

1 Description of national OSH regulatory framework

1.1 Description of OSH regulatory framework

Summary/citation

Workplace safety and health laws for the U.S.A are contained primarily in federal and state statutes (federal laws and regulations/standards pre-empt state ones where they overlap or contradict one another.) This database is concerned only with federal legislation.

The main law protecting the health and safety of workers is the Occupational and Safety Health Act 1970, which covers commercial workplaces and, like other federal statutes, is codified by subject matter in the United States Code (U.S.C.) A number of regulations relate to the duty of federal agencies towards their employees. Federal regulations/standards contain both detailed provisions and interpretations of provisions in the OSHA and other Acts. These final rules are codified when added to the Code of Federal Regulations (CFR) and those relating to occupational safety and health currently fill five volumes of the Code of Federal Regulations, which is revised annually on July 1.

The Occupational Safety and Health Administration (OSHA), is the agency of the Department of Labor, which sets and enforces general workplace health and safety standards. However, other federal agencies also establish safety and health regulations relating to their own areas of concern.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15).

Title 29, Code of Federal Regulations

Official Website of the United States Department of Labor - links to regulations/rules

Official Website of US Department of Labor - Occupational Health and Safety Administration

2 Scope, coverage and exclusions

2.1 Health and safety covers physical and psychological health

2.2 Definition of worker

Summary/citation

The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 652(6))

2.2.1 Coverage of particular categories of workers

2.2.1.1 Migrant workers

Summary/citation

Nothing in the legislation excludes migrant worker from the definition of employee.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 652(6))

2.2.1.2 Domestic workers

Summary/citation

Excluded from the definition of employee provided in the OSH law since domestic workers are not "employed in a business of his employer which affects commerce."

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 652(6))

2.2.1.3 Home workers

Summary/citation

Nothing in the OSHA or regulations excludes home workers from the definition of worker. In specific industries the employment of home workers must first be certified by the Department of Labor: for example for knitted outerwear and other forms of clothing. No certificates may be issued to authorize home work for women's clothing.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 530)

2.2.1.4 Self-employed persons

Summary/citation

Nothing in the OSHA or CFR specifically excludes self-employed workers from the definition of "employee", and in 29 CFR 1977.5 it is stated: "The Act does not define the term "employ."

Remarks / comments

The broad remedial nature of this legislation demonstrates a clear congressional intent that the existence of an employment relationship is to be based upon economic realities rather than upon common law doctrines and concepts. See, U.S. v. Silk, 331 U.S. 704 (1947); Rutherford Food Corporation v. McComb, 331 U.S. 722 (1947).

References

Title 29, Code of Federal Regulations (1977(5)(a))

2.3 Definition of employer

Summary/citation

The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States (not including the United States Postal Service) or any State or political subdivision of a State.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 652(5))

2.4 Exclusion of branches of economic activity

2.4.1 Agriculture

Summary/citation

Agriculture industry has specific federal regulations.

References

Title 29, Code of Federal Regulations (§ 1926)

2.4.2 Construction

Summary/citation

Construction industry has specific federal regulations.

References

Title 29, Code of Federal Regulations (§ 1928)

2.4.3 Services

2.4.4 Public sector

Summary/citation

Section 19 of OSHA requires the heads of federal agencies to be responsible for establishing and maintaining an effective and comprehensive occupational safety and health program.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 652(6))

2.4.5 Other

2.5 Definition of occupational accident

2.6 Definition of occupational disease

2.6.1 List of occupational diseases

Summary/citation

There are lists compiled by implementing agencies but no official list at law. Occupational illnesses are covered at various parts throughout the legislation - no specific list exists.

2.6.2 Mechanism for compensating other diseases as occupational ones

3 Institutions and programmes relating to OSH administration and/or enforcement

3.1 Competent national authority for safety and health at work

Summary/citation

The Secretary of Labor and the Occupational Safety and Health Review Commission.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§§ 655, 661)

3.1.1 Objectives, roles and/or functions

Summary/citation

The Secretary of Labor has overall enforcement powers over OSH administration, including promulgating regulations and performing inspections and investigations. The Occupational Safety and Health Review Commission is authorized to hear appeals from decisions made by Secretary of Labor inspectors.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§§ 655, 661)

3.1.2 Chairperson and composition

Summary/citation

The Secretary of Labor is a politically appointed position. The Occupational Safety and Health Review Commission is composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 661(a))

3.2 National OSH research programme or institute

Summary/citation

The Secretary of Health and Human Services through the National Institute for Occupational Safety and Health.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 671(a))

3.2.1 Objectives, roles and/or functions

Summary/citation

The Secretary of Health and Human Services shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 669(a)(1))

3.2.2 Governance board constitution and chairmanship

Summary/citation

The Secretary of Health and Human Services is a politically appointed position. The National Institute for Occupational Safety and Health shall be headed by a Director who shall be appointed by the Secretary of Health and Human Services, and who shall serve for a term of six years unless previously removed by the Secretary of Health and Human Services.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 671(a))

3.2.3 Source of funding

Summary / Citation

No specific funding scheme is provided for in the legislation.

