

**Occupational Safety and Health Order 3900.19C  
National Workgroup Scoping Agreement**

**ISSUE:**

Provide a collaborative approach for the FAA and NATCA (hereafter the “Parties”) to ensure each Line of Business/Staff Office with NATCA BUES has clear instructions either through an Order or standard operating procedures (SOP) for carrying out the requirements found in the Occupational Safety and Health (OSH) Policy Order 3900.19C.

**SCOPE:**

In accordance with the Parties’ OSH Order 3900.19C Memorandum of Understanding (OSH MOU) dated November 15, 2018, a workgroup is hereby established to collaboratively review and validate Appendix A and Appendix B of the OSH MOU for each line of business (LOB) to determine whether any Orders, Standard Operating Procedures (SOPs), or Memoranda of Understanding are needed to supplement Order 3900.19C. The Parties will collaboratively develop plans, as necessary, to address each item listed in Appendix A and Appendix B of the OSH MOU.

Each Party, at its election, may designate up to two (2) workgroup participants. Each Party will designate one (1) member of the workgroup as a co-lead.

Once established, the workgroup will determine the need for subject matter experts and/or subgroups.

The workgroup will have sixty (60) days from the date of the first meeting to complete the following tasks:

- Review Appendix A to determine if the program is applicable to each line of business (LOB) and Staff Office (SO).
- Review and validate Appendix B of the OSH MOU for each LOB/SO to determine whether an Order or Standard Operating Procedures (SOPs) is needed to establish the roles and responsibilities necessary for meeting the requirements found in Order 3900.19C.
- Based on the review of Appendix A and the review and validation of Appendix B, the workgroup will develop a plan that identifies whether an Order/SOP(s) is needed and what must be addressed per OSHA regulations.
- Create a standardized format/process that each LOB/SO can use to develop any needed SOP(s) collaboratively identified by the workgroup, unless either Party determines that the standardized format/process is not feasible for a particular LOB/SO. In such cases, the workgroup will collaboratively determine what action is required in order to address any concerns.

**GENERAL:**

1. Union designated workgroup members shall be in a duty status, if otherwise in a duty status, for all workgroup activities and shall be afforded sufficient duty time to travel for meetings and related activities.
2. The Agency agrees to pay for all travel-related expenses for Union designed workgroup members to attend workgroup or sub-group meetings and related activities.
3. Union designated workgroup members will be provided access to the same information as any other workgroup member
4. Participation on the workgroup or sub-group does not serve to waive any bargaining obligations nor as a waiver of rights guaranteed by law, regulation, or contract.

**OUTCOME:**

The workgroup will make recommendations to the Joint Sponsors based on consensus. For the purpose of this Agreement, consensus is defined as the voluntary agreement of all representatives of the workgroup.

If the workgroup is unable to reach consensus, the co-leads are authorized to reach agreement. Agreements reached by the workgroup shall be reduced to writing and signed by the co-leads. If the co-leads are unable to reach an agreement, the issue(s) will be elevated to the Joint Sponsors for resolution.

**LEADERSHIP COMMITMENT**

The undersigned Joint Sponsors authorize this workgroup to operate within the guidelines described in the SCOPE above.

If the Joint Sponsors are unable to reach an agreement, either Party may pursue whatever course of action is available in accordance with Article 7 of the Parties' applicable CBA, the Federal Service Labor-Management Relations Statute, and any other law, rule, or regulation.

Signed this 5th day of December 2018:

For NATCA:

  
Chief of Staff  
Dean Iacopelli

For FAA:

  
Designated Agency Safety Health Official  
Vaughn Turner



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE FEDERAL AVIATION ADMINISTRATION  
AND THE  
NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION**

This Agreement is made by and between the National Air Traffic Controllers Association, (“NATCA” or the “Union”) and the Federal Aviation Administration (“FAA” or the “Agency”), collectively known as the Parties. This Agreement represents the complete understanding of the Parties concerning Occupational Safety and Health (OSH) Order 3900.19C.

