

Chapter I

Overview of the OSHA Consultation Program

- I. The OSHA Consultation Program - Background.
 - A. Subsequent to the promulgation of the Occupational Safety and Health Act of 1970 (the Act), the Agency recognized that employers needed to better understand their obligations under the Act. Small employers in particular expressed difficulty in interpreting the sometimes complex occupational safety and health regulations that could apply to their workplaces and in identifying hazards at their worksites. Moreover, small employers often lack the financial resources to hire outside private consultants to aid them in meeting their obligations under the Act.
 - B. The OSH Act, under Section 21(c), directs the Secretary of Labor to establish programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employment covered under the Act. Before OSHA's consultation program was developed, many States provided onsite consultation services to employers as part of their State plan under section 18(b) of the Act.
 - C. On May 20, 1975, in response to the demand for onsite consultation in Federal enforcement States, the Secretary of Labor promulgated the regulation at 29 CFR Part 1908 (40 Federal Register 21935), which authorized Federal funding of onsite consultation activity by States without State plans. This activity was funded through Cooperative Agreements under the authority of sections 21(c) and 7(c)(1) of the Act. OSHA consultation is often referred to as "7(c)(1) Consultation" because of its dependence on this section of the Act.

- D. Part 1908 was subsequently amended on August 16, 1977, to increase the level of Federal funding for State run consultation projects to ninety percent, a level that provided a strong incentive for all States to enter into the program. At the present time, forty-four States and U.S. territories operate OSHA Onsite Consultative Programs under section 7(c)(1) agreements with Federal OSHA. Eight States and U.S. territories operate programs as part of their approved State plans for which fifty percent funding is received from Federal OSHA through their 23(g) grants.
- E. In 1983, OSHA published a proposed change to the consultation regulation to clarify a number of provisions and to change the focus of services provided to an employer during an OSHA consultative visit. The proposal raised a number of new issues, including the Agency's desire to shift the focus of the consultation visit from simply the identification and correction of specific workplace hazards to a broader and more comprehensive goal. This goal includes having the OSHA consultant work with the employer and his or her employees to address the employer's overall management system for ensuring a safe and healthful workplace, i.e., the worksite's occupational safety and health program. In addition, the proposal allowed for the provision of offsite consultation, including training and education services, to be made available to employers and provided for an exemption from general schedule OSHA inspections for employers who met specific criteria. A final rule including these provisions was published in the Federal Register on June 19, 1984 (FR 25082) and is the current regulation governing OSHA consultative services.

II. The Consultation Policies and Procedures Manual (CPPM).

- A. States operating consultation programs under a cooperative agreement with Federal OSHA are required to follow policies and procedures set forth by the Assistant Secretary. The main policy guidance document is the "Consultation Policies and Procedures Manual (CPPM)" which appears in the Agency's directive system as OSHA Instruction TED 3.5. The CPPM was first issued in April of 1987. It defines the activities and procedures that

OSHA-funded consultation projects are to follow, sets forth the monitoring and evaluation system and procedures to be used during Federal OSHA evaluation of State consultation project performance, and provides instruction on project participation in the Consultation Data System managed by Federal OSHA.

- B. The CPPM also serves as the official document outlining the goals of the OSHA Consultation Program and defines the principal program objectives of OSHA Consultation activity. Over the years, the CPPM has undergone several revisions and several chapters have been issued in draft form. Other chapters have been listed in the table of contents to the CPPM "reserved" and have never been issued.
- C. In 1995, the Agency revised the consultation program and consultation monitoring and evaluation process to improve the consultation program overall. This revision of the CPPM seeks to ensure that it best reflects OSHA's program objectives and that the OSHA Consultation Program achieves the biggest impact with limited Agency resources.