in Grants.gov and recommends the following for approval and final review by the National office.

State	Grants.gov Number

The above application(s) has (have) been reviewed in accordance with the Financial and Program Application Checklist found in Appendix N of FY 2020 State Plan Grant Agreement Application Instructions.

**Appendix M– State Plan Laboratory Information Template**  
*Required for all State Plans without an MOA with SLTC*

Is the State Plan using the same laboratories in the same fields of testing as they reported in the FY19 grant application? \_\_\_ Yes \_\_\_ No

**If yes, there is no need to complete this form. If no, please complete below:**

Field of Testing <sup>1</sup>	Laboratory Name <sup>2</sup>	Laboratory Address <sup>3</sup>	IHPAT/ NVLAP Number <sup>4</sup>	Comments
Asbestos Bulk				
Asbestos Air				
Metals				
Organic				
Silica				

1. If the State Plan does not anticipate collecting any samples categorized under a Field of Testing, this must be noted in the Comments section. The listed fields of testing are currently the only fields covered by the AIHA IHPAT/BAPAT program.
2. If a laboratory analyzes samples under multiple Fields of Testing, repeat the entry for each Field of Testing. If the State Plan has arrangements with multiple laboratories for the analysis of samples under the same Field of Testing, all laboratories must be listed.
3. Physical address of the individual laboratory, not a parent corporation.
4. Enter the proficiency program Lab ID/Lab Code for each field of testing. Laboratories analyzing bulk asbestos may participate in either the AIHA-BAPAT program or the NVLAP bulk asbestos program. For all other fields of testing, please enter only the AIHA-IHPAT program ID number.

To look up the IHPAT or BAPAT Lab ID Number of any lab, go to:

[http://apps.aiha.org/qms\\_aiha/public/pages/reports/publicpatview.aspx](http://apps.aiha.org/qms_aiha/public/pages/reports/publicpatview.aspx)

To look up the NVLAP Lab Code for any lab visit: <https://www-s.nist.gov/niws/index.cfm?event=directory.search>

## Appendix N– Financial and Program Application Checklist

Note: This is intended to be a guideline and does not limit the items reviewed in the application package.  
Financial Application Checklist

### OSHA 110

- Is the correct version of the OSHA 110 included in the application?
- Is all the information on the OSHA 110 completed? (Please note that the document number should be left blank and Section 1, 2 and 3 must be correct.)
- Is the Form OSHA 110 signed and dated by the state designee (or its designated representative)?
- Has the Directorate of Administrative Programs (DAP) and the Directorate of Cooperative and State Programs (DCSP) been informed of any changes to the state designee since the last application?
- Does the federal award level agree with the award level provided in the instructions?
- Is the state match calculated correctly?

### SF424/SF424A

- Is all the information on the SF 424/SF424A completed correctly?
- Is the CFDA number 17.503 for 23(g)?
- Do the totals in Section A of the SF 424A agree with the totals in Section B?
- Is page 2 of the SF424A complete and accurate?
- Is the administrative cost rate 25% or below the total grant/agreement? If not, is there a narrative justification that is supported by an indirect cost agreement?
- Are the administrative costs under Administration, not Program?
- Are the 23(g) private sector consultation costs listed for those State Plans that conduct private sector consultation under the 23 (g) grant?
- Is program income included? If so, is a description of the nature and source, as well as a narrative, included as an attachment to the application?
- Are indirect costs included on the SF424A? If so, are the costs based on an approved indirect cost rate agreement?

### Other Documents & Review Items

- Is the Supportive Cost Breakout included for 23(g) applications and are these costs traceable back to the SF 424A?
- Do the dollar amounts on the OSHA 110/SF 424/SF424A/Supportive Cost Breakout agree with each other?
- Are the costs listed on Supportive Cost Breakout allowable in accordance with the OMB Uniform Guidance?
- Are the costs shown in the correct object class categories and the correct budget categories – Program vs. Administration vs. 100% State funding?
- Are the correct versions of assurances and certifications signed and dated by the state designee (or its designated representative)?
- Does the Regional recommendation memorandum identify the State, Grants.gov numbers for the application package that should be reviewed?

## **Appendix N – Financial and Program Application Checklist**

### **Program Application Checklist**

#### Supplemental Documents

- Is a Five-Year Strategic Plan included?
- If the program has an Indirect Cost Agreement, is a copy of the current agreement included?

#### Laboratory Information

- Is there an MOA for those states using SLTC as their primary lab? If so, is the MOA accurately completed, signed, and dated?
- If there is no MOA with SLTC, is the State Plan Laboratory Information Template filled out completely, including the laboratory's name and address and proficiency program ID filled out for each field of testing?

#### Inspections, Consultations and Compliance Assistance Information

- Is all requested inspection data for the past three years included?
- Are numbers of state and local government sector consultations specified?
- For KY and WA only: Is Appendix J, "Projected On-Site Consultation Program Activities (Private Sector) for States Plans Without a 21(d) Program" completed?
- Is Appendix D filled out completely, showing inspections, consultation visits, and Compliance Assistance data?
- Is the total number of outreach participants included on Appendix D?

#### Annual Performance Plan

- Has the State Plan submitted an Annual Performance Plan approved by the RA?
- Are the activities and outcome/results-oriented goals aligned with its Five-Year Strategic Plan? Does it include specific activities and their outcome/results-oriented goals, encompassing all major components of the program?

#### Personnel Information

- Is an organization chart included?
- Is there a 23(g) Personnel Funding Breakout Chart (Appendix E) included?
- Is Appendix E filled out completely, showing all allocated and onboard enforcement staff as well as 23 (g) state and local government consultants (where applicable)?
- Are staff properly categorized under 50/50, 100% state, etc., where applicable?
- Are CAS staff identified for those State Plans that accepted the 2006 CAS funding?
- Are all whistleblower investigators reflected in both Appendix E and the organizational charts?

#### Conditions and Restrictions

- Does the application contain the 23(g) Certification/Assurances, Lobbying Restrictions and Restrictions/Conditions appropriately signed by a state official with signatory authority?
- Does funding reflect planning for OIS transition/interface (if applicable)?
- Does funding reflect OIS charges?
- Is there an included supportive Cost Breakout that contains all required information (contractor's name, cost, purpose) on all contractors (i.e., labs, maintenance contractors on equipment/computers, alternative/substitute OIS systems, etc.)?
- Is there OSHSPA travel funding allocated (and OSHCON for KY and WA only)?