**Section 1.** For each program listed in Appendix A, the Parties will use Appendix B to determine whether any Orders, Standard Operating Procedures (SOPs), or other written directions are needed to supplement Order 3900.19C for each line of business with NATCA BUEs. Within thirty (30) days of the signing of this Agreement, the Parties agree to establish a workgroup to collaboratively validate Appendix B of this Agreement. The Parties will collaboratively develop plans, as necessary, to address each item listed in Appendix A and Appendix B.

**Section 2.** The Parties agree that any Orders, SOPs, or other written directions determined to be necessary under Section 1 of this Agreement will be developed within one (1) year from the signing of Order 3900.19C and will be implemented, as practicable, when Order 3900.19C becomes effective. The Agency agrees to provide an annual briefing to the Union at the national level concerning all OSH programs that have not been implemented, including the reason(s) why the OSH programs have not been implemented.

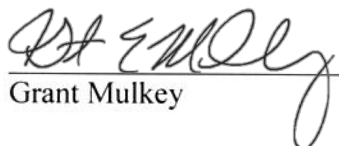
**Section 3.** This Agreement does not constitute a waiver of any right guaranteed by law, rule, regulation, or collective bargaining agreement (CBA) on behalf of either Party, including the Union’s right to mid-term bargaining under Article 7 of the applicable CBA.

**Section 4.** This Agreement shall remain in full force and effect for the duration of the Parties’ CBAs, unless modified by mutual agreement of the Parties.


**For the Union:**


  
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Dean Iacopelli                      11/15/18  
Date

  
\_\_\_\_\_  
Mike Odryna                      11/15/18  
Date

  
\_\_\_\_\_  
Grant Mulkey                      11/15/18  
Date

**For the Agency:**

  
\_\_\_\_\_  
Carol McCrarey                      11/15/18  
Date  
AHL-300

  
\_\_\_\_\_  
Kathleen Edic                      11/15/18  
Date  
AJW-23

  
\_\_\_\_\_  
Doug Kata                      11/15/2018  
Date  
AJG-L12

## APPENDIX A

1. Workplace Inspections, Abatement Programs, and Variances
2. Professional Qualifications and Training of OSH Staff
3. Safety and Health Management Information System
4. Occupational Safety and Health Training and Awareness Program
5. Mishap Reporting and Investigation
6. Evaluation of the OSH Program
7. Reports by Employees on Hazardous Conditions
8. Fall Protection Program
9. Confined Space Entry Program
10. Occupational Medical Surveillance Program
11. Hazardous Energy Control Program (Lockout/Tagout)
12. Radiation Safety Program
13. Asbestos Control Program
14. Thermal Stress Prevention Program
15. Bloodborne Pathogens Control Program
16. Hazard Communication Program
17. Respiratory Protection Program
18. Hearing Conservation Program
19. First Aid Program
20. Job Hazard Analysis
21. Fire Prevention Program
22. FAA Personal Protective Equipment
23. Office Safety
24. Toxic and Hazardous Substances Control Program
25. Electrical Safety

