

# All About OSHA



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
OSHA 2056  
2000 (Revised)

---

All About OSHA  
U.S. Department of Labor  
Occupational Safety and Health Administration

OSHA 2056  
2000 (Revised)

This informational booklet provides a generic overview of OSHA requirements and does not itself alter or determine compliance responsibilities, which are set forth in the *Occupational Safety and Health Act* and in OSHA standards. Moreover, because interpretations and enforcement policy may change over time, the reader should consult current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts for additional guidance on OSHA compliance requirements.

Material contained in this publication is in the public domain and may be reproduced, fully or partially, without the permission of the Federal Government. Source credit is requested but not required.

---

This information will be made available to sensory impaired individuals upon request.  
Voice phone: (202) 693-1999.

# All About OSHA

---



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
OSHA 2056  
2000 (Revised)

# Contents

---

Introduction .....	1
What Is OSHA? .....	2
How Can I Find Out More About OSHA and What It Covers? .....	4
Who Needs to Know About OSHA? .....	6
How Do States Operate Their Own Safety and Health Programs? .....	8
What Are My Responsibilities Under the <i>OSH Act</i> .....	10
What Are My Rights Under the <i>OSH Act</i> .....	11
Do Employees Have Additional Legal Rights? .....	13
What Does OSHA Require? .....	15
Are There Any Other Requirements I Should Know About? .....	20
How Does OSHA Enforce Its Standards? .....	25
What Happens During an OSHA Inspection? .....	27
What Happens After an OSHA Inspection? .....	31
Can I Question OSHA Results .....	33
How Can OSHA Help Me? .....	35
Related OSHA Publications .....	41
OSHA Regional Offices .....	42
OSHA Area Offices .....	43
States with Approved Plans .....	50
OSHA Consultation Projects .....	53
Index .....	59

# Introduction

---

Determined to do something about the high numbers of job-related deaths and injuries to workers in the 1970s, President Richard M. Nixon signed the *Occupational Safety and Health Act* on December 29, 1970. The *OSH Act* created the Occupational Safety and Health Administration (OSHA), which formally came into being on April 28, 1971.

The *OSH Act* also established the National Institute for Occupational Safety and Health, or NIOSH. NIOSH is the research agency for occupational safety and health. It is not part of OSHA, but is considered a sister agency. NIOSH is part of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

Since its inception, OSHA's job has been to protect American workers. OSHA's main goal is to send every worker home and whole and healthy every day. To do this, the agency focuses on three objectives:

- Improve workplace safety and health by reducing injuries, illnesses, and fatalities.
- Change workplace culture by increasing employer and employee commitment to improved safety and health.
- Secure public confidence through excellence in developing and delivering OSHA services.

To achieve these objectives, OSHA uses

- Strong enforcement to target workplaces with the highest injury and illness rates.
- Creative partnerships to develop new ways of working with employers, employees, and other stakeholders.
- Improved rulemaking to meet the challenges of the 21<sup>st</sup> century.
- Expanded outreach and training to create safe and healthful working environments.

Establishing a safe and healthful working environment requires every employer and every worker to make safety and health a top priority. The entire work force—from the CEO to the most recent hire—must recognize that worker safety and health are central to the mission and key to the profitability of the American company.

OSHA's job is to provide leadership and encouragement to workers and employers to take that responsibility seriously.

# What Is OSHA?

OSHA stands for the Occupational Safety and Health Administration, an agency of the U.S. Department of Labor. OSHA's sole responsibility is worker safety and health protection.

## *How and when was OSHA created?*

The U.S. Congress created OSHA under the *Occupational Safety and Health Act of 1970* (the *OSH Act*).<sup>1</sup>

## *Why did Congress pass the OSH Act?*

A bipartisan Congress passed the law and established OSHA "... to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."

## *Why is OSHA necessary?*

OSHA began because, until 1970, no uniform and comprehensive provisions existed to protect against workplace safety and health hazards. More than 100 million Americans spend their days on the job and they have a right to a safe and healthful work environment. They are America's most valuable national resource.

In 1970, Congress considered annual figures such as these:

- Job-related accidents accounted for more than 14,000 worker deaths.

<sup>1</sup> Public Law 91-596, December 29, 1970; as amended by P.L. 101-552, § 3101, November 5, 1990; as amended by P.L. 105-198, July 16, 1998; as amended by P.L. 105-241, September 29, 1998.

## *What does OSHA do?*

OSHA's mission is to protect American workers. OSHA does the following:

- Encourages employers and employees to reduce workplace hazards and to implement new safety and health programs or improve existing programs;
- Develops mandatory job safety and health standards and enforces them through worksite inspections, employer assistance, and sometimes, by imposing citations or penalties or both;
- Establishes responsibilities and rights for employers and employees to achieve better safety and health conditions;
- Conducts research, either directly or through grants and contracts, to develop innovative ways of dealing with workplace hazards;
- Maintains a reporting and recordkeeping system to monitor job-related injuries and illnesses;
- Establishes training programs to increase the competence of occupational safety and health personnel; and
- Develops, analyzes, evaluates, and approves state occupational safety and health programs.
- Provides technical and compliance assistance, training and education, and cooperative programs and partnerships to help employers reduce worker accidents and injuries.

- Nearly 2.5 million workers disabled by workplace accidents and injuries.
- Ten times as many person-days lost from job-related disabilities as from strikes.
- Estimated new cases of occupational diseases totaled 300,000.

In terms of lost productivity and wages, medical expenses, and disability compensation, the burden on the nation's commerce was staggering. Human cost was beyond calculation.

### *Is there still a role for OSHA?*

Yes. Even with these important successes, significant hazards and unsafe conditions still exist in U.S. workplaces. The reality remains that each year:

- About 6,000 Americans die from workplace injuries,
- An estimated 50,000 workers die from illnesses caused by workplace exposures,
- Six million people suffer non-fatal workplace injuries, and
- Injuries alone cost U.S. businesses more than \$125 billion.

OSHA's role continues to be worker protection. In recent years, however, OSHA has continued to try new and different ways of working to achieve its objectives. There is still an emphasis on strong, but fair enforcement. Today, OSHA is targeting workplaces with the highest injury and illness rates to get the greatest impact. At the same time, the agency is increasing its partnership efforts along with expanded outreach and training to help create safe and healthful working environments. And the agency is trying to simplify its rules through improved rulemaking and regulations that make sense in plain language.

### *Has OSHA made a difference?*

Yes. Since OSHA's inception, the nation has made substantial progress in occupational safety and health. For example, since 1970 OSHA has:

- Cut the work-related fatality rate in half.
- Reduced overall injury and illness rates in industries where OSHA concentrated its attention.
- Virtually eliminated brown lung disease in the textile industry, and
- Reduced trenching and excavation fatalities by 35 percent.

# How Can I Find Out More About OSHA and What It Covers?

## *What does OSHA have available to help me?*

Clearly, OSHA cannot succeed in its mission without fully informed employers and employees. OSHA has a variety of products and programs to help employers comply with its regulations and improve workplace safety and health.

There are several ways you can learn more about OSHA and its programs.

### ***Electronic Products***

OSHA provides extensive information electronically in the following formats:

- **On the Internet**—OSHA's web site contains standards, interpretations, directives, technical advisors, compliance assistance, and additional information. The address is [www.osha.gov](http://www.osha.gov).
- **On CD-ROM**—OSHA's CD-ROM has a wide variety of materials, including standards, interpretations, directives, and more. You can purchase it from the U.S. Government Printing Office.

To order, write to the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954 or phone (202) 512-1800. Specify OSHA Regulations, Documents and Technical Information on CD-ROM (ORDT), GPO Order No. S/N 729-013-00000-5. The price is \$53 per year (\$66.25 foreign); \$17 per single copy (\$21.25 foreign).

## *What should an employer or employee do if there is a workplace emergency?*

You can call (800) 321-OSHA if there is a life-threatening situation. Complaints will go immediately to the nearest OSHA area or state office for help.

### ***Print Products***

The agency also publishes booklets and fact sheets on various aspects of OSHA policy and regulations. These include numerous publications on regulatory topics, such as hazard communication, asbestos, bloodborne pathogens, and on programs such as consultation, voluntary protection, grants, and training and education, to name a few.

You can obtain publications either as a single, free copy per request or for sale by the U.S. Government Printing Office, 710 N. Capitol Street, NW, Washington, DC 20401; (202) 512-0132 (phone); or (202) 512-1355 (fax). Or, visit GPO's online bookstor at [www.access.gpo.gov/su\\_docs/sale/abkst024.html](http://www.access.gpo.gov/su_docs/sale/abkst024.html).



For a list of available free OSHA publications, contact the OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535; (202) 693-1888 (phone); or (202) 693-2498 (fax). A partial list appears at the end of this booklet. Also visit OSHA's website to access and download publications and other materials—[www.osha.gov](http://www.osha.gov).

### ***Video products***

OSHA has several videos available for loan. Contact OSHA's audiovisual production officer at (202) 693-1999 or visit OSHA's website at [www.osha.gov](http://www.osha.gov) for more information.

### ***Assistance***

In addition, OSHA offers a number of programs and initiatives to help employers comply with the agency's standards and guidelines. Please refer to the section on "OSHA Assistance."

For further information on any OSHA program, contact your nearest OSHA area or regional office listed at the end of this publication.

***We encourage you to learn all you can about OSHA, its goals, policies, programs, and practices, because they can help protect you.***

***The more you know about OSHA, the better you can protect yourself or your employees and contribute to safe and healthful working conditions for all Americans.***

# Who Needs to Know About OSHA?

Nearly everyone in America works or has someone in the immediate family who does. Whether you are an employer, employee, or have a family member who works, you should know about OSHA. The *OSH Act* covers:

- All employers and their employees in the 50 states and all territories and jurisdictions under federal authority.

Those jurisdictions include the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Johnston Island, the Canal Zone, and the Outer Continental Shelf Lands as defined in the *Outer Continental Shelf Lands Act*.

OSHA coverage includes

- Employers and employees in such varied fields as manufacturing, construction, longshoring, shipbuilding, ship breaking, ship repair, agriculture, law and medicine, charity and disaster relief, organized labor, and private education.
- Religious groups to the extent they employ workers for secular purposes.

The *OSH Act* covers employers and employees either directly through federal OSHA or through an OSHA-approved state program (see section on **State Programs**, page 8).

## *Does the OSH Act exclude anyone from coverage?*

The *OSH Act* does not cover the following:

- The self-employed.
- Immediate members of farming families that do not employ outside workers.

- Employees whose working conditions are regulated by other federal agencies under other federal statutes. These include mine workers, certain truckers and rail workers, and atomic energy workers.
- Public employees in state and local governments. (See section on **State Programs** for exceptions, p. 8.)

In cases where another federal agency regulates safety and health working conditions in a particular industry, OSHA standards still apply if the other agency's regulations do not address specific working conditions.

*As defined by the OSH Act, an employer is any "person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State."*

## *Does the OSH Act cover federal workers?*

Yes. Section 19 of the *OSH Act* makes federal agency heads responsible for providing safe and healthful working conditions for their employees. OSHA conducts federal workplace inspections in response to employee reports of hazards.

The *OSH Act* also requires agencies to comply with standards consistent with those OSHA issues for private sector employers. A 1998 amendment to Section 19 of the *OSH Act* now covers the Postal Service the same as any private sector employer, including issuing citations and monetary penalties.

## *What must federal agencies do to comply with the OSH Act?*

- Operate comprehensive safety and health programs,
- Record and analyze injury and illness data,
- Provide training to all levels of personnel, and
- Conduct inspections to ensure compliance with OSHA standards.

## *How does OSHA's authority in the federal sector differ from that in the private sector?*

In its federal sector authority,

- **OSHA cannot propose monetary penalties** against another federal agency for failure to comply with OSHA standards.
- **OSHA does not have authority to protect a federal employee “whistleblower.”** The *Whistleblower Protection Act of 1989* allows present and former federal employees (except for corporations and certain intelligence agencies) to file reports of reprisal with the Office of Special Counsel at the U.S. Merit Systems Protection Board.

