



VOSH PROGRAM DIRECTIVE: 02-021

ISSUED: August 15, 1995

SUBJECT: Interpretative Rule Addressing OSHA's Policy on Employee Rescue Efforts, 29 CFR 1903.14

A. Purpose.

This directive transmits to field personnel the clarification of OSHA's citation policy regarding employers whose employees perform or attempt to perform voluntary rescues of individuals in life-threatening danger.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. References.

OSHA Instruction STP 2-1.174 (March 10, 1995).
59 FR 66612 (December 27, 1994).

D. Cancellation

Not Applicable.

E. Action.

The Deputy Commissioner, directors and supervisors shall assure that field personnel and employers understand and comply with the interpretation of OSHA's employee rescue policy.

F. Effective Date.

August 1, 1995

G. Expiration Date.

Not Applicable.

H. Background.

Because the occurrence of accidents which invite rescue attempts is foreseeable in various industrial processes and environments, a variety of OSHA standards include precautions and safeguard for rescue-related operations, including, e.g., the emergency planning and response provisions of the process safety management standard, 29 CFR 1910.119(n), and hazardous waste operations standard, 29 CFR 1910.120(l), (p) and (q); and the standards on confined spaces in general industry, 29 CFR 1910.146, and in grain handling, 1910.272(d), (e) and (g). In construction, specific rescue precautions are prescribed, e.g., for work performed near or over water, and for excavation work, 29 CFR 1926.106, 1926.651(g). See also, 29 CFR 1910.38 (employee emergency plans in general industry) and 1926.20, .21, and .35 (training and emergency action plans in construction).

Prior to this directive, OSHA had no written instruction addressing its citation policy regarding employers whose employees perform or attempt to perform voluntary rescues of individuals in life-threatening danger.

I. Summary.

OSHA will not issue citations to any employer under any OSHA standard or the general duty clause of the OSH Act for any rescue activity by its employees except when the employer has specifically designated an employee with responsibility to perform or assist in a rescue operation, or when employees have duties directly related to workplace processes or operations where the possibility of life-threatening accidents is reasonably foreseeable.

Under this interpretive rule, these and other requirements will be applied in situations involving employee rescue efforts only when the employer has specifically designated an employee with responsibility to perform or assist in a rescue operation, or when employees have duties directly related to workplace processes or operations where the possibility of life-threatening accidents is foreseeable.

This directive does not require any additional compliance action by employers beyond what is already required under existing OSHA standards and the general duty clause nor does it relieve employers of any obligations currently imposed by those requirements, including the responsibility to designate and appropriately train and equip emergency personnel when required under specific safety and health standards.

Theron J. Bell
Commissioner

Attachment: None.

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