Chapter 19B	FAA Order 3900.19B Chapter Topic	19C Section	ATO	AVS <sup>5</sup>	AFN <sup>5</sup>	ARP <sup>5</sup>
2	Workplace Inspections, Abatement Programs, and Variances	2-5	FAA Workplace Inspection Tool (FAA WIT)	FAA WIT	FAA WIT FAA Order FN 3900.70	FAA WIT
4	Professional Qualifications and Training of OSH Staff	2-3	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
5	Safety and Health Management Information System	3-2	FAA SMIS	FAA SMIS	FAA SMIS FAA Order FN 3900.70	FAA SMIS
6	Occupational Safety and Health Training and Awareness Program	2-4	Program Implemented (via eLMS, TNAT, program requirements)	AVS Order 3100.7	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	via eLMS and program requirements
7	Mishap Reporting and Investigation	3-2	FAA SMIS	FAA SMIS	FAA SMIS FAA Order FN 3900.70	FAA SMIS
8	Evaluation of the OSH Program	2-2	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
9	Reports by Employees on Hazardous Conditions	3-2	FAA Order 1800.6	FAA Order 1800.6	FAA Order 1800.6 FAA Order FN 3900.70	FAA Order 1800.6
10	Fall Protection Program	4-3	JO Order 3900.63	AFS Order 3900.65	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	Program implemented
11	Confined Space Entry Program	10-2	JO Order under development <sup>4</sup>	Program not fully implemented <sup>4</sup>	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	N/A <sup>2</sup>
12	Occupational Medical Surveillance Program	15-3	SOPs under development <sup>4</sup>	Program not fully implemented <sup>4</sup>	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	Not Implemented
13	Hazardous Energy Control Program (Lockout/Tagout)	10-4	JO Order 3900.67	Program not fully implemented <sup>4</sup>	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	N/A <sup>2</sup>
14	Radiation Safety Program	7-3	JO Order 3900.68	Program not fully implemented <sup>4</sup>	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	N/A <sup>2</sup>
15	Asbestos Control Program	15-6	JO Order 1050.20	AVS follows JO Order 1050.20 (MOU on AVS leases)	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	Program not fully implemented <sup>4</sup>
16	Thermal Stress Prevention Program	9-3	Covered by JHAs	Program not fully implemented <sup>4</sup>	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	N/A <sup>2</sup>
17	Bloodborne Pathogens Control Program	15-5	SOPs under development <sup>4</sup>	AFS Order 3900.71 AFS Order 3900.69	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	Program implemented
19	FAA Hazard Communication Program	15-2	Program Implemented (training, labeling, SOPs)	Program implemented	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	Program implemented
20	Respiratory Protection Program	9-2	SOPs under development <sup>4</sup>	Program implemented	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	Program implemented
21	Hearing Conservation Program	7-2	SOPs under development <sup>4</sup>	AFS Order 3900.66	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	Program implemented
22	First Aid Program	16-2	Program Implemented (program requirements/MOAs)	Program implemented	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	Program implemented
23	Job Hazard Analysis	2-6	jha.faa.gov	<a href="#">AVS Order 8000.367 &amp; JHA</a>	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	Program implemented (Ergonomics)
24	Fire Prevention Program	5-2	JO Order 6930.1 FAA Order 1050.18	Program implemented	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	Program implemented (EAP)
25	FAA Personal Protective Equipment	9-3	Program Implemented (via other program requirements)	Program implemented	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	N/A <sup>2</sup>
31	Office Safety	3-2	FAA WIT	Program implemented	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	Program not fully implemented (Ergonomic)
33	Toxic and Hazardous Substances Control Program	15-4	Program not fully implemented (JO Orders/SOPs under development) <sup>4</sup>	Program implemented	N/A <sup>3</sup> AC Order 3900.21 CT Order 3900.55	N/A <sup>2</sup>
34	Electrical Safety	14-2	JO Order 3900.64	Program implemented	FAA Order FN 3900.70 AC Order 3900.21 CT Order 3900.55	Program implemented.
<b>Legend</b>						
<b>Key</b>	<b>1 - N/A (Not applicable) means, no impact from 19B to 19C as the 19B Chapter did not exist</b>					
	<b>2 - N/A (not applicable) means: Program under review by ARP management for applicability</b>					
	<b>3 - Not implemented means: LOB/SO has not identified requirements, resources and no documentation established.</b>					
	<b>4 - Program not fully implemented means: Some initial OSH program elements have been implemented by some or all of the LOB/SO</b>					
	<b>5 - OSH POC Program Quarterly update means: Each non-ATO LOB/SO provides DASHO Group Support with quarterly OSH programs updates, reviewed and signed by their management.</b>					
	<b>6 - N/A (not applicable) means: Program under review by AFN management for applicability</b>					
	<b>Program implemented means: Established OSH programs within LOB/SO</b>					
	<b>Note: AGC is a staff office and has coverage under the FAA-wide programs which are applicable (per Carol McCrerey)</b>					