3.3 National OSH programme

3.3.1 Consultation on the national OSH programme

4 Employers' duties and responsibilities to protect the safety and health of workers and others

4.1 Duty to ensure the health and safety of employees

Summary/citation

Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; Each employer shall comply with occupational safety and health standards promulgated under this Act.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 654(a)(1),(2))

4.2 Duty to protect the health and safety of people other than their own employees

4.3 Collaboration among two or more employers at the same workplace

4.4 Surveillance of workers' health in relation to work

Summary / Citation

Employees subjected to specific toxic substances are required to be part of medical surveillance programs.

4.4.1 Specific hazards for which surveillance is required**Summary / Citation**

Can be found in 29 CFS.

References

Title 29, Code of Federal Regulations (§§ 1910, 1926)

4.5 Surveillance of the working environment and working practices**Summary / Citation**

Employers are required to perform ongoing surveillance for a variety of substances.

References

Title 29, Code of Federal Regulations (§§ 1910, 1926)

4.6 Duty to provide personal protective equipment

Reference:

Title 29, Code of Federal Regulations (§ 1910(132))

4.7 Duty to ensure the usage of personal protective equipment

Reference:

Title 29, Code of Federal Regulations (§ 1910(132)(a),(b))

4.8 Duty to provide first-aid and welfare facilities**4.8.1 Arrangements for first-aid****Summary / Citation**

Construction Industry: employers must make first aid provisions available to all employees.

References

Title 29, Code of Federal Regulations (§ 1926(23))

4.8.2 Sanitary installations**Summary / Citation**

Construction Industry: toilets must be provided for employees according to specific standards. Lavatories must be provided, hand washing facilities.

References

Title 29, Code of Federal Regulations (§§ 1926(51)(c)(1)-(h))

4.8.3 Drinking water**Summary / Citation**

Construction Industry: An adequate supply of potable water shall be provided in all places of employment.

References

Title 29, Code of Federal Regulations (§ 1926(51)(a)(1))

4.8.4 Rest and eating areas

5 Employers' duty to organize prevention formally along generally accepted OSH management principles and practices

5.1 Elements of an OSH management system

5.1.1 Policy or plan specifying responsibilities and arrangements for health and safety

5.1.2 Appointment of a person for health and safety

Summary/citation

Federal Agencies only: The head of each agency shall designate an official with sufficient authority and responsibility to represent effectively the interest and support of the agency head in the management and administration of the agency occupational safety and health program. This Designated Agency Safety and Health Official should be of the rank of Assistant Secretary, or of equivalent rank, or equivalent degree of responsibility, and shall have sufficient headquarters staff with the necessary training and experience. The headquarters staff should report directly to, or have appropriate access to, the Designated Agency Safety and Health Official, in order to carry out the responsibilities under this part.

References

Title 29, Code of Federal Regulations (§ 1960(6)(a))

5.1.3 Written risk assessment

5.1.4 Safe operating work systems and procedures

Summary/citation

Construction industry: prevention programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

References

Title 29, Code of Federal Regulations (§ 1926(20)(b)(2))

5.1.5 Training and information on risks

Summary/citation

Employers must post notices furnished by the Occupational Safety and Health Administration, the OSHA and standards, in a conspicuous place in the establishment (§ 1903(2)(a)(1)).

Construction Industry: the employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury (§ 1926(21)(b)(2)).

References

Title 29, Code of Federal Regulations (§§ 1903(2)(a)(1), 1926(21)(b)(2))

5.1.6 Review or assessment of the results of preventive measures

Summary/citation

The law provides for health and safety official plans and procedures for evaluating the agency's occupational safety and health program effectiveness at all operational levels.

Restrictions / obligations

This only applies to Federal Agencies.

References

Title 29, Code of Federal Regulations (§ 1926(6)(b)(5))

5.1.7 Consultation with workers in health and safety

5.2 Obligation to implement a specific OSH management system or standard

6 Employers' duty to ensure availability of expertise and competence in health and safety

6.1 OSH competence

Summary/citation

Employers must avail themselves of training offered by the Secretary of Labor.

