

U.S. Department of Labor



September 10, 2021

MEMORANDUM FOR OSHA EXECUTIVE STAFF

FROM: JAMES S. FREDERICK
Acting Assistant Secretary

SUBJECT: Update on Modification of Directives

OSHA is in the process of revising its Directives that detail the responsibilities related to the issuing of guidance, including ADM 03-00-003 OSHA Directives System (the Directive on Directives). This revision process will include clarifying the clearance process for non-substantive and non-significant edits to its Directives. For example, OSHA does not believe that full agency clearance is necessary to make non-substantive changes to a Directive, such as when the agency corrects typographical errors or updates references. Similarly, although clearance with the Solicitor's Office and OSHA leadership is necessary, full OSHA clearance to include all of the agency's directorates and field offices is not called for when the agency makes non-significant changes. In fact, OSHA has generally not viewed these types of non-substantive or non-significant changes as ones that require full clearance under the Directives on Directives.

As noted, OSHA intends to include these distinctions as part of the revised Directive on Directives. However, recent exigencies have necessitated clarifying the agency's policies while the more comprehensive revision is ongoing. Specifically, the changing conditions in the COVID-19 pandemic often require other federal agencies, such as the Centers for Disease Control (CDC), to frequently issue updated guidance. Many of OSHA's enforcement documents, including directives related to protecting workers from exposure to COVID-19, rely on and reference CDC guidance. OSHA needs to be able update those directives quickly to include these types of technical, but non-significant, changes, to ensure that its Compliance Safety and Health Officers and other OSHA staff are using the most up-to-date information in their work.

Consequently, OSHA is issuing this memorandum to clarify its policies regarding the clearance of (1) non-substantive and (2) non-significant changes to Directives. These changes are as follows:

There will be three different categories for Directive revisions (altering existing Directives):

Type of Change	Description	Required Clearance
Non-substantive	Changes that correct typographical errors, grammar, syntax, or minor factual inaccuracies, or update outdated references.	Such changes must be reviewed by the Program Director (Directors of Directorates and Free-Standing Offices) or Regional Administrator of the office or directorate that initiated the change, the Directives Officer, and the Solicitor's Office.
Non-Significant changes	Changes that do not significantly alter the requirements of the directive. For example, updating specific information about another federal agency's guidance upon which OSHA relies would not generally be a significant change, unless the changes OSHA is making to the directive substantially alter the document's underlying policy.	Such changes must be reviewed and approved by the Program Director (Directors of Directorates and Free-Standing Offices) or Regional Administrator of the office or directorate that initiated the change, additional directorates with expertise, Directorate of Administrative Programs, Directives Officer, the OSHA Assistant Secretary's Office, and the Solicitor's Office. However, full clearance as described in Chapter 3 of ADM 03-00-003 is not required.
Significant Changes	Major substantive changes, such as those that change the purpose or intent of the directive, or substantially alter OSHA policies or procedures.	Such changes will continue to undergo the normal clearