

## INFORMATION MEMORANDUM 83-X-63

TO: All OSH Directors, Supervisors, and Field Personnel

FROM: William M. Lybrand, Director of OSH

SUBJECT: Employer Abatement Assistance

DATE: January 31, 1983

### PURPOSE

This memorandum establishes policies and procedures for providing abatement assistance to employers.

### BACKGROUND

A federal OSHA compliance instruction directs Compliance Officers to offer suggestions and explanations during walkarounds as to how hazards might be abated. This memorandum provides South Carolina Division of Occupational Safety and Health (OSH) policy and guidelines to be followed in providing abatement assistance to employers.

### POLICY

The Division of OSH has always provided general assistance to employers in identifying abatement methods for alleged violations either during the inspection, informal conference, or through consultation. The purpose of this policy is to encourage and facilitate expeditious abatement of hazards and to foster cooperation between the agency and employers.

### GUIDELINES

A. Type of Assistance. The type of assistance provided to the employer will depend on the needs of the employer and the complexity of the hazard. Where standards specify abatement methods, such as guarding of belts and pulleys, the Division of OSH shall, at a minimum, ensure that the employer is aware of the specifications. For more complex problems, the Division of OSH shall offer general information on types of controls or procedures commonly used to abate the hazard. Alternative methods should be provided whenever possible.

B. Disclaimers. The employer shall be informed of the following:

1. The employer is not limited to abatement methods suggested by the Division of OSH except where a standard is specific;
2. The methods explained are general and may not be effective in all cases; and
3. The employer is responsible for selecting and carrying out an appropriate abatement method.

#### C. Procedures.

Information provided to assist the employer in identifying possible methods of abatement for alleged violations shall be provided to the employer as soon as possible. The information/instructions given, if beyond simple reference to a specific standard, must be thorough, clear, and must be documented.

If the Compliance Officer or Industrial Hygienist is not aware of an abatement method approved by the agency or is uncertain as to whether a method proposed by the employer would be acceptable, they will immediately contact their Supervisor or the Compliance Manager for guidance.

The Compliance Officer, OSH Supervisor, or the Compliance Manager shall convey to employers requesting abatement assistance that the Division of OSH is willing to work with them even after citations have been issued. In addition, the employer shall be made aware of the availability of on-site consultation services offered by the South Carolina Department of Labor, including persons to be contacted and telephone numbers.

1. Assistance Provided During an Inspection. Compliance Officers shall utilize their knowledge and experience in providing the employer abatement assistance during the inspection. Before leaving an inspection site, Compliance Officers shall determine whether the employer wishes to discuss possible means of abating apparent violations. Compliance Officers shall briefly document abatement information provided to the employer or the employer's negative response to the offer of assistance on the DOSH-94 form.
2. Assistance Provided After an Inspection. If a Compliance Officer cannot provide assistance during an inspection, or if employers have abatement questions after the inspection, the Compliance Manager shall ensure that resources available within the South Carolina Department of Labor are researched. Additional information, if available, shall be provided as soon as possible to the employer in a manner deemed appropriate by the Compliance Manager. Any communications with the employer shall be briefly documented in the case file. Where necessary, the Compliance Manager may request assistance from the U.S. Area, Regional and National OSHA Offices.

EFFECTIVE DATE

This memorandum is effective upon receipt and will remain in effect until cancelled or superceded.