## *Does the OSH Act cover state and local government workers?*

No. OSHA covers the private sector only. But a state can develop its own OSHA-approved occupational safety and health program for the private sector. A state plan, however, that covers private sector employees must also

- Cover its state and local government workers  
AND
- Be at least as effective as federal OSHA requirements.

States also may have OSHA-approved plans that cover only state and local government employees.

# How Do States Operate Their Own Safety and Health Programs?

State plans are OSHA-approved job safety and health programs operated by individual states instead of by federal OSHA. The *OSH Act* encourages states to develop and operate their own job safety and health plans and precludes state enforcement of OSHA standards unless the state has an approved plan. OSHA approves and monitors all state plans.

Once a state plan is approved under Section 18(b) of the *OSH Act*, OSHA funds up to 50 percent of the program's operating costs. State plans must provide standards and enforcement programs, as well as voluntary compliance activities, that are 'at least as effective as' the federal OSHA program.

State plans covering the private sector also must cover state and local government employees. OSHA rules also permit states to develop plans that cover only public sector (state and local government) employees. In these cases, private sector employment remains under federal OSHA jurisdiction. Twenty-three states and two territories operate complete plans and two cover only the public sector (see page 41 for a list of states with approved plans).

## *How does a state get OSHA approval for its plan?*

To gain OSHA approval as a 'developmental plan,' the first step in the state plan approval process, a state must have adequate legislative authority and must demonstrate that within 3 years it will provide standards-setting, enforcement, and appeals procedures; public employee protection; a sufficient number of competent enforcement personnel; and training, education, and technical assistance programs.

In states with approved plans, OSHA generally limits its enforcement activity to areas not covered by the state and suspends all concurrent federal enforcement.

Once the state is operating at least as effectively as federal OSHA and other requirements are met, final approval of the plan may be granted and federal authority will cease in those areas over which the state has jurisdiction.

## *Must the state program cover all workers?*

States with approved plans cover most private sector employees as well as state and local government workers in the state. Federal OSHA continues to cover federal employees and certain other employees specifically excluded by a state plan—for example, maritime and military bases.

## *Do states conduct workplace inspections?*

States with approved state plans respond to accidents and workplace complaints and conduct random unannounced general schedule inspections just like federal OSHA. Citations and proposed penalties are issued under state law and contests are adjudicated by a state review board or other procedure.

### *Does federal OSHA monitor state plans?*

Yes. Federal OSHA closely monitors state programs. Anyone finding inadequacies or other problems in the administration of a state's program may file a *complaint about state program administration* (CASPA) with the appropriate OSHA Regional Administrator. OSHA investigates all such complaints and, where complaints are found to be valid, requires appropriate corrective action on the part of the state.

### *Do employers and employees in state plans have the same rights and responsibilities as those under federal OSHA jurisdiction?*

State plans must guarantee the same employer and employee rights as does OSHA. Employer and employee responsibilities in states with their own occupational safety and health programs are generally the same as in federal OSHA states.

### *Are state safety and health standards the same as federal OSHA's?*

State safety and health standards under approved plans must either be identical to or *at least as effective as* federal OSHA standards and must keep pace with federal standards. State plans must adopt standards comparable to federal standards within 6 months of a federal standard's promulgation. Most state plan standards are very similar to federal standards, but states with approved plans may have different and independent standards.

To find out if your state operates an OSHA-approved state program, see the listing on page 52.

*For more information on state plans, contact the state plan in your state or visit OSHA's web site at <http://www.osha.gov/>.*

# What Are My Responsibilities Under the *OSH Act*?

If you are an **employer** the *OSH Act* covers, you must:

- Meet your general duty responsibility to provide a workplace free from recognized hazards;
- Keep workers informed about OSHA and safety and health matters with which they are involved.
- Comply in a responsible manner with standards, rules, and regulations issued under the *OSH Act*;
- Be familiar with mandatory OSHA standards;
- Make copies of standards available to employees for review upon request;
- Evaluate workplace conditions;
- Minimize or eliminate potential hazards;
- Make sure employees have and use safe, properly maintained tools and equipment (including appropriate personal protective equipment);
- Warn employees of potential hazards;
- Establish or update operating procedures and communicate them to employees;
- Provide medical examinations when required;
- Provide training required by OSHA standards;
- Report within 8 hours any accident that results in a fatality or the hospitalization of three or more employees;
- Keep OSHA-required records of work-related injuries and illnesses, unless otherwise specified (see page 19);
- Post a copy of the *OSHA 200—Log and Summary of Occupational Injuries and Illnesses* for the prior year each year during the entire month of February unless otherwise specified (see page 20). (See OSHA 200 form at the end of this publication.);
- Post, at a prominent location within the workplace, the OSHA poster (OSHA 2203) informing employees of their rights and responsibilities;
- Provide employees, former employees, and their representatives access to the OSHA 200 form at a reasonable time and in a reasonable manner;
- Provide access to employee medical records and exposure records;
- Cooperate with OSHA compliance officers;
- Not discriminate against employees who properly exercise their rights under the *OSH Act*;
- Post OSHA citations and abatement verification notices at or near the worksite involved; and
- Abate cited violations within the prescribed period.

If you are an **employee** the *OSH Act* covers, you should:

- Read the OSHA poster at the job site;
- Comply with all applicable OSHA standards;
- Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work;
- Report hazardous conditions to the supervisor;
- Report any job-related injury or illness to the employer, and seek treatment promptly;
- Cooperate with the OSHA compliance officer conducting an inspection; and
- Exercise your rights under the *OSH Act* in a responsible manner.

Although OSHA does not cite employees for violations of their responsibilities, each employee must follow all applicable standards, rules, regulations, and orders issued under the *OSH Act*. OSHA, however, does not expect employees to pay for guardrails, floor cleaning, equipment maintenance, respirators, training, or other safety and health measures.

# What Are My Rights Under the *OSH Act*?

If you are an employer the *OSH Act* covers, you have the right to:

- Seek free advice and off-site consultation;
- Be involved in job safety and health through your industry association;
- Request and receive proper identification from OSHA compliance officers;
- Be advised by the compliance officer of the reason for an inspection;
- Have an opening and closing conference with the compliance officer;
- Accompany the compliance officer on the inspection;
- File a Notice of Contest to dispute inspection results;
- Request an informal settlement agreement process after an inspection;
- Apply for a variance from a standard's requirements when you cannot fully comply with the effective date due to lack of technical expertise and materials, and when other proven effective means are in place to protect employees;
- Take an active role in developing safety and health;
- Be assured of the confidentiality of any trade secrets; and
- Submit a written request to the National NIOSH for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used.
- Submit information or comments to OSHA on the issuance, modification, or revocation of OSHA standards and request a public hearing.

## *What is NIOSH?*

NIOSH, an agency separate from OSHA, is part of the U.S. Department of Health and Human Services. NIOSH, also established by the *OSH Act*, is the research agency for occupational safety and health. For more information call, 1-800-35-NIOSH or visit its website at [www.cdc.gov/niosh](http://www.cdc.gov/niosh).

If you are an **employee** the *OSH Act* covers, you have the right to:

- Review copies of appropriate OSHA standards, rules, regulations, and requirements that the employer should have available at the workplace;
- Request information from your employer on safety and health hazards, precautions, and emergency procedures;
- Receive adequate training and information;
- Request that the OSHA Area Director investigate if you believe hazardous conditions or violations of standards exist in your workplace;
- Have your name withheld from your employer if you file a complaint;
- Be advised of OSHA actions regarding your complaint and have an informal review of any decision not to inspect or to issue a citation;
- Have your authorized employee representative accompany the OSHA compliance officer;
- Respond to questions from the OSHA compliance officer;
- Observe any monitoring or measuring of hazardous materials and see any related monitoring or medical records;

- 
- Review the *Log and Summary of Occupational Injuries and Illnesses* (OSHA 200), if your employer is required to maintain it, at a reasonable time and in a reasonable manner;
  - Request a closing discussion following an inspection;
  - Submit a written request to the NIOSH for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used and have your name withheld from your employer;
  - Object to the abatement period set in a citation issued to your employer;
  - Participate in hearings conducted by the Occupational Safety and Health Review Commission;
  - Be notified by your employer if he or she applies for a variance, and testify at a variance hearing and appeal the final decision; and
  - Submit information or comments to OSHA on the issuance, modification, or revocation of OSHA standards and request a public hearing.



# Do Employees Have Additional Legal Rights?

## *Do the OSH Act and other laws provide employees any additional legal rights?*

Yes. A number of different laws provide employees more rights in safety and health matters, including the following:

*The OSH Act, Section 11(c)*—gives employees the right to seek safe and healthful conditions on the job without fear of punishment.

### *Under Section 11(c), employees may exercise such rights as:*

- Voicing concerns to an employer, union, OSHA, any other government agency, or others about job safety or health hazards;
- Filing safety or health grievances;
- Participating in a workplace safety and health committee or in union activities concerning job safety and health;
- Participating in OSHA inspections, conferences, hearings, or other OSHA-related activities; and
- Refusing to work when a dangerous situation threatens death or serious injury where there is insufficient time to contact OSHA and where the employee has sought from his or her employer and been unable to obtain a correction of the dangerous conditions.

## *Can an employer retaliate against an employee who exercises this right?*

An employer may not retaliate if an employee exercises these or any other rights under the *OSH Act*. This means that an employer may not

- Fire,
- Demote,
- Take away seniority or other earned benefits,
- Transfer to an undesirable job or shift, or
- Threaten or harass

any worker who complains about safety and health conditions or participates in job safety-related activities.

*The Surface Transportation Assistance Act*—protects truckers and certain other employees in the trucking industry against reprisal when filing complaints or acting in response to safety hazards or unsafe equipment (*Title 29 of the Code of Federal Regulations (CFR)*, Part 1978; see also **Standards and Regulations** at [www.osha.gov](http://www.osha.gov)).

*The Asbestos Hazard Emergency Response Act (AHERA), Section 211*—protects employees of primary and secondary schools who complain of exposure to asbestos (see 40 *CFR* 763; or visit the Environmental Protection Agency's (EPA) website at [www.epa.gov](http://www.epa.gov)).

*The International Safe Container Act (ISCA), Section 7*—prevents reprisal or discrimination against any employee who reports an unsafe cargo container for land and sea carriers or has reported any other violation of *ISCA* (see 49 *CFR* 450; or visit the Department of Transportation's (DOT) website at [www.dot.gov](http://www.dot.gov)).

## *Do provisions in other laws protect such whistleblowers?*

Yes. OSHA enforces similar whistleblower protection rights granted to employees covered under the following federal statutes:

- *The Toxic Substance Control Act;*
- *The Clean Air Act;*
- *The Federal Water Pollution Act;*
- *The Safe Drinking Water Act;*
- *The Solid Waste Disposal;* and
- *The Comprehensive Environmental Response, Compensation and Liability Act;* and
- *The Energy Reorganization Act.*

*For further information about any of these laws, contact your regional or area OSHA office or visit OSHA's website at <http://www.osha.gov/>.*

# What Does OSHA Require?

## *If the OSH Act covers me, what do I have to do to comply?*

You have to abide by OSHA standards and requirements.

Because OSHA develops effective safety and health standards of its own, *the OSH Act* supersedes any standards issued under the following laws administered by the Department of Labor: the *Walsh-Healey Act*, the *Services Contract Act*, the *Construction Safety Act*, the *Arts and Humanities Act*, and the *Longshoremen's and Harbor Workers' Compensation Act*.

## *What are OSHA standards and what do they require?*

OSHA standards establish requirements for maintaining safe and healthful workplaces.

In general, standards require that **employers:**

- Maintain conditions or adopt practices reasonably necessary and appropriate to protect workers on the job.
- Be familiar with and comply with standards applicable to their establishments.

## *What is the "general duty clause?"*

The general duty clause, or Section 5(a)(1) of the *OSH Act*, requires that each employer "furnish ... a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees."