Restrictions / obligations

This only applies to the construction industry.

References

Title 29, Code of Federal Regulations (§ 1926(21)(b)(1))

6.1.1 Requirement to access expert advice and/or support in health and safety

6.1.1.1 Qualifications of experts or professional services

6.2 Appointment of an OSH practitioner

Summary/citation

The head of each agency shall designate an official with sufficient authority and responsibility to represent effectively the interest and support of the agency head in the management and administration of the agency occupational safety and health program.

Restrictions / obligations

This only applies to Federal Agencies.

References

Title 29, Code of Federal Regulations (§ 1960(6)(a))

6.2.1 Workforce size threshold for the appointment of OSH practitioners

7 Workers' rights and duties

7.1 Duty to take reasonable steps to protect their own safety and health

7.2 Duty to take reasonable steps to protect the safety and health of others

7.3 Supervisors' duty to take reasonable steps to protect the safety and health of others

Summary / Citation

Employees who exercise supervisory functions shall, to the extent of their authority, furnish employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm. They shall also comply with the occupational safety and health standards applicable to their agency and with all rules, regulations and orders issued by the head of the agency with respect to the agency occupational safety and health program.

Restrictions / obligations

This only applies to Federal Agencies.

References

Title 29, Code of Federal Regulations (§ 1960(9))

7.4 Senior officers' duty to take reasonable steps to protect the safety and health of others

7.5 Self-employed persons' duty to take reasonable steps to protect their own and other people's health and safety

7.6 Duty to comply with OSH-related requirements

Summary / Citation

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 654(b))

7.7 Right to enquire about risks and preventive measures

Summary / Citation

The Secretary of Labour is required to make regulations requiring employers to required to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6 of OSHA. Employees or their representatives must be provided with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 657(c)(3))

7.8 Right to remove themselves from a dangerous situation

7.9 Right to be reassigned to non-hazard work

Summary / Citation

Because OSHA forbids discharge or any other form of discrimination against an employee for the exercise of rights under the Act, an employer could not discharge or otherwise diminish the earning capacity of an employee who refuses to work in an environment considered to pose an imminent danger by the District Court, and thus such employee would require reassignment.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 660)

7.9.1 Right to withdraw with compensation when workers are not reassigned to non-hazard work

Summary / Citation

Because OSHA forbids discharge or any other form of discrimination against an employee for the exercise of rights under the Act, an employer could not discharge or otherwise diminish the earning capacity of an employee who refuses to work in an environment considered to pose an imminent danger by the District Court.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 660)

8 Consultation, collaboration and co-operation with workers and their representatives

8.1 National OSH committee, commission, council or similar body

Summary / Citation

There is established a National Advisory Committee on Occupational Safety and Health.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 656(a)(1))

8.1.1 Objectives, roles and/or functions

Summary / Citation

The Committee shall advise, consult with, and make recommendations to the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the OSHA.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 656(a)(2))

8.1.2 Constitution and chairmanship modalities

Summary / Citation

The Committee is a continuing advisory body of 12 members. Two members will represent management, two members will represent labor, two members will represent the occupational health professions, two members will represent the occupational safety professions, and four members will represent the public. The Secretary of Health, Education, and Welfare will designate the two members representative of the occupational health professions and two of the members representative of the public. All the members will be selected upon the basis of their experience and competence in the field of occupational safety and health. All the members will be appointed by the Secretary of Labor, who will designate one of the public members as Chairman.

References

Title 29, Code of Federal Regulations (§ 1912(a)(2))

8.2 Employers' duty to consult workers on risks

8.3 Workers' right to select their representatives for health and safety matters

8.3.1 Workforce size conditions for workers' representation in health and safety

8.3.2 Conditions of eligibility to represent workers in health and safety

8.4 OSH representatives' functions, rights and powers

8.4.1 Right to inspect the workplace

8.4.2 Right to access OSH information

8.4.3 Right to be present at interviews

8.4.4 Right to receive professional assistance from OSH experts

8.4.5 Right to accompany inspectors

8.4.6 Right to use facilities

8.4.7 Right to have time off work with pay to perform duties

8.4.8 Right to issue remedial notices

8.4.9 Right to resolve OSH issues in consultation with employers

8.4.10 Right to direct that dangerous work cease

8.5 Right of workers' representatives from outside the undertaking to address OSH issues at the workplace

8.5.1 Right to enter the workplace

8.5.2 Right to investigate suspected non-compliance with OSH legislation

8.5.3 Right to consult with workers

8.5.4 Right to advise workers

8.5.5 Right to initiate enforcement action

8.6 Joint OSH Committee

8.6.1 Participation of workers' representatives in joint OSH committee

8.6.2 Conditions for establishing a joint OSH committee

8.6.3 Objectives, roles and/or functions of joint OSH committees

8.6.4 Keeping record of the work of joint OSH committees

8.6.5 Sharing the minutes of joint OSH committees meetings

8.7 Mandatory training for members of joint OSH committee(s)

8.8 Protection against reprisals

Summary / Citation

No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to OSHA or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by OSHA.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 660(c)(1))

