

OSHA Regulations and their Complexity

Staying competent with OSHA, EPA or other agency regulations can be difficult and sometimes exasperating. This can be particularly challenging when the people charged with their enforcement are sometimes a little fuzzy about their interpretation and application.

Still, organizations and contractors are held responsible for understanding the rules and regulations under which they operate. So the complexity of agency regulations and the obscure manner in which they are sometimes published and enforced must also be clearly understood by experts.

Find the right path

Having more than one person, such as a research assistant, look for answers or even figure out exactly what questions to ask can be a big help. I will often have two or three of my research assistants look into a tough question or the applicability of an ambiguous rule or regulation. We sometimes can't see the forest for the trees. Also, don't be afraid to reach out to industry colleagues to tap into their information and experience. This just may lead you down a path you had not previously considered.

Pick up the phone

Instead of beating your head against the wall endlessly searching OSHA or other agency websites, just pick up the phone and call them. You can even do so anonymously. This is one of the most expedient ways to make sure you get the right answers to your specific question. Too often people send off a sterile email that does not get a timely reply or the reply only provides you with more questions. To get the answers you need in a timely fashion, pick up the phone and talk to a real person; get a sense of their point of view, knowledge and conviction.

Get it in Writing

When trying to decide how to apply a rule, ask for it in writing to make sure it supports the corresponding standard or official position of the agency, and utilize the document as demonstrative evidence. When it comes to regulations, their ambiguity can be the expert's worst enemy in the issue of "to a reasonable degree of certainty." Don't be afraid to ask for the answers in writing from OSHA or other governing agencies.

OSHA provides an invaluable resource on rulings, and interpretations. Visit OSHA's Letters of Interpretations found at:
http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=INTERPRETATIONS&p_toc_level=0 for more information.

Conduct comprehensive research, especially where there are seemingly ambiguous rules and agency complexities regarding them. Experts need to clarify and resolve the issue or issues at hand. You will best serve your client by being thorough.

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