- Ensure that employees have and use personal protective equipment when required for safety and health.
- Comply with the *OSH Act's* "general duty clause" where there are no specific OSHA standards.

OSHA standards also generally require that **employees:**

- Comply with all safety and health rules and regulations that apply to their own actions and conduct. Only employers receive OSHA citations and penalties.

## *What types of workplaces have to comply with OSHA standards?*

Agency standards address hazards in a number of industries:

- *General industry* (manufacturing, the service sector, health care, government agencies, and academia);
- *Construction*;
- *Agriculture*; and
- *Maritime*.

## *What kinds of hazards do OSHA standards address?*

OSHA issues standards for a wide variety of workplace hazards, including:

- Toxic substances;
- Harmful physical agents;
- Electrical hazards;
- Fall hazards;
- Hazardous waste;
- Infectious diseases;
- Fire and explosion hazards;
- Dangerous atmospheres; and
- Machine hazards.

## Where can I get a copy of an OSHA standard?

The standards are available in hard copy, on CD-ROM, or on the OSHA web page at [www.osha.gov](http://www.osha.gov). (See also section, “How Can OSHA Help Me?” on page 35 of this publication.)

## How does OSHA decide to develop a standard?

OSHA can begin standards-setting procedures on its own initiative or in response to petitions from other parties, including the following:

- The Secretary of Health and Human Services (HHS),
- NIOSH,
- State and local governments,
- Nationally recognized standards-producing organizations and employer or labor representatives, or
- Any other interested parties.

The Department of Labor publishes in the *Federal Register* each April and October a list of all regulations OSHA is considering.

## Do other groups help the agency develop standards?

Yes. OSHA calls on its various advisory committees to develop specific recommendations if the agency determines the need for a specific standard. There are two standing committees, and OSHA may appoint ad hoc committees to examine special areas of concern.

All advisory committees, standing or ad hoc, must have members representing management, labor, and state agencies as well as one or more designees of the Secretary of HHS. Members also may include representatives of occupational safety and health professions and the general public.

OSHA’s standing, or statutory, advisory committees are as follows:

- **The National Advisory Committee on Occupational Safety and Health (NACOSH)**, which advises, consults with, and makes recommendations to the Secretary of HHS and to the Secretary of Labor on matters regarding the administration of the *OSH Act*.
- **The Advisory Committee on Construction Safety and Health (ACCSH)**, which advises the Secretary of Labor on construction safety and health standards and other regulations.

Other continuing advisory committees include the following:

- **The Federal Safety and Health Advisory Committee (FACOSH)**, which advises the Secretary of Labor on all aspects of federal agency safety and health.
- **The Maritime Advisory Committee for Occupational Safety and Health (MACOSH)**, which advises the Secretary of Labor on workplace safety and health programs, policies, and standards in the maritime industry.

Over the years, OSHA also has formed short-term advisory committees to advise on various standards-related topics such as metalworking fluids and steel erection.

## *How does OSHA promulgate its standards?*

OSHA develops plans to propose, amend, or revoke a standard.

It then publishes its intentions in the *Federal Register* ...

... either as an “Advance Notice” or announcement of a meeting to solicit information to be used in drafting a proposal, or

... a “Notice of Proposed Rulemaking,” which sets out the new rule’s requirements and provides a specific time for the public to respond.

Interested parties submit written arguments and pertinent evidence. OSHA schedules a hearing, if requested.

Finally, after considering public comments, evidence, and testimony, OSHA publishes

- The full text of any standard amended or adopted and the date it becomes effective, along with an explanation of the standard and the reasons for implementing it; OR
- A determination that no standard or amended need to be issued.

In addition, OSHA must submit its final rules to the Congress for review. The Congress can disapprove a rule under an expedited procedure established by the 1996 *Small Business Regulatory Enforcement Act*, or *SBREFA*.

## *Can other government agencies recommend workplace standards?*

Yes. NIOSH, for example, can recommend standards to OSHA.

NIOSH conducts research on various safety and health problems, provides technical assistance to OSHA, and recommends standards for OSHA’s adoption.

## *Can OSHA issue a standard to address an emergency hazard or situation?*

Under certain limited conditions, OSHA can set emergency temporary standards that take effect immediately and remain in effect until superseded by a permanent standard. In these relatively rare instances, OSHA must determine that

- Workers are in grave danger due to exposure to toxic substances or agents determined to be toxic or physically harmful or to new hazards, AND
- An emergency standard is necessary to protect them.

OSHA then publishes the emergency temporary standard in the *Federal Register*, where it also serves as a proposed permanent standard. The usual procedures for adopting a permanent standard apply, except that a final ruling should be made within 6 months.

### *What if I disagree with a new standard or can't comply with agency requirements?*

An employer who can't comply with new requirements or anyone who disagrees with a new standard can:

- Petition a court for judicial review;
- Request a permanent, temporary, or experimental variance from a standard or regulation; OR
- Apply for an interim order.

### *Can employers and employees petition OSHA to modify or withdraw standards or requirements?*

Yes. Employers and employees may petition OSHA to modify or revoke standards just as they may petition the agency to develop standards. OSHA continually reviews its standards to keep pace with developing and changing industrial technology.

### *Who can file a petition for judicial review?*

Anyone who may be adversely affected by a final or emergency standard may file a petition for judicial review. The objecting party must file the petition within 60 days of the rule's publication with the U.S. Court of Appeals for the circuit in which the objector lives or has his or her principal place of business.

### *Does a petition for review delay enforcement of a standard?*

Filing an appeals petition will not delay enforcement of a standard, unless the Court of Appeals specifically orders it. OSHA promulgates permanent standards only after due consideration of the arguments and data received from the public in written submissions and at hearings.

### *What is a variance?*

A variance is a mechanism through which employers apply for formal permission to deviate from a standard's requirements or time frame.

### *When can an employer request a variance from an OSHA standard?*

Employers may ask OSHA for a variance from:

- A newly promulgated standard or regulation if they cannot fully comply by the effective date due to shortage of materials, equipment, or professional or technical personnel; OR
- Requirements of a standard or regulation if they can demonstrate that their alternative or alternatives provide employees with protection "as effective" as that provided by the standard or regulation.

## *Are there different types of variances?*

Yes. There are temporary, permanent, and experimental variances.

An employer applies for a **temporary variance** if he or she cannot comply with a standard or regulation by its effective date because professional or technical personnel, material or equipment are not available, or because the necessary construction or alteration of facilities cannot be completed in time.

An employer who can prove that working conditions, practices, means, methods, operations, or processes at his or her worksite are as safe and healthful as compliance with the standard may apply for a **permanent variance**.

An employer may apply for an **experimental variance** if he or she is participating in an effort to demonstrate or validate new job safety and health techniques, and either the Secretary of Labor or the Secretary of HHS has approved that experiment.

## *Can an employer continue to operate his or her worksite while waiting for a decision on a variance application?*

Employers may apply to OSHA for an interim order so they may continue to operate under existing conditions until OSHA determines whether to grant the variance.

## *How can I get more information about variances?*

For further information and assistance in applying for a variance, contact the nearest OSHA office listed at the end of this booklet. Information also is available on OSHA's web site at [www.osha.gov](http://www.osha.gov).

## *If an employer applies for a variance, will OSHA forgive any citations he or she has already received?*

Variances are not retroactive. An employer who has been cited for violating a standard may not seek relief from that citation by applying for a variance.

The fact that a citation is outstanding, however, does not prevent an employer from filing a variance application. OSHA may decline to accept a variance application under certain circumstances.

## *Does OSHA require employers to comply with anything else aside from its standards?*

Yes. OSHA has recordkeeping regulations<sup>1</sup> that require certain employers to maintain records of workplace

- Injuries,
- Illnesses, and
- Deaths.

# Are There Any Other Requirements I Should Know About?

All employers must report each work-related fatality and accident that hospitalize three or more employees to OSHA within 8 hours of the incident.

## *Why does OSHA require employers to keep records of injuries, illnesses, and fatalities?*

OSHA's recordkeeping requirements,<sup>1</sup> as set out in the *OSH Act*, establish an effective, centralized, nationwide system for monitoring occupational safety and health problems—a vital requirement for gauging problems and solving them. Prior to the *OSH Act*, some states and private organizations collected statistics on job injuries and illnesses but national figures were based on not-altogether-reliable projections.

Keeping records allows OSHA to compile survey material, helps identify high-hazard industries, and informs employees about their employers' workplace safety record.

## *Reporting and recordkeeping checklist*

- ✓ Maintain injury and illness records,
- ✓ Report each fatality,
- ✓ Report each accident that hospitalizes 3 or more employees,
- ✓ Make records accessible to employees,
- ✓ Allow OSHA access to records, and
- ✓ Post annual summary of injuries, and illnesses.

## *What does an employer have to do to comply with OSHA's reporting and recordkeeping requirements?*

OSHA's reporting and recordkeeping regulations set a number of requirements:

- Employers must maintain records in each establishment of occupational injuries and illnesses as they occur and make those records accessible to employees.
- All employers must report within 8 hours the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident. Such reports may be made by telephone or in person to the nearest OSHA Area Office (see p. 43) or by calling OSHA's *emergency* toll-free number (1-800-321-OSHA).

<sup>1</sup>Note that OSHA is in the process of revising the entire injury and illness recordkeeping regulation, *Title 29 of the Code of Federal Regulations, Part 1904*, forms, and interpretive materials.



- All employers must post during the month of February an annual summary of occupational injuries and illnesses for each establishment.
- All employers must provide, upon request, pertinent recordkeeping records for inspection and copying by any representative of the Secretary of Labor, the Secretary of Health, Education, and Welfare, or the state during any investigation, research, or statistical compilation.

### *Do employers with fewer than 11 employees have to keep OSHA injury and illness records?*

Employers with 10 or fewer employees are exempt from maintaining the OSHA log of injuries and illnesses unless the Bureau of Labor Statistics (BLS) or OSHA notifies them that they have been selected to participate in a mandatory data collection.

*Employers in the following low-hazard industries are exempt from OSHA's recordkeeping and reporting requirements:*

- *Retail trade, except for SIC 52-54, building materials, general merchandise stores, and food stores,*
- *Finance,*
- *Insurance,*
- *Real estate, and*
- *Service industries, except hotels and other lodging places, repair services, amusement and recreation services, and health services.*

### *Do employers have to comply with recordkeeping and reporting requirements under other OSHA standards?*

Yes. Many specific OSHA standards have additional recordkeeping and reporting requirements.

### *Does OSHA exempt any employers from complying with certain recordkeeping requirements?*

OSHA exempts employers in the following industries: retail trade (except building materials, general merchandise stores, and food stores), finance, insurance, real estate, and service industries, except hotels and other lodging places, repair services, amusement and recreation services, and health services.

Exempt employers, like nonexempt employers, must comply with requirements to display an OSHA poster and report to OSHA within 8 hours any accident that results in one or more fatalities or the hospitalization of three or more employees.

A few exempt employers will have to maintain records if OSHA or BLS selects them to participate in a mandatory data collection. The agency will notify those employers in advance and mail them with the necessary forms and instructions.

## *What does the agency consider an occupational injury or illness?*

The agency defines occupational injuries and illnesses in the following way:

- An **occupational injury** is any injury such as a cut, fracture, sprain, or amputation that results from a work-related accident or from exposure involving a single incident in the work environment.
- An **occupational illness** is any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. Included are acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with toxic substances or harmful agents.

## *Must employers record all occupational injuries and illnesses?*

All **occupational illnesses** must be recorded regardless of severity.

All occupational injuries must be recorded if they result in

- Death;
- One or more lost workdays;
- Restriction of work or motion;
- Loss of consciousness;
- Transfer to another job; or
- Medical treatment (other than first aid).

## *Which fatalities must employers record?*

Any work-related fatality must be recorded regardless of the length of time between the injury and death.

