



# OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 02-00-164

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**SUBJECT:** Field Operation Manual (FOM) – Update, Chapter 17, Preemption by Other Agencies

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**DIRECTORATE/REGION:** Directorate of Enforcement Programs

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**SIGNATURE DATE:** December 22, 2022

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**EFFECTIVE DATE:** January 23, 2023

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## ABSTRACT

- Purpose:** To provide OSHA offices, State Plan programs and federal agencies with policy and procedures concerning the enforcement of occupational safety and health standards. Also, the update to Chapter 17 – Preemption by Other Agencies, provides current information and ensures that occupational safety and health standards are enforced with uniformity.
- Scope:** OSHA-wide
- References:** See Chapter 17
- Cancellations:** This Chapter supersedes Chapter 17 in OSHA Instructions CPL 02-00-164, Field Operations Manual (FOM), issued April 14, 2020.
- State Impact:** Notice of Intent and Equivalency required.
- Action Offices:** National, Regional, and Area Offices.
- Originating Office:** Directorate of Enforcement Programs (DEP).
- Contact:** Directorate of Enforcement Programs  
Office of Chemical Process Safety and Enforcement Initiatives  
200 Constitution Avenue, NW, N-3119  
Washington, DC 20210

By and Under the Authority of

Douglas L. Parker  
Assistant Secretary

## **Executive Summary**

This Chapter updates enforcement policies and procedures for enacting the Occupational Safety and Health Act of 1970 (OSH Act). Congress recognized that other federal agencies possess authority over occupational safety and health matters in certain industries. To avoid a duplication of federal effort and to prevent conflict between different sets of regulations covering the same working condition, this Chapter provides guidance on OSHA jurisdictional matters.

## **Significant Changes**

Chapter 17 provides updates and clarification to the general principles of the Two-pronged test, types of agencies preempting OSHA, the exercise of statutory authority, forms of statutory exercise, and the provisions of the OSH Act subject to Section 4(b)(1).