ABSTRACT

You are a plant manager/engineer responsible for a covered chemical process. You open your mail and to your surprise find an OSHA citation. You are familiar with the incident and know that it involved contractor workers and not any of your processes. You ask yourself, “How could this happen?” I properly pre-qualified the contractors according to OSHA 1910.119(h). Our company attorneys have included “Additional Insured” and “Indemnity” clauses into each contract. None of our employees were involved and we did not create the incident. Why am I getting a citation from OSHA? I thought I was covered!

Even though you have followed the guidelines set forth in 1910.119(h) referring to contractors, you are still responsible for the site and typically defined as the “Controlling (host) Employer” under OSHA’s Multi-Employer Citation Policy.

“What’s that?” you ask.

Many times, incidents involve more than one employer. Since OSHA primarily addresses only the employer/employee relationship, OSHA has addressed the multiple employer scenario in their Multi-Employer Citation Policy.

This paper will examine the definitions of the four types of employers at a site and their responsibilities, as defined by the OSHA Multi-Employer Citation Policy. In particular, we will examine the role of the “Controlling Employer”. Uniquely, we will discuss how the PSM regulation and the OSHA policy are related. We will also examine defining hazards under OSHA’s policy and adjusting job safety analysis (JSA) practices accordingly. Finally, we will make recommendations on how facilities can educate and prepare their staff for these responsibilities.

This paper would benefit managers and engineers at facilities that contract maintenance and construction to third parties.