You are a plant manager/engineer responsible for a PSM (Process Safety Management) covered chemical process. You open your mail and to your surprise find an OSHA citation. You are familiar with the cited incident and know that it involved a contract worker and did not involve any of your processes. You ask yourself, “How could this happen? We pre-qualified our contractors according to OSHA’s PSM regulation. 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 are we getting a citation from OSHA? I thought we were covered!”

Even though you have followed the guidelines set forth in 1910.119(h) of the PSM regulation, you are still responsible for the site and typically defined as the “Controlling (Host) Employer.”

“What’s that?” you ask.

Many times, incidents involve more than one employer. OSHA primarily addresses only the employer/employee relationship, and thus OSHA addresses multiple employer scenarios in their Multi-Employer Citation Policy.

This paper will examine the history and 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 Multi-Employer Citation Policy are interrelated. Finally, we will make recommendations on how facilities can educate and prepare their staff for the responsibilities required under these regulations.

BACKGROUND

Under the Multi-Employer Citation Policy OSHA defines four types of employers:

- Creating Employer
- Exposing Employer
- Correcting Employer
- Controlling Employer

Along with the Multi-Employer Citation Policy, the Process Safety Management (PSM) regulation defines more areas where “controlling” employers need to examine the worksite. The intent of both is to have the controlling (host) employer take a more active role in all activities on its site.

EXAMPLE INCIDENT

Mixme is a liquid blending facility covered under the PSM Regulations. Mixme has purchased a replacement blending vessel. Mixme also has all trades in their maintenance department.

Acme is a mechanical/piping contractor contracted by Mixme to install the vessel purchased by Mixme.

Structeze is a structural steel subcontractor hired by Acme to remove and replace platform railing to allow the vessel to be installed by Acme.

Cleanjo is a tank and vessel cleaning contractor that has an on-going contract with Mixme to periodically clean the platform area.


In our practice, Packer Engineering prepares a table with the associated parties on the site and types of employers across the top. The table below will be used in this example.

<table>
<thead>
<tr>
<th></th>
<th>Exposing</th>
<th>Creating</th>
<th>Correcting</th>
<th>Controlling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixme</td>
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<tr>
<td>Acme</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Structeze</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleanjo</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Using this table, we can examine the employers and parties for each hazard and apply the appropriate responsibilities to each. (See Paper and/or Presentation for analysis)

DISCUSSION

What can the host employer do?