## *Does an employer have any additional responsibilities following the death of a worker or the hospitalization of several workers after a workplace incident?*

If an on-the-job accident occurs that results in the death of an employee or the hospitalization of three or more employees, **all employers**, regardless of number of employees, must report the accident, in detail, to the nearest OSHA office **within 8 hours of learning about it.**

## *What do employers need to do to maintain recordkeeping forms?*

Employers must log injuries and illnesses on recordkeeping forms and keep the logs current and retained:

- For 5 years at **each establishment** and make them available for inspection by representatives of OSHA, the Department of Health and Human Services, the Bureau of Labor Statistics, or the designated state agency; and
- The logs must be updated to reflect any changes that occur.

## *Should I send the Summary of Injuries and Illnesses to OSHA?*

DO NOT send any recordkeeping forms to OSHA or any other agency. You maintain and post it in your workplace.

## *Do employers with multiple work sites have to keep recordkeeping forms at each site?*

Employers must keep injury and illness records for each establishment. An employer whose employees work in dispersed locations must keep records at the place where the employees report for work. In some situations, employees do not report to work at the same place each day. In that case, records must be kept at the place from which they are paid or at the base from which they operate.

## *What does OSHA consider an “establishment?”*

OSHA defines establishment as a “single physical location where business is conducted or where services are performed.”

## *What forms do employers need to maintain?*

Only two forms are needed for recordkeeping:

- **OSHA 200, Log and Summary of Occupational Injuries and Illnesses.** Employers must log each recordable occupational injury and illness on this form within 6 working days from the time the employer learns of it. A complete copy current to within 45 calendar days must be present at all times in the establishment if the employer prepares the log at a central location using automatic data processing equipment. A substitute for the OSHA 200 is acceptable if it is as detailed, readable, and understandable as the OSHA 200.
- **OSHA 101, Supplementary Record of Occupational Injuries and Illnesses.** Each employer must complete the OSHA 101 form within 6 working days from the time the employer learns of the work-related injury or illness. This form asks for more detailed information about each injury or illness. Employers may use a substitute for the OSHA 101 (such as insurance or workers’ compensation forms) if the substitute form contains all required information or is supplemented to do so.

OSHA is in the process of revising these two forms. The agency expects to publish a final rule implementing new forms in 2000.

## *When do employers have to post the injury and illness log?*

Employers must post copies of the Summary of Occupational Injuries and Illnesses portion of the OSHA 200 no later than February 1 and keep them in place until March 1 of the following year to which the records pertain.

## *What records must employers post at their workplaces?*

Employers must display at each establishment, wherever they normally post notices to employees, the following:

- A copy of the totals from the previous year's summary of occupational injuries and illnesses, as identified for posting on the last page of that year's OSHA 200.
- The Job Safety and Health Protection workplace poster, OSHA 2203 or state equivalent, informing employees of their rights and responsibilities under the *OSH Act*.
- Summaries of petitions for variances from standards or recordkeeping procedures.
- Copies of all OSHA citations for violations of standards. These must remain posted at or near the location of alleged violations for 3 days, or until the violations are corrected, whichever is longer.

## *What if an establishment has no injuries or illnesses during the year?*

If there were no injuries or illnesses during the year, employers must enter zero on the totals line of the form and post it.

## *What is OSHA's annual survey?*

Each year, OSHA collects information from employers about particular worksites to better direct agency resources and improve worker protection.

OSHA surveys each employer selected for participation to indicate the number of workers he or she employs and the number of hours those employees worked. The survey also asks those employers to send information they have already collected on the OSHA 200 log and summary form.

# How Does OSHA Enforce Its Standards?

## *How does OSHA make sure that employers and employees are complying with its standards and regulations?*

The *OSH Act* authorizes OSHA to conduct workplace inspections to enforce its standards. Every establishment covered by the *OSH Act* is subject to inspection by OSHA compliance safety and health officers.

## *What does a compliance officer have the authority to do?*

The *OSH Act* authorizes OSHA compliance officers—at reasonable times, in a reasonable manner, and within reasonable time limits—to

- Enter any factory, plant, establishment, construction site, or other areas of the workplace or environment where work is being performed;
- Inspect and investigate during regular working hours any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials;
- Inspect and investigate at other times any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials; and
- Question privately any employer, owner, operator, agent or employee during an inspection or investigation.

## *What training and experience qualify the compliance officers to conduct inspections?*

OSHA compliance officers have specialized knowledge and experience in the occupational safety and health field, including industrial hygiene, safety engineering, toxicology, and occupational medicine. They receive vigorous training on OSHA standards and how to recognize safety and health hazards.

## *Does OSHA tell employers in advance that they will be inspected?*

No. OSHA conducts inspections without advance notice. In fact, anyone who alerts an employer in advance of an OSHA inspection can receive a criminal fine of up to \$1,000 or a 6-month jail term or both.

## *Are there any exceptions?*

There are special circumstances under which OSHA may give advance notice to the employer. Even then, such notice will be less than 24 hours. These special circumstances include:

- Imminent danger situations, which require correction as soon as possible;
- Inspections that must take place after regular business hours or that require special preparation;
- Cases where OSHA must provide advance notice to assure that the employer and employee representative or other personnel will be present; and/or
- Situations in which the OSHA Area Director determines that advance notice would produce a more thorough or effective inspection.

Employers receiving advance notice of an inspection must inform their employees' representative or arrange for OSHA to do so.

### *Can an employer refuse to allow a compliance officer to enter without a warrant?*

Yes. An employer has the right to require the compliance officer to obtain an inspection warrant before entering the work site. OSHA may inspect after acquiring a judicially authorized search warrant based on administrative probable cause or evidence of a violation.

OSHA may take appropriate steps, including legal action, if an employer still refuses to admit a compliance officer, or if an employer attempts to interfere with an inspection.

### *What prompts an OSHA inspection?*

Obviously, not all 6.5 million workplaces covered by the *OSH Act* can be inspected each year. The most hazardous workplaces need primary attention. OSHA, therefore, has established a system of inspection priorities. The agency inspects under the following conditions:

1. **Imminent danger**, or any condition where there is reasonable certainty a danger exists that can be expected to cause death or serious physical harm immediately or before the danger can be eliminated through normal enforcement procedures. OSHA gives top priority to imminent danger situations.
2. **Catastrophes and fatal accidents** resulting in the death of any employee or the hospitalization of three or more employees,

3. **Employee complaints** involving imminent danger OR an employer violation that threatens death or serious physical harm,
4. **Referrals** from other agencies,
5. **Planned, or programmed, inspections in high-hazard industries**, and
6. **Follow-ups to previous inspections.**

### *Can an employee leave the workplace if there are unsafe conditions?*

Employees generally don't have the right to walk off the job because of potentially unsafe workplace conditions. Any employee who walks off the job for workplace safety reasons may face disciplinary action by the employer. An employee does have the right, however, to refuse (in good faith) to be exposed to an imminent danger.

### *How can an employee file a complaint?*

An employee may file a complaint by phone, mail, or fax to the nearest OSHA office and request an inspection if there are unsafe or unhealthful working conditions. You may request that OSHA not reveal your name.

# What Happens During an OSHA Inspection?

---

## *What should I expect if OSHA inspects my workplace?*

There are four stages of a typical OSHA inspection:

- Presentation of Inspector Credentials
- Opening Conference
- Inspection Walkaround
- Closing Conference.

## *When does an inspection begin?*

An inspection begins when the OSHA compliance officer arrives at the establishment. He or she displays official credentials and asks to meet an appropriate employer representative. Employers should always insist on seeing the compliance officer's credentials.

An OSHA compliance officer carries U.S. Department of Labor credentials bearing his or her photograph and a serial number that an employer can verify by phoning the nearest OSHA office. Posing as a compliance officer is a violation of the law. Suspected imposters should be promptly reported to local law enforcement agencies.

## *What happens during the opening conference?*

In the opening conference, the compliance officer

- Explains why OSHA selected the establishment for inspection.
- Determines whether an OSHA-funded consultation program is in progress or whether the facility has received an inspection exemption. If so, the compliance officer usually terminates the inspection.
- Obtains information about the establishment.
- Explains the purpose of the visit, the scope of the inspection, walkaround procedures, employee representation, employee interviews, and the closing conference.

The compliance officer asks the employer to select an employer representative to accompany him or her during the inspection. OSHA welcomes, but does not require, that there be an employee representative for each inspection.

Under no circumstances may the employer select the employee representative for the walkaround. OSHA does, however, encourage employers and employees to meet together.

## What happens during an inspection walkaround?

After the opening conference, the compliance officer and accompanying representatives proceed through the establishment, inspecting work areas for potentially hazardous working conditions. The compliance officer will discuss possible corrective actions with the employer. OSHA may consult, at times privately, with employees during the inspection walkaround.

Trade secrets observed by the compliance officer are kept confidential. Federal employees who release confidential information without authorization are subject to a \$1,000 fine or 1 year in jail or both AND removal from office or employment.

*An inspection walkaround may cover part or all of an establishment, even if a specific complaint, fatality, or catastrophe prompted the inspection.*

Selecting Employee Representatives	
If...	Then...
<i>the employees are represented by a recognized bargaining representative,</i>	the union usually will designate the employee representative to accompany the compliance officer.
<i>there is a plant safety committee and no recognized bargaining representative,</i>	the employee members of that committee or the employees at large will designate the employee representative.
<i>there is neither a recognized bargaining representative nor a plant safety committee,</i>	the employees themselves may select the employee representative, or the compliance officer will determine if any other employees would suitably represent the interests of employees.
<i>there is no authorized employee representative,</i>	the compliance officer must consult with a reasonable number of employees concerning safety and health matters in the workplace. Such consultations may be held privately.



## What kinds of records does the compliance officer examine?

The compliance officer checks posting and recordkeeping practices, including whether the employer has

- Maintained records of deaths, injuries, and illnesses;
- Posted a copy of the totals from the last page of the previous year's *Log and Summary of Occupational Injuries and Illnesses* (OSHA 200) during the month of February; and
- Prominently displayed the OSHA workplace poster (OSHA 2203).

The compliance officer also examines records, where required, of employee exposure to toxic substances and harmful physical agents.

## Can an employer immediately correct any violations spotted by the compliance officer and avoid a citation?

Some apparent violations detected by the compliance officer can be corrected immediately. The compliance officer records such corrections to help evaluate the employer's good faith for compliance.

Apparent violations that have been corrected may still serve as the basis for a citation or notice of proposed penalty or both.

## What happens after the inspection walkaround?

After the inspection **walkaround**, the compliance officer holds a closing conference with the employer and the employee representatives, either jointly or separately.

During the closing conference, **the compliance officer**

- Discusses with the employer all unsafe or unhealthful conditions observed on the inspection and indicates all apparent violations for which a citation may be recommended.
- Tells the employer of his or her appeal rights, anti-discrimination rights under 11(c) of the *OSH Act*, the informal conference, and procedures for contesting citations within 15 working days after receiving the citation.
- Informs the employer of his or her obligations with regard to any citations that may be issued.
- Will hold a separate closing conference with the employees or their representative, if requested, to discuss matters of direct interest to employees and to inform them of their rights after an inspection.

## *What is in an OSHA citation?*

Citations inform the employer and employees of:

- The regulations and standards the employer allegedly violated,
- Any hazardous working conditions covered by Section 5(a)(1), the general duty clause, of the *OSH Act*,
- The proposed length of time set for their abatement, and
- Any proposed penalties.

OSHA will hand deliver or send citations and notices of proposed penalties to the employer by certified mail. The employer must post a copy of each citation at or near the places where the violations occurred for 3 days or until the employer abates the violation, whichever is longer.

- Informs employers of their rights under the *Small Business Regulatory Enforcement Fairness Act of 1996* (SBREFA).
- Informs employers that Regional Small Business Regulatory Fairness Boards created under SBREFA exist to hear cases if employers are not satisfied with agency resolutions of enforcement matters.
- Explains that OSHA area offices offer assistance and can answer questions about programs and activities.