8.9 Immunity from civil and criminal liability for exercising OSH related rights and duties

9 Specific hazards or risks

9.1 Biological hazards

Summary / Citation

See signage provisions for biological hazards in the workplace.

References

Title 29, Code of Federal Regulations (§ 1910(145)(e)(4))

9.2 Chemical hazards

9.2.1 Handling, storage, labelling and use

Summary / Citation

See provisions relating to toxic substances including various chemicals.

References

Title 29, Code of Federal Regulations (§ 1910 Subpart Z)

9.2.2 Duty of manufacturers, suppliers and importers of chemicals in relation to the safety and health of users

References

Title 29, Code of Federal Regulations (§ 1910(1200))

9.2.3 Pesticides

Summary / Citation

See labeling provisions for pesticides.

References

Title 29, Code of Federal Regulations (§ 1910(1450))

9.3 Ergonomic hazards

9.4 Physical hazards

9.4.1 Ionising radiation

References

Title 29, Code of Federal Regulations (§ 1910(1096))

9.4.2 Vibration and noise

Summary / Citation

Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown.

References

Title 29, Code of Federal Regulations (§ 1910(95))

9.4.3 Working at height

Summary / Citation

There are no general provisions in the OSHA but in the CFR different regulations apply to different industries.

9.4.4 Working in confined spaces

References

Title 29, Code of Federal Regulations (§ 1910(146))

9.4.5 Risks arising from poor maintenance of workplace facilities

Summary / Citation

No general obligation in OSHA. Regular inspections are required of workplace facilities in the construction industry.

Restrictions / obligations

This applies only to the construction industry.

References

Title 29, Code of Federal Regulations (§ 1926(502))

9.4.6 Exposure to extreme temperatures

9.4.7 Fire risks

References

Title 29, Code of Federal Regulations (§ 1910(160))

9.4.8 Tobacco

9.4.9 Asbestos

References

Title 29, Code of Federal Regulations (§ 1910(1001))

9.4.10 Risks related to nanotechnology

9.4.11 Contraction of HIV in the workplace

9.5 Psychosocial hazards

9.5.1 Psychosocial risks

9.5.2 Occupational violence

9.6 Other hazardous substances

Summary / Citation

There are no general provisions in the OSHA but in the CFR different regulations apply to different industries. For example see textile industry regulations relating to cotton dust.

References

Title 29, Code of Federal Regulations (§ 1910(1043))

9.7 Machineries

9.7.1 Risks related to machinery and tools

References

Title 29, Code of Federal Regulations (§ 1910(212))

9.7.2 Duty of designers and/or manufacturers of machineries in relation to the occupational safety and health of operators of machineries

References

Title 29, Code of Federal Regulations (§ 1910)

9.7.3 Duty of designers, manufacturers, importers or suppliers of machineries to provide machineries information

9.7.4 Duty to purchase machineries from authorised/certificated suppliers or only if approved/certificated

9.7.5 Maintenance of machinery and equipment

Summary / Citation

Agriculture industry has specific regulations relating to farm machinery.

Construction industry has specific regulations relating to machinery.

References

Title 29, Code of Federal Regulations (§§ 1926, 1928)

9.7.5.1 List of equipment where applicable

Summary / Citation

Construction industry has specific regulations relating to machinery.

Agriculture industry has specific regulations relating to farm machinery.

References

Title 29, Code of Federal Regulations (§§ 1926, 1928)

9.8 Provisions to protect workers in specific condition of vulnerability

9.8.1 Protection of pregnancy at work

9.8.2 Protection of lactating women at work

9.8.3 Limits to women's access to specific occupations, undertakings or shifts

9.8.4 Limits to workers' access to specific occupations, undertakings or shifts by reason of age

10 Recording, notification and investigation of accidents/incidents and diseases

10.1 Duty to record and/or investigate the causes of work accidents, near misses incidents and cases of occupational diseases

10.1.1 Work-related accidents

Summary / Citation

Each employer required by this Part to keep records of fatalities, injuries, and illnesses that result in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Restrictions / obligations

This is not applicable to employers with under 10 employees or those in "low hazard" industries.

