



VOSH PROGRAM DIRECTIVE: 02-215

ISSUED: May 1, 1992

SUBJECT: Enforcement Authority at the Department of Energy's Government Owned, Contractor Operated (GOCO) Sites

A. Purpose.

This Directive provides a clarification of OSHA's policy for inspections at Department of Energy GOCO sites.

B. Scope.

This Directive applies to all VOSH personnel and specifically to Occupational Safety Enforcement and Voluntary Compliance.

C. Reference.

OSHA Instruction CPL 2.95 (Feb. 10, 1992).

D. Cancellation.

Not Applicable.

E. Action.

The Assistant Commissioner, Directors and Supervisors shall assure that employers comply with the requirements of this directive.

F. Effective Date.

May 1, 1992.

G. Expiration Date.

Not Applicable.

H. Background.

OSHA's jurisdictional policy with regard to the Department of Energy "GOCO" sites has been based on a 1974 letter from the Secretary of Labor to the former Chairman of the Atomic Energy Commission

(AEC). OSHA had authority to inspect new construction activity and the Department of Energy (DOE) tacitly accepted OSHA's interpretation of the jurisdictional lines.

A recent construction-related inspection by federal OSHA at a DOE site resulted in citations which were issued to and contested by the contractor who challenged OSHA's jurisdiction. DOE reevaluated its position with regard to exercise of jurisdiction, and supported the contractor's position.

I. Summary.

New construction activities within the Department of Energy sites will no longer be considered part of OSHA's (or VOSH's) jurisdiction. When such sites appear on targeting lists, they shall be deleted. If inspections are underway at such sites, they shall be terminated with appropriate explanations to the employer and to employee representative. Complaints from employees at such sites shall be referred to the Department of Energy for resolution.

Carol Amato
Commissioner

e-Attachment: Enforcement Authority at the Department of Energy's (DOE) Government-Owned, Contractor-Operated (GOCO) Sites, OSHA Instruction CPL 2.95 (Feb. 10, 1992).

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1667&p_text_version=FALSE

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