## *What does SBREFA require?*

SBREFA requires that all federal agencies have in place a policy to reduce or, under appropriate circumstances, waive penalties for violations of standards by small businesses.

## *Will the compliance officer tell an employer during the closing conference what penalties the agency will propose?*

During the closing conference, the compliance officer **does not** indicate any proposed penalties. Only the OSHA area director has that authority, and only after having received a full report.

# What Happens After an OSHA Inspection?

*Following an inspection, the OSHA Area Director can:*

- Issue citations without penalties,
- Issue citations with proposed penalties, or
- Determine that neither is warranted.

*What types of penalties can be proposed?*

Under the *OSH Act*, OSHA may cite the following violations and propose the following penalties:

- **Other-than-Serious:** A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. OSHA may propose a penalty of **up to \$7,000** for each other-than-serious violation. The agency may adjust a penalty downward for an other-than-serious violation, depending on the employer's good faith (demonstrated efforts to comply with the *OSH Act*), history of previous violations, and size of business. When the adjusted penalty amounts to less than \$100, OSHA does not propose any penalty.

- **Serious:** A violation where there is substantial probability that death or serious physical harm could result AND that the employer knew, or should have known, of the hazard. OSHA may propose a mandatory penalty of **up to \$7,000** for each serious violation. The agency may adjust a penalty for a serious violation downward, based on the employer's good faith, history of previous violations, gravity of the alleged violation, and size of business.
- **Willful:** A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law. The employer either knows that what he or she is doing constitutes a violation, or is aware that a hazardous condition existed and made no reasonable effort to eliminate it.

OSHA may propose penalties of **up to \$70,000** for each willful violation, with a minimum penalty of \$5,000 for each willful violation. The agency may adjust a proposed penalty for a willful violation downward, depending on the size of the business and its history of previous violations. Usually, OSHA gives employers cited for willful violations no credit for good faith.

In addition to OSHA citations and penalties, the U.S. Department of Justice may bring a criminal action against an employer who willfully violates a standard that results in the death of an employee. If a court convicts such an employer, the offense is punishable by a court-imposed fine or by imprisonment for up to 6 months, or both. The court may impose a fine for a criminal conviction of up to \$250,000 for an individual or \$500,000 for a corporation.

- **Repeated:** A violation of any standard, regulation, rule, or order where OSHA finds a substantially similar violation during a reinspection. OSHA may propose penalties of **up to \$70,000** for each repeated violation. To be the basis of a repeat citation, the original citation must be final. A citation under contest may not serve as the basis for a subsequent repeat citation.
- **Failure to Abate:** OSHA may propose an additional penalty of **up to \$7,000 for each day** an employer fails to correct a previously

cited violation beyond the prescribed abatement date.

### *May penalties for other types of violations be levied on an employer?*

Employers may be assessed penalties for the following:

- Violations of posting requirements can bring a civil penalty of up to \$7,000. (OSHA does not fine for failing to post the job safety and health poster.)
- Falsifying records, reports, or applications, upon conviction in a court, can bring a **criminal fine** of \$10,000 or up to 6 months in jail, or both.
- Assaulting a compliance officer or otherwise resisting, opposing, intimidating, or interfering with a compliance officer in the performance of his or her duties is a criminal offense. Anyone convicted of such an action is subject to a **criminal fine** of not more than \$5,000 and imprisonment for not more than 3 years.

Violation Categories and Possible Penalties		
Type of Violation	Minimum Penalty per Violation	Maximum Penalty per Violation
Other-than-serious		\$7,000
Serious	\$100*	\$7,000
Posting		\$7,000
Willful	\$5,000	\$70,000
Willful with fatality, <b>first conviction</b>		<b>\$250,000/500,000 or 6 months in prison or both**</b>
Willful, with fatality, <b>second conviction</b>		<b>\$250,000/\$500,000 or 1 year in prison or both**</b>
Repeated	\$5,000	\$70,000
Failure to abate		\$7,000 per day

\* Set as OSHA policy in the *Field Inspection Reference Manual (FIRM)*.

\*\* The monetary criminal fine is set by Title 18 of the U.S. Code (Crimes and Criminal Procedure), § 3571, which states that individuals found guilty of an offense may not be fined more than \$250,000, and organizations not more than \$500,000.

# Can I Question Inspection Results?

## *Can employees question inspection results?*

Yes. If OSHA initiated an inspection due to an employee complaint, the employee or authorized employee representative may request an informal review of any decision not to issue a citation.

Employees, however, **may not contest:**

- Citations,
- Penalties, or
- Lack of penalties.

Employees **may contest:**

- The time specified in the citation for abatement of a hazardous condition.
- An employer's **Petition for Modification of Abatement (PMA)**, requesting an extension of the abatement period. Employees must contest the PMA within 10 working days of its posting or within 10 working days after an authorized employee representative has received a copy.

Employees may request an informal conference with OSHA to discuss any issues raised by an inspection, citation, notice of proposed penalty, or employer's notice of intent to contest. OSHA must conduct an informal conference within the 15 working day contest period.

## *Can employers appeal inspection results?*

When issued a citation or notice of a proposed penalty, an employer may request an informal conference with OSHA's Area Director to discuss the case. OSHA authorizes its area directors to reach settlement agreements with employers that adjust citations and penalties to avoid prolonged legal disputes. As with informal conferences requested by employees, OSHA

must conduct an informal conference requested by an employer within the 15 working day contest period.

## *What can employers do if they can't correct a cited hazard in time?*

If an employer who has been cited for violations cannot meet the abatement dates as issued or amended at the informal conference, the employer must submit a request for an extension of time, or a PMA. A PMA must be filed in writing with the OSHA Area Director who issued the citation no later than the close of the next working day following the date the director originally set for abatement.

## *What can an employer do if he or she disagrees with the citation, abatement time, or proposed penalty?*

If an employer decides to contest the citation, the time set for abatement, and/or the proposed penalty, he or she has 15 working days after receiving the Citation and Notice of Proposed Penalty to notify the OSHA Area Director in writing. An oral disagreement is not sufficient. This written notification is called a "Notice of Contest."

Any employer, employee, or employee representative also may request an informal conference within the 15 working day contest period to discuss inspection results. Based on information and evidence presented at the informal conference, OSHA may enter into an informal settlement agreement with the employer, which could involve changes to citations, penalties, or abatement dates.

## *Is there a specific format for the Notice of Contest?*

No. It must, however, clearly identify the employer's basis for filing a contest of the citation, notice of proposed penalty, abatement period, or notification of failure to correct the violation.

## *How is an employer's Notice of Contest reviewed?*

If the written **Notice of Contest** has been filed within the required 15 working days, the OSHA Area Director forwards the Notice of Contest to the Occupational Safety and Health Review Commission (OSHRC).

The Commission will assign an administrative law judge to hear the case.

The administrative law judge may:

- Find the contest legally invalid and disallow it, OR
- Set a hearing for a public place near the employer's workplace.

The employer and the employees have the right to participate in the hearing.

## *Can an employer appeal the administrative law judge's ruling?*

Once the administrative law judge has ruled, any party to the case may request a further review by the Commission. Any of the three OSHRC commissioners also may, at his or her own motion, bring a case before the Commission for

## *What is the Occupational Safety and Health Review Commission?*

The Commission is an independent federal agency created by the *OSH Act* to decide contested OSHA citations and penalties. It is not associated with OSHA or the Department of Labor.

review. Employers and OSHA may appeal Commission rulings to the appropriate U.S. Court of Appeals.

OSHA can provide extensive help through a variety of programs, including assistance on safety and health programs; workplace consultation, voluntary protection programs, strategic partnerships, and training and education.

## *How does safety and health program management assistance help employers and employees?*

Effective management of worker safety and health protection is a decisive factor in reducing the extent and severity of work-related injuries and illnesses and their related costs. In fact, an effective safety and health program forms the basis of good worker protection and can save time and money—about \$4 for every dollar spent—and increase productivity.

To assist employers and employees in developing effective safety and health programs, OSHA published recommended "Safety and Health Program Management Guidelines" (*Federal Register* 54(18):3908-3916, January 26, 1989). These voluntary guidelines apply to all work sites covered by OSHA.

# How Can OSHA Help Me?

The guidelines identify four general elements that are critical to the development of a successful safety and health management program:

- Management commitment and employee involvement;
- Worksite analysis;
- Hazard prevention and control; and
- Safety and health training.

The guidelines recommend specific actions under each of these general elements to achieve an effective safety and health program.

## *How can consultation assistance help an employer?*

Besides helping employers identify and correct specific hazards, OSHA's consultation service provides *free*, onsite assistance in developing and implementing effective workplace safety and health programs that emphasize preventing worker injuries and illnesses. In addition, OSHA has available in its regional offices individuals to provide assistance on issues related to compliance, ergonomics, bloodborne pathogens, and small business.

OSHA's comprehensive consultation assistance includes an appraisal of all:

- Mechanical systems, physical work practices, and environmental hazards of the workplace, and
- Aspects of the employer's present job safety and health program.

Employers also may receive training and education services, as well as limited assistance away from the worksite.

## *Who can get consultation assistance from OSHA?*

Consultation assistance is available to smaller employers (with fewer than 250 employees at a fixed site and no more than 500 nationwide) who want help in establishing and maintaining a safe and healthful workplace.

*A single, free copy of the safety and health program management guidelines can be obtained from the U.S. Department of Labor, OSHA Publications, P.O. Box 37535, Washington, DC 20013-7535. Send a self-addressed mailing label with your request.*

*Or, visit OSHA's website at [www.OSHA.gov](http://www.OSHA.gov) and search via the **Index** or **Federal Register**.*

## *Do employers have to pay for consultation assistance?*

No. Largely funded by OSHA, consultation programs are run by state agencies at no cost to the employer who requests it. OSHA does not propose penalties or issue citations for hazards identified by the consultant. The employer's only obligation is to correct all serious hazards and potential safety and health violations OSHA identifies.

### *Can OSHA assure privacy to an employer who asks for consultation assistance?*

OSHA provides consultation assistance to the employer with the assurance that his or her name and firm and any information about the workplace will not be routinely reported to OSHA enforcement staff.

### *Can an employer be cited for violations after receiving consultation assistance?*

Not likely, since there are no citations issued or penalties proposed for hazards identified by the consultant. The purpose of the program is to help smaller employers identify and fix hazards in their workplaces.

### *Does OSHA provide any incentives for seeking consultation assistance?*

Yes. Certain exemplary employers may request participation in OSHA's Safety and Health Achievement Recognition Program (SHARP). Eligibility for participation in SHARP includes receiving a comprehensive consultation visit, demonstrating exemplary achievements in workplace safety and health by abating all identified hazards, and developing an excellent safety and health program.

Employers accepted into SHARP may receive an exemption from programmed inspections—not complaint or accident investigation inspections—for a period of 1 year.

### *What are Voluntary Protection Programs?*

Voluntary Protection Programs (VPP) represent one part of OSHA's effort to extend worker protection beyond the minimum required by OSHA standards. These programs—along with others such as expanded onsite consultation services and full service area offices, and OSHA's Strategic Partnership Program (OSPP)—are cooperative approaches which, when coupled with an effective enforcement program, expand worker protection to help meet the goals of the *OSH Act*.

### *What do the Voluntary Protection Programs do?*

There are three VPP levels: *Star*, *Merit*, and *Demonstration* designed to:

- Recognize outstanding achievement of employers who have successfully incorporated effective comprehensive safety and health programs into their total management system;
- Motivate other employers to achieve excellent safety and health results in the same outstanding way; and
- Establish a relationship between employers, employees, and OSHA that is based on cooperation rather than coercion.



*For further information about consultation assistance, contact your regional or area OSHA office or visit OSHA's website at [www.osha.gov](http://www.osha.gov).*

*You can get additional information concerning consultation assistance, including a directory of OSHA-funded consultation projects, by requesting OSHA publication No. 3047, *Consultation Services for the Employer*. (Also see the list of consultation projects at the end of this booklet.)*

### *How does VPP help employers? And employees?*

VPP participation can mean:

- Improved employee motivation to work safely, leading to leading to a better quality of life at work, and enhanced productivity;
- Lost-workday case rates generally 50 percent below industry averages;
- Reduced workers' compensation and other injury- and illness-related costs;
- Positive community recognition and interaction;
- Further improvement and revitalization of already good safety and health programs; and
- Positive relationship with OSHA.