References

Title 29, Code of Federal Regulations (§§ 1904(1)(a)(1), 1904(4)(a), 1904(4)(a)(1), 1904(2)(a)(1))

10.1.2 Near miss incidents

10.1.3 Occupational diseases

Summary / Citation

Each employer required by this Part to keep records of fatalities, injuries, and illnesses that result in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Restrictions / obligations

This is not applicable to employers with under 10 employees or those in "low hazard" industries.

References

Title 29, Code of Federal Regulations ((§§ 1904(1)(a)(1), 1904(4)(a), 1904(4)(a)(1), 1904(2)(a)(1)))

10.2 Employers' duty to notify OSH authorities of work related death and/or injuries to health**Summary / Citation**

Within eight (8) hours after 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, employers must orally report the fatality/multiple hospitalization by telephone or in person to the Occupational Safety and Health Administration.

References

Title 29, Code of Federal Regulations (§ 1904(39)(a))

11 OSH inspection and enforcement of OSH legislation**11.1 Appointment of OSH inspectors****Summary / Citation**

There is no specific provision mandating the appointment of inspectors. However several provisions throughout the OSHA require the existence of inspectors, under the authority of the Secretary of Labour, and thus their appointment is assumed.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15).

11.2 OSH inspectors' powers**11.2.1 Power to enter workplaces****Summary / Citation**

In order to carry out the purposes of OSHA, Compliance Safety and Health Officers from the Department of Labor are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(Occupational Safety and Health Act of 1970, §§ 657(a)(1), 657(a)(2))

(Title 29, Code of Federal Regulations, §§ 1903(3)(a))

Federal Agencies: All areas and operations of each workplace, including office operations, shall be inspected at least annually. More frequent inspections shall be conducted in all workplaces where there is an increased risk of accident, injury, or illness due to the nature of the work performed. Sufficient unannounced inspections and unannounced follow-up inspections should be conducted by the agency to ensure the identification and abatement of hazardous conditions.

(Title 29, Code of Federal Regulations, 1960(25)(c))

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§§ 657(a)(1), 657(a)(2))

Title 29, Code of Federal Regulations (§§ 1903(3)(a), 1960(25)(c))

11.2.2 Power to inspect and carry out any examination, test or enquiry

Summary / Citation

Compliance Safety and Health Officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment.

References

Title 29, Code of Federal Regulations (§1903(3)(7)(b))

11.2.3 Power to investigate

11.2.4 Duty to provide advice on OSH

11.3 OSH inspectors' enforcement powers

11.3.1 Power to issue orders or notices

Summary / Citation

If the Secretary or his authorized representative believes that an employer has violated a requirement, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation and shall fix a reasonable time for the abatement of the violation.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 658 (a))

11.3.2 Power to impose financial penalties

Summary / Citation

In addition to citations and orders to correct the violation, an inspector may assess a penalty against the employer.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 659(a))

11.3.3 Power to revoke or suspend licenses or authorisations

11.3.4 Power to require the cessation of dangerous work

Summary / Citation

The Secretary of Labor must petition a district court to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the OSHA.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 662(a))

11.3.5 Power to initiate prosecutions

11.3.6 Power to conduct prosecutions

11.3.7 Other enforcement powers

11.4 Application of sanctions by courts

11.4.1 Financial penalties for legal persons

Summary / Citation

Penalties for individuals and corporations are the same. There are specific penalties for different forms of violations of the OSHA or regulations. Penalties may be assessed up to \$70,000 in some circumstances and in some cases of willful violations a minimum penalty of \$5,000 must be assessed.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 666)

11.4.2 Financial penalties for natural persons

Summary / Citation

Penalties for individuals and corporations are the same. There are specific penalties for different forms of violations of the OSHA or regulations. Penalties may be assessed up to \$70,000 in some circumstances and in some cases of willful violations a minimum penalty of \$5,000 must be assessed.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 666)

11.4.3 Non-financial sanctions

11.4.4 Criminal liability

Summary / Citation

In cases where an individual kills someone while they are performing duties under the OSHA they may be imprisoned for life.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 666)

11.4.5 Terms of imprisonment for natural persons

Summary / Citation

There are no minimum imprisonment terms identified in the legislation, and for most violations the maximum term is six months or one year.

References

Occupational Safety and Health Act of 1970, Public Law 91-596 [S. 2193] (29 USC, Chapter 15). (§ 666)