

OSHA FactSheet

State Job Safety and Health Programs

The Occupational Safety and Health Act of 1970 encourages states to develop and operate their own job safety and health plans under the authority of state law. These plans may cover both private and public sector employment or may be limited to public sector employment only. OSHA approves and monitors states' plans and provides up to 50 percent of an approved plan's operating costs.

States must set job safety and health standards at least as effective as comparable federal standards. They also have the option to promulgate standards covering hazards not addressed by federal standards.

States must conduct inspections, without advance notice, to enforce their standards, cover state and local government employees, and operate occupational safety and health training and education programs. States provide free consultation, funded primarily by OSHA, to help employers identify and correct workplace hazards in addition to varying and extensive programs of compliance assistance for employers and employees.

To gain OSHA approval for a "developmental plan," the first step in the state plan process, a state must assure OSHA that all the structural elements necessary for an effective occupational safety and health program will be in place within three years. These elements include: appropriate legislation; standards and procedures for standard setting, enforcement, appeal of citations and penalties; and a sufficient number of competent enforcement personnel. Appropriate state legislation must be enacted and matching Federal funds available prior to OSHA approval.

Once a state has completed and documented all its developmental steps, it is eligible for certification. Certification renders no judgment as to actual state performance, but merely attests to the structural completeness of the plan.

At any time after plan approval, when it appears that the state is capable of independently enforcing standards, OSHA may sign an "opera-

tional status agreement" with the state. This commits OSHA to voluntarily limit discretionary federal enforcement in all or certain activities covered by the state plan.

The ultimate accreditation of a state's plan is called "final approval." When OSHA grants final approval to a state, it relinquishes its authority to cover occupational safety and health matters covered by the state. After at least one year of certification, the state may request final approval, which OSHA grants if it determines that the state program is providing worker protection at least as effective as the protection provided by the federal program. The state also must meet 100 percent of the established compliance staffing levels (benchmarks) and participate in OSHA's computerized inspection data system, the Integrated Management Information System (IMIS), before OSHA can grant final approval. There are currently 15 states that have received final approval: Alaska, Arizona, Hawaii, Indiana, Iowa, Kentucky, Maryland, Minnesota, Nevada, North Carolina, South Carolina, Tennessee, Utah, Virginia, and Wyoming.

Anyone finding inadequacies or other problems in the administration of a state's program may file a complaint with the appropriate OSHA regional administrator. The complainant's name is kept confidential. OSHA investigates all such complaints and requires appropriate corrective action on the part of the state.

In addition to the 15 states that have received final approval, six other states and one territory operate complete state plans (covering both the private sector and state and local government employees). These include California, Michigan, New

Mexico, Oregon, Puerto Rico, Vermont and Washington. Three states and one territory – Connecticut, New Jersey, New York, and the Virgin Islands – cover state and municipal employees only. Eight additional states were approved at one time but subsequently withdrew their programs. Visit OSHA's website for more information on OSHA state plans.

The Occupational Safety and Health State Plan Association (OSHSPA) is the organization of

officials from the 26 states and territories that operate OSHA-approved state plans. OSHSPA also serves as the link from the state plans to Congress and to federal agencies that have occupational safety and health jurisdiction. The group holds three meetings a year with Federal OSHA, giving state programs the opportunity to address common problems and share information. It also provides information to states or territories that are considering application for state plan status.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