### *How does OSHA monitor VPP sites?*

OSHA reviews an employer's VPP application and conducts an onsite review to verify that the safety and health programs described are operating effectively at the site. OSHA conducts onsite evaluations on a regular basis, annually for participants at the *Demonstration* level, every 18 months for *Merit*, and every 3 to 5 years for *Star*. Each February, all participants must send a copy of their most recent annual site evaluation to their OSHA regional office. This evaluation must include their injuries and illnesses for the past year.

### *Can OSHA inspect an employer who is participating in the VPP?*

Sites participating in VPP are not scheduled for regular, programmed inspections. OSHA, however, handles any employee complaints, serious accidents, or significant chemical releases that may occur according to routine enforcement procedures.

## *How can a partnership with OSHA improve worker safety and health?*

OSHA has learned firsthand that voluntary, cooperative partnership with employers, employees, and unions can be a useful alternative to traditional enforcement and an effective way to reduce worker deaths, injuries, and illnesses. This is especially true when a partnership leads to the development and implementation of comprehensive workplace safety and health programs.

## *What are OSHA Strategic Partnerships Programs (OSPPs\*)?*

These strategic partnerships are alliances among labor, management, and government to foster improvements in workplace safety and health. These partnerships are voluntary, cooperative relationships between OSHA, employers, employee representatives, and possibly others—trade unions, trade and professional associations, universities, and other government agencies. OSPPs are the newest member of OSHA’s family of cooperative programs.

*Additional information on VPPs is available from OSHA national, regional, and area offices. See the list at the end of this booklet.*

*Also, see Outreach at OSHA’s website at [www.osha.gov](http://www.osha.gov).*

## *What do OSPPs do?*

These partnerships encourage, assist, and recognize the efforts of the partners to eliminate serious workplace hazards and achieve a high level of worker safety and health. Whereas OSHA’s Consultation Program and VPP entail one-on-one relationships between OSHA and individual worksites, most strategic partnerships seek to have a broader impact by building cooperative relationships with groups of employers and employees.

## *Are there different kinds of OSPPs?*

There are two major types:

- **Comprehensive**, which focus on establishing comprehensive safety and health programs at partnering worksites.
- **Limited**, which help identify and eliminate hazards associated with worker deaths, injuries, and illnesses, or have goals other than establishing comprehensive worksite safety and health programs.

OSHA is interested in creating new OSPPs at the national, regional, and local levels. OSHA also has found the more limited partnerships to be valuable. Limited partnerships might address the elimination or control of a specific industry hazard.

\* “Strategic Partnership for Worker Safety and Health,” *Federal Register* 64:22652, April 21, 1999.

## *What are the benefits of participation in the OSHA Strategic Partnership Program?*

- Improved employee motivation to work safely, leading to a better quality of life at work, and enhanced productivity;
- Reduced workers' compensation and other injury- and illness-related costs due to declines in workplace injuries and illnesses;
- Positive community recognition and interaction;
- Development of or improvement in safety and health programs; and
- Positive interaction with OSHA.

## *Can OSHA provide occupational safety and health training for employers and employees?*

Yes. The OSHA Training Institute in Des Plaines, IL, provides basic and advanced training and education in safety and health for federal and state compliance officers, state consultants, other federal agency personnel, and private sector employers, employees, and their representatives.

Institute courses cover diverse safety and health topics, including electrical hazards, machine guarding, personal protective equipment, ventilation, and ergonomics.

*For more information about OSPPs, contact your nearest OSHA office or visit OSHA's web site at [www.osha.gov](http://www.osha.gov).*

The Institute facility includes classrooms, laboratories, a library, and an audiovisual unit. The laboratories contain various demonstrations and equipment, such as power presses, woodworking and welding shops, a complete industrial ventilation unit, and a sound demonstration laboratory.

More than 57 courses are available for personnel in the private sector dealing with subjects such as safety and health in the construction industry and methods of voluntary compliance with OSHA standards.

OSHA also offers safety and health training and assistance through the Institute's 12 education centers. The education centers provide an opportunity for other non-profit institutions, such as universities and technical and community colleges, to conduct OSHA courses for the private sector and federal agencies.

OSHA's 66 area offices are also full-service centers offering a variety of informational services such as availability of personnel for speaking engagements, publications, audiovisual aids on workplace hazards, and technical advice.

### *Does OSHA give money to organizations for training and education?*

OSHA provides funds to nonprofit organizations to conduct workplace training and education in subjects where OSHA believes there is a current lack of workplace training.

Organizations awarded grants use funds to develop training and educational programs, reach out to workers and employers for whom their program is appropriate, and provide these programs to workers and employers.

### *How can I learn more about these and other OSHA assistance programs?*

You can contact your nearest OSHA regional or area office listed at the end of this booklet. All OSHA standards, programs, training, and other activities are available online at <http://www.osha.gov/>.

*For more information on grants, training, and education, contact the OSHA Training Institute, Office of Training and Education, 1555 Times Drive, Des Plaines, IL 60018, (847) 297-4810, or see Outreach on OSHA's website at [www.osha.gov](http://www.osha.gov).*

# OSHA Regional Offices

---

## **Region I**

(CT,\* MA, ME, NH, RI, VT\*)  
JFK Federal Building  
Room E-340  
Boston, MA 02203  
Telephone: (617) 565-9860

## **Region II**

(NJ, NY,\* PR,\* VI\*)  
201 Varick Street  
Room 670  
New York, NY 10014  
Telephone: (212) 337-2378

## **Region III**

(DC, DE, MD,\* PA, VA,\* WV)  
The Curtis Center  
170 S. Independence Mall West  
Philadelphia, PA 19106-3309  
Telephone: (215) 861-4900

## **Region IV**

(AL, FL, GA, KY,\* MS, NC,\* SC,\* TN\*)  
Atlanta Federal Center  
61 Forsyth Street, SW, Room 6T50  
Atlanta, GA 30303  
Telephone: (404) 562-2300

## **Region V**

(IL, IN,\* MI,\* MN,\* OH, WI)  
230 South Dearborn Street  
Room 3244  
Chicago, IL 60604  
Telephone: (312) 353-2220

## **Region VI**

(AR, LA, NM,\* OK, TX)  
525 Griffin Street  
Room 602  
Dallas, TX 75202  
Telephone: (214) 767-4731

## **Region VII**

(IA,\* KS, MO, NE)  
City Center Square  
1100 Main Street, Suite 800  
Kansas City, MO 64105  
Telephone: (816) 426-5861

## **Region VIII**

(CO, MT, ND, SD, UT,\* WY\*)  
1999 Broadway, Suite 1690  
Denver, CO 80202-5716  
Telephone: (303) 844-1600

## **Region IX**

(American Samoa, AZ,\* CA,\* Guam,  
HI,\* NV,\* Trust Territories of the Pacific)  
71 Stevenson Street  
Suite 420  
San Francisco, CA 94105  
Telephone: (415) 975-4310

## **Region X**

(AK,\* ID, OR,\* WA\*)  
1111 Third Avenue  
Suite 715  
Seattle, WA 98101-3212  
Telephone: (206) 553-5930

\*These states and territories operate their own OSHA-approved job safety and health programs (Connecticut and New York plans cover public employees only). States with approved programs must have a standard that is identical to, or at least as effective as, the federal standard.

# OSHA Area Offices

---

US Department of Labor - OSHA  
Todd Mall - 2047 Canyon Road  
Birmingham, AL 35216-1981  
(205) 731-1534

US Department of Labor - OSHA  
3737 Government Blvd., Suite 100  
Mobile, AL 36693-4309  
(334) 441-6131

US Department of Labor - OSHA  
301 W. Northern Lights Blvd.  
Suite 407  
Anchorage, AK 99503-7571  
(907) 271-5152

US Department of Labor - OSHA  
3221 North 16th Street, Suite 100  
Phoenix, AZ 85016  
(602) 640-2007

US Department of Labor - OSHA  
425 West Capitol Ave., Suite 450  
Little Rock, AR 72201  
(501) 324-6291(5818)

US Department of Labor - OSHA  
5675 Ruffin Road, Suite 330  
San Diego, CA 92123  
(619) 557-2909

US Department of Labor - OSHA  
1391 Speer Blvd., Suite 210  
Denver, CO 80204-2552  
(303) 844-5285

US Department of Labor - OSHA  
7935 E. Prentice Ave., Suite 209  
Englewood, CO 80011-2714  
(303) 843-4500

US Department of Labor - OSHA  
Clark Building  
1057 Broad Street  
Bridgeport, CT 06604  
(203) 579-5581

US Department of Labor - OSHA  
Federal Office Building  
450 Main Street, Room 613  
Hartford, CT 06103  
(860) 240-3152

US Department of Labor - OSHA  
1 Rodney Square  
920 King Street, Suite 402  
Wilmington, DE 19801-3319  
(302) 573-6115

US Department of Labor - OSHA  
Jacaranda Executive Court  
8040 Peters Road  
Building H-100  
Fort Lauderdale, FL 33324  
(954) 424-0242

US Department of Labor - OSHA  
Ribault Building  
1851 Executive Center Drive, Suite 227  
Jacksonville, FL 32207  
(904) 232-2895

US Department of Labor - OSHA  
5807 Breckenridge Pkwy., Suite A  
Tampa, FL 33610-4249  
(813) 626-1177

US Department of Labor - OSHA  
450 Mall Blvd., Suite J  
Savannah, GA 31406  
(912) 652-4393

US Department of Labor - OSHA  
2400 Herodian Way, Suite 250  
Smyrna, GA 30080-2968  
(770) 984-8700

US Department of Labor - OSHA  
La Vista Perimeter Office Park  
2183 N.Lake Parkway, Bldg. 7, Suite 110  
Tucker, GA 30084-4154  
(770) 493-6644/6742/8419

US Department of Labor - OSHA  
1150 North Curtis Road, Suite 201  
Boise, ID 83706  
(208) 321-2960

US Department of Labor - OSHA  
1600 167th Street, Suite 12  
Calumet City, IL 60409  
(708) 891-3800

US Department of Labor - OSHA  
O'Hara Lake Plaza  
2360 E. Devon Avenue, Suite 1010  
Des Plaines, IL 60018  
(847) 803-4800

US Department of Labor - OSHA  
344 Smoke Tree Business Park  
North Aurora, IL 60542  
(630) 896-8700

US Department of Labor - OSHA  
2918 West Willow Knolls Road  
Peoria, IL 61614  
(309) 671-7033

US Department of Labor - OSHA  
46 East Ohio Street, Room 423  
Indianapolis, IN 46204  
(317) 226-7290

US Department of Labor - OSHA  
210 Walnut Street, Room 815  
Des Moines, IA 50309  
(515) 284-4794

US Department of Labor - OSHA  
300 Epic Center  
301 N. Main  
Wichita, KS 67202  
(316) 269-6644

US Department of Labor - OSHA  
John C. Watts Fed. Bldg.  
330 W. Broadway, Room 108  
Frankfort, KY 40601-1922  
(502) 227-7024

US Department of Labor - OSHA  
9100 Bluebonnet Center Blvd.  
Suite 201  
Baton Rouge, LA 70809  
(225) 389-0474

US Department of Labor - OSHA  
202 Harlow Street, Room 211  
Bangor, ME 04401  
(207) 941-8177

US Department of Labor - OSHA  
1099 Winterson Road, Suite 140  
Linthicum, MD 21090-2218  
(410) 962-2840

US Department of Labor - OSHA  
639 Granite Street, 4th Floor  
Braintree, MA 02184  
(617) 565-6924

US Department of Labor - OSHA  
Valley Office Park  
13 Branch Street  
Methuen, MA 01844  
(617) 565-8110

US Department of Labor - OSHA  
1441 Main Street, Room 550  
Springfield, MA 01103-1493  
(413) 785-0123

US Department of Labor - OSHA  
801 South Waverly Rd., Suite 306  
Lansing, MI 48917-4200  
(517) 377-1892

US Department of Labor - OSHA  
3780 I-55 North, Suite 210  
Jackson, MS 39211-6323  
(601) 965-4606

US Department of Labor - OSHA  
6200 Connecticut Avenue, Suite 100  
Kansas City, MO 64120  
(816) 483-9531

US Department of Labor - OSHA  
911 Washington Avenue, Room 420  
St. Louis, MO 63101  
(314) 425-4249

US Department of Labor - OSHA  
2900 4th Avenue North, Suite 303  
Billings, MT 59101  
(406) 247-7494

US Department of Labor - OSHA  
Overland Wolf Bldg.  
6910 Pacific Street, Room 100  
Omaha, NE 68106  
(402) 221-3182

Department of Labor - OSHA  
279 Pleasant Street, Suite 201  
Concord, NH 03301  
(603) 225-1629

US Department of Labor - OSHA  
1030 St. Georges Ave.  
Plaza 35, Suite 205  
Avenel, NJ 07001  
(908) 750-3270

US Department of Labor - OSHA  
500 Route 17 South, 2nd Floor  
Hasbrouck Heights, NJ 07604  
(201) 288-1700



US Department of Labor - OSHA  
Marlton Executive Park, Bldg. 2  
701 Route 73 South, Suite 120  
Marlton, NJ 08053  
(609) 757-5181

US Department of Labor - OSHA  
299 Cherry Hill Road, Suite 304  
Parsippany, NJ 07054  
(203) 263-1003

US Department of Labor - OSHA  
505 Marquette Avenue, NW  
Suite 820  
Albuquerque, NM 87102  
(505) 248-5302

US Department of Labor - OSHA  
401 New Karner Road, Suite 300  
Albany, NY 12205-3809  
(518) 464-4338

US Department of Labor - OSHA  
5360 Genesee Street  
Bowmansville, NY 14026  
(716) 684-3891

US Department of Labor - OSHA  
6 World Trade Center, Room 881  
New York, NY 10048  
(212) 466-2482

US Department of Labor - OSHA  
3300 Vikery Road  
Syracuse, NY 13212  
(315) 451-0808

US Department of Labor - OSHA  
660 White Plains Road, 4th Floor  
Tarrytown, NY 10591-5107  
(914) 524-7510

US Department of Labor - OSHA  
1400 Old Country Road, Suite 208  
Westbury, NY 11590  
(516) 334-3344

US Department of Labor - OSHA  
Century Station Federal Building  
300 Fayetteville Street Mall  
Room 438  
Raleigh, NC 27601-9998  
(919) 856-4770

US Department of Labor - OSHA  
1640 East Capitol Avenue  
Bismarck, ND 58502  
(701) 250-4521

US Department of Labor - OSHA  
36 Triangle Park Drive  
Cincinnati, OH 45246  
(513) 841-4132

US Department of Labor - OSHA  
Federal Office Building  
1240 East 9th Street, Room 899  
Cleveland, OH 44199  
(216) 522-3818

US Department of Labor - OSHA  
Federal Office Bldg.  
200 N. High Street, Room 620  
Columbus, OH 43215  
(614) 469-5582

US Department of Labor - OSHA  
Ohio Building  
420 Madison Avenue, 600  
Toledo, OH 43604  
(419) 259-7542

US Department of Labor - OSHA  
420 West Main, Suite 300  
Oklahoma City, OK 73102  
(405) 231-5351

US Department of Labor - OSHA  
1220 S.W. 3rd Avenue, Room 640  
Portland, OR 97204  
(503) 326-2251

US Department of Labor - OSHA  
850 North 5th Street  
Allentown, PA 18102  
(610) 776-0592

US Department of Labor - OSHA  
3939 West Ridge Road, Suite B-12  
Erie, PA 16506-1887  
(814) 833-5758

US Department of Labor - OSHA  
Progress Plaza  
49 North Progress Avenue  
Harrisburg, PA 17109  
(717) 782-3902

US Department of Labor - OSHA  
U.S. Custom House, Room 242  
Second and Chestnut Street  
Philadelphia, PA 19106-2902  
(215) 597-4955

US Department of Labor - OSHA  
Federal Building  
1000 Liberty Avenue, Room 1428  
Pittsburgh, PA 15222-4101  
(412) 395-4903

US Department of Labor - OSHA  
Penn Place  
20 North Pennsylvania Ave. Room 2005  
Wilkes-Barre, PA 18701-3590  
(717) 826-6538

US Department of Labor - OSHA  
BBV Plaza Building  
1510 F.D. Roosevelt Avenue  
Guaynabo, PR 00968  
(787) 277-1560

US Department of Labor - OSHA  
380 Westminster Mall, Room 243  
Providence, RI 02903  
(401) 528-4669

US Department of Labor - OSHA  
Strom Thurman, Federal Building  
1835 Assembly Street, Room 1468  
Columbia, SC 29201-2453  
(803) 765-5904

US Department of Labor - OSHA  
Green Hills Office Park  
2002 Richard Jones Road  
Suite C-205  
Nashville, TN 37215-2809  
(615) 781-5423

US Department of Labor - OSHA  
903 San Jacinto Blvd., Suite 319  
Austin, TX 78701  
(512) 916-5783

US Department of Labor - OSHA  
Wilson Plaza  
606 North Carancahua, Suite 700  
Corpus Christi, TX 78476  
(512) 888-3420

US Department of Labor - OSHA  
8344 East R.L. Thornton Freeway  
Suite 420  
Dallas, TX 75228  
(214) 320-2400/2558

US Department of Labor - OSHA  
North Star 2 Building  
8713 Airport Freeway, Suite 302  
Fort Worth, TX 76180-7601  
(817) 428-2470

US Department of Labor - OSHA  
17625 El Camino Real, Suite 400  
Houston, TX 77058  
(281) 286-0583

US Department of Labor - OSHA  
350 North Sam Houston Parkway  
Suite 120  
Houston, TX 77060  
(281)591-2438

US Department of Labor - OSHA  
Federal Building, Room 806  
1205 Texas Avenue  
Lubbock, TX 79401  
(806) 472-7681

US Department of Labor - OSHA  
1781 South 300 West  
Salt Lake City, UT 84115-1802  
(801) 487-0680

US Department of Labor - OSHA  
Federal Office Building, Room 835  
200 Granby Mall  
Norfolk, VA 23510  
(757) 441-3820

US Department of Labor - OSHA  
505 106th Avenue, N.E., Suite 302  
Bellevue, WA 98004  
(206) 553-7520

US Department of Labor - OSHA  
405 Capitol Street, Room 407  
Charleston, WV 25301  
(304) 347-5937

US Department of Labor - OSHA  
1648 Tri Parkway  
Appleton, WI 54914  
(920) 734-4521

US Department of Labor - OSHA  
Federal Building U.S. Courthouse  
500 Barstow Street, Room B-9  
Eau Claire, WI 54701  
(715) 832-9019

---

US Department of Labor - OSHA  
4802 E. Broadway  
Madison, WI 53716  
(608) 441-5388

US Department of Labor - OSHA  
Henry S. Reuss Bldg.  
310 West Wisconsin Ave.  
Suite 1180  
Milwaukee, WI 53202  
(414) 297-3315

# States with Approved Plans

---

Commissioner  
Alaska Department of Labor  
1111 West 8th Street  
Room 306  
P.O. Box 21149  
Juneau, AK 99802-1149  
(907) 465-2700

Director  
Industrial Commission  
of Arizona  
800 W. Washington  
Phoenix, AZ 85007  
(602) 542-5795

Director  
California Department  
of Industrial Relations  
455 Golden Gate Avenue  
10th Floor  
San Francisco, CA 94102  
(415) 703-5050

Commissioner  
Connecticut Department of Labor  
200 Folly Brook Boulevard  
Wethersfield, CT 06109  
(860) 566-2211

Director  
Conecticut Department of Labor  
38 Wolcott Hill Road  
Wethersfield, CT 06109  
(860) 566-4550

Director  
Hawaii Department of Labor  
and Industrial Relations  
830 Punchbowl Street  
Honolulu, HI 96831  
(808) 586-8844

Commissioner  
Indiana Department of Labor  
State Office Building  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204  
(317) 232-2378

Commissioner  
Iowa Division of Labor Services  
1000 E. Grand Avenue  
Des Moines, IA 50319  
(515) 281-3447

Secretary  
Kentucky Labor Cabinet  
1047 U.S. Highway, 127 South, Suite 2  
Frankfort, KY 40601  
(502) 564-3070

Commissioner  
Maryland Division of Labor  
and Industry  
Department of Labor Licensing  
and Regulation  
1100 N. Eutaw Street, Room 613  
Baltimore, MD 21201-2206  
(410) 767-2215

Director  
Michigan Department of Consumer  
and Industry Services  
4th Floor, Law Building  
P.O. Box 30004  
Lansing, MI 48909  
(517) 373-7230

Commissioner  
Minnesota Department of Labor  
and Industry  
443 Lafayette Road  
St. Paul, MN 55155  
(651) 296-2342

Adminstrator  
Nevada Division of Industrial  
Relations  
400 West King Street  
Carson City, NV 89703  
(702) 687-3032

Secretary  
New Mexico Environment Department  
1190 St. Francis Drive  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-2850

Commissioner  
New York Department of Labor  
W. Averell Harriman State Office  
Building - 12, Room 500  
Albany, NY 12240  
(518) 457-2741

Commissioner  
North Carolina Department of Labor  
4 West Edenton Street  
Raleigh, NC 27601-1092  
(919) 807-2900

Adminstrator  
Oregon Department of Consumer  
& Business Services  
Occupational Safety and Health  
Division (OR-OSHA)  
350 Winter Street, NE, Room 430  
Salem, OR 97310-0220  
(503) 378-3272

Secretary  
Puerto Rico Secretary of Labor  
and Human Resources  
Department of Labor and Human  
Resources  
Prudencio Rivera Martinez Building  
505 Munoz Rivera Avenue  
Hato Rey, PR 00918  
(787) 754-2119

Director  
South Carolina Department of Labor  
Licensing and Regulation  
Koger Office Park, Kingstree Building  
110 Centerview Drive  
P.O. Box 11329  
Columbia, SC 29210  
(803) 896-4300

Commissioner  
Tennessee Department of Labor  
710 James Robertson Parkway  
Nashville, TN 37243-0659  
(615) 741-2582

Commissioner  
Labor Commission of Utah  
160 East 300 South, 3rd Floor  
P.O. Box 146650  
Salt Lake City, UT 84114-6650  
(801) 530-6880

Commissioner  
Vermont Department of Labor  
and Industry  
National Life Building - Drawer 20  
120 State Street  
Montpelier, VT 05620-3401  
(802) 828-2288

Commissioner  
Virginia Department of Labor  
and Industry  
Powers-Taylor Building  
13 South 13th Street  
Richmond, VA 23219  
(804) 786-2377

Commissioner  
Virgin Islands Department of Labor  
2203 Church Street  
Christiansted  
St. Croix, VI 00820-4660  
(340) 773-1990

Director  
Washington Department of Labor  
and Industries  
P.O. Box 44001  
Olympia, WA 98504-4001  
(360) 902-4200

Administrator  
Worker's Safety and Compensation  
Division (WSC)  
Wyoming Department of Employment  
Herschler Building, 2nd Floor East  
122 West 25th Street  
Cheyenne, WY 82002  
(307) 777-7786

# OSHA Consultation Projects

---

Safety State Program University of Alabama  
425 Martha Parham West  
P.O. Box 870388  
Tuscaloosa, AL 35487  
(205) 348-3033

Consultation Section  
ADOL/AKOSH  
3301 Eagle Street, Suite 305  
P.O. Box 107022  
Anchorage, AK 99510  
(907) 269-4957

Consultation and Training  
Division of Occupational Safety and Health  
Industrial Commission of Arizona  
800 West Washington  
Phoenix, AZ 85007-9070  
(602) 542-5795

OSHA Consultation  
Arkansas Department of Labor  
10421 West Markham  
Little Rock, AR 72205  
(501) 682-4522

CAL/OSHA Consultation Service  
Department of Industrial Relations  
455 Golden Gate Avenue  
10th Floor  
San Francisco, CA 94102  
(415) 703-5270

Occupational Safety and Health Section  
Colorado State University  
115 Environmental Health Building  
Fort Collins, CO 80523  
(970) 491-6151

Division of Occupational Safety and Health  
Connecticut Department of Labor  
38 Wolcott Hill Road  
Wethersfield, CT 06109  
(860) 566-4550

Occupational Safety and Health  
Division of Industrial Affairs  
Delaware Department of Labor  
4425 Market Street  
Wilmington, DE 19802  
(302) 761-8219

Office of Occupational Safety and Health  
D.C. Department of Employment Services  
950 Upshur Street, N.W.  
Washington, DC 20011  
(202) 576-6339

7(c)(1) Onsite Consultation Program,  
Division of Safety  
Florida Department of Labor  
and Employment Security  
2002 St. Augustine Road  
Building E, Suite 45  
Tallahassee, FL 32399-0663  
(850) 922-8955

7(c)(1) Onsite Consultation Program  
Georgia Institute of Technology  
O'Keefe Building - Room 22  
Atlanta, GA 30332  
(404) 894-2643



OSHA Onsite Consultation  
Department of Labor, Government  
of Guam  
P.O. Box 9970  
Tamuning, GU 96931  
011-(671) 475-0136

Consultation and Training Branch  
Dept of Labor and Industrial Relations  
830 Punchbowl Street  
Honolulu, HI 96831  
(808) 586-9100

Safety and Health Consultation Program  
Boise State University  
Department of Health Studies  
1910 University Drive  
Boise, ID 83725  
(208) 426-3283

Illinois Onsite Consultation  
Industrial Service Division  
Department of Commerce & Community Affairs  
State of Illinois Center  
100 West Randolph St.  
Suite 3-400  
Chicago, IL 60601  
(312) 814-2337

Division of Labor  
Bureau of Safety, Education  
and Training  
402 West Washington  
Room W195  
Indianapolis, IN 46204-2287  
(317) 232-2688

7(c)(1) Consultation Program  
Iowa Bureau of Labor  
2016 DMACC Boulevard  
Building 17, Room 10  
Ankeny, IA 50021  
(515) 965-7162

Kansas 7(c)(1) Consultation Program  
Kansas Department of Human Resources  
512 South West 6th Street  
Topeka, KS 66603-3150  
(785) 296-7476

Division of Education & Training  
Kentucky Labor Cabinet  
1047 U.S. Highway 127, South  
Frankfort, KY 40601  
(502) 564-6895

7(c)(1) Consultation Program  
Louisiana Dept. of Labor  
1001 N. 23rd Street, Room 230  
P.O. Box 94094  
Baton Rouge, LA 70804-9094  
(225) 342-9601

Division of Industrial Safety  
Maine Bureau of Labor Stds.  
Workplace Safety & Health Division  
State House Station #45  
Augusta, ME 04333-0045  
(207) 624-6460

MOSH Consultation Services  
312 Marshall Avenue, Room 600  
Laurel, MD 20707  
(410) 880-4970

Division of Occupational Safety & Health  
Department of Workforce Development  
1001 Watertown Street  
West Newton, MA 02165  
(617) 727-3982

Occupational Health Division/BSR  
7150 Harris Drive  
P.O. Box 30649  
Lansing, MI 48909  
(517) 322-6823 (*H*)

Department of Consumer and Industry Services  
7150 Harris Drive  
Lansing, MI 48909  
(517) 322-1809 (*S*)

Department of Labor & Industry  
Consultation Division  
443 Lafayette Road  
St. Paul, MN 55155  
(612) 297-2393

Mississippi State University  
Center for Safety and Health  
2906 North State Street  
Suite 201  
Jackson, MS 39216  
(601) 987-3981

Onsite Consultation Program  
Division of Labor Standards  
Department of Labor & Industrial Relations  
3315 West Truman Boulevard  
P.O. Box 449  
Jefferson City, MO 65109  
(573) 751-3403

Department of Labor & Industry  
Bureau of Safety  
P.O. Box 1728  
Helena, MT 59624-1728  
(406) 444-6418

Division of Safety, Labor & Safety Standards  
Nebraska Department of Labor  
State Office Building, Lower Level  
301 Centennial Mall, South  
Lincoln, NE 68509-5024  
(402) 471-4717

Safety Consultation & Training Section,  
Division of Industrial Relations  
Department of Business & Industry  
1301 Green Valley Parkway  
Henderson, NV 89014  
(702) 486-9140

New Hampshire Department of Health  
& Human Services  
6 Hazen Drive  
Concord, NH 03301-6527  
(603) 271-2024

Division of Public Safety &  
Occupational Safety & Health New Jersey  
Department of Labor  
225 E.State Street, 8th Floor West  
Post Office Box 953  
Trenton, NJ 08625-0953  
(609) 292-3923

New Mexico Environment Department,  
Occupational Health & Safety Bureau  
525 Camino De Los Marquez, Suite 3  
Post Office Box 26110  
Santa Fe, NM 87502  
(505) 827-4230

Division of Safety and Health  
State Office Campus  
Building 12, Room 130  
Albany, NY 12240  
(518) 457-2238

Bureau of Consultative Services  
N.C. Department of Labor - OSHA  
4 West Edenton Street  
Raleigh, NC 27601-1092  
(919) 807-2905

Division of Environmental Engineering  
1200 Missouri Avenue, Room 304  
Bismark, ND 58504  
(701) 328-5188

Division of Onsite Consultation  
Bureau of Employment Services  
145 S. Front Street  
Columbus, OH 43215  
(614) 644-2246

Oklahoma Department of Labor OSHA Division  
4001 North Lincoln Blvd.  
Oklahoma City, OK 73105-5212  
(405) 528-1500

Department of Consumer & Business  
350 Winter Street, N.E., Room 430  
Salem, OR 97310  
(503) 378-3272

Indiana University of Pennsylvania  
Walsh Hall  
301 E. Walk, Room 210  
Indiana, PA 15705-1087  
(724) 357-2396

Occupational Safety and Health Office  
Department of Labor and Human Resources  
505 Munoz Rivera Avenue, 21st Floor  
Hato Rey, PR 00918  
(787) 754-2171

OSH Consultation Program  
Division of Occupational Health  
& Radiation Ctrl.  
Rhode Island Department of Health  
3 Capital Hill  
Providence, RI 02908  
(401) 222-2438

South Carolina Department of Labor  
Licensing & Regulation  
3600 Forest Drive  
P.O. Box 11329  
Columbia, SC 29204  
(803) 734-9614

Engineering Extension  
Onsite Technical Division  
SD State University, West Hall  
Box 510,907 Harvey Dunn Street  
Brookings, SD 57007  
(605) 688-4101

OSHA Consultative Services Division  
Tennessee Department of Labor  
710 James Robertson Parkway, 3rd Fl.  
Nashville, TN 37243-0659  
(615) 741-7036

Workers' Health and Safety Division  
Texas Workers' Compensation Commission  
Southfield Building  
4000 South I H 35  
Austin, TX 78704  
(512) 440-3854

State of Utah Labor Commission  
Workplace Safety and Health  
Consultation Services  
160 East 300 South  
Salt Lake City, UT 84114-6650  
(801) 530-6901

Division Of Occupational Safety and Health  
Vermont Department of Labor and Industry  
National Life Building, Drawer #20  
Montpelier, VT 05602-3401  
(802) 828-2765

Virginia Department of Labor and Industry  
Occupational Safety and Health  
Training and Consultation  
13 South 13th Street  
Richmond, VA 23219  
(804) 786-6359

Division of Occupational Safety and Health  
Virgin Islands Department of Labor  
3021 Golden Rock  
Christainsted  
St. Croix, VI 00840  
(809) 772-1315

Washington Department of Labor and Industries  
Division of Industrial Safety and Health  
P.O. Box 44643  
Olympia, WA 98504  
(360) 902-5638

West Virginia Department of Labor  
Capitol Complex Building #3  
1800 East Washington Street, Room 319  
Charleston, WV 25305  
(304) 558-7890

Wisconsin Department of Health  
and Human Services  
Division of Health  
Section of Occupational Health  
1414 E. Washington Avenue, Room 112  
Madison, WI 53703  
(608) 266-8579 (*H*)

Wisconsin Department of Commerce  
Division of Manufacturing and Technical  
Development  
401 Pilot Court, Suite C  
Waukesha, WI 53188  
(414) 521-5063 (*S*)  
262-523-3040 WRONG NUMBERS.

Wyoming Department of Employment  
Workers' Safety and Compensation Division  
Herschler Building, 2 East  
122 West 25th Street  
Cheyenne, WY 82002  
(307) 777-7786

(*H*) — *Health*  
(*S*) — *Safety*

# Index

<b>A</b>			
Abatement time	33	Death, worker	22
Achievement recognition program	36	Demonstration	39
Administrative law judge	34		
Advance notice	17	<b>D</b>	
Advisory Committee on Construction Safety and Health, ACCSH	16	<b>E</b>	
Annual survey	24	Education	40
Arts and Humanities Act	15	Emergency temporary standards	17
Asbestos Hazard Emergency Response Act	13	Employee complaints	26
		Employee involvement	35
		Employee representatives	28
		Employee legal rights	13
		Employer rights and responsibilities	9
		Energy Reorganization Act	14
		Establishment	23
		Experimental variance	19
<b>B</b>			
Bureau of Labor Statistics, BLS	21	<b>F</b>	
		Failure to abate	32
		Fatalities	22
		Fatal accidents	26
		Federal Register	17
		Federal Safety and Health Advisory Committee, FACOSH	16
		Federal sector	7
		Federal Water Pollution Act	14
		Follow-up inspections	26
<b>C</b>			
Catastrophes	26	<b>G</b>	
Citation	19, 33	General duty clause	15
Clean Air Act	14	Grants	40
Closing conference	27		
Compensation and Liability Act	14		
Complaint	26		
Compliance officer	25, 26		
Comprehensive partnerships	38		
Comprehensive Environmental Response and Compensation and Liability Act	14		
Construction Safety Act	15		
Consultation	35		
Criminal fines	25, 32		

## H

Hazard prevention and control	35
Hazards	15
Health and Human Services, HHS	16
High-hazard industries	26

## I

Imminent danger	26
Injury and illness log	23
Inspection	33
Inspection walkaround	27
Inspector credentials	27
International Safe Container Act, ISCA	13
Internet	4

## J

Job safety and health protection poster	24
---	----

## L

Limited partnership	38
Log and Summary of Occupational Injuries and Illnesses	23
Longshoremen's and Harbor Workers' Compensation Act	15

## M

Management commitment	35
Maritime Advisory Committee for Occupational Safety, MACOSH	16
Merit	37
Multiple work sites	23

## N

National Advisory Committee on Occupational Safety, NACOSH	16
National Institute for Occupational Safety and Health, NIOSH	1, 11
Notice of contest	34
Notice of intent to contest	33
Notice of proposed penalty	33
Notice of proposed rulemaking	17

## O

Occupational illness	22
Occupational injury	22
Occupational Safety and Health Review Commission, OSHRC	34
Occupational safety and health training	39
Opening conference	27
OSH Act	1, 13
OSHA annual survey	24
OSHA 101	23
OSHA 200	23
OSHA approval for state plans	8
OSHA area offices	43
OSHA consultation projects	53
OSHA coverage	6
OSHA exemption	21
OSHA regional offices	42
OSHA standard	16
OSHA Strategic Partnership Program, OSPP	37, 38
Other-than-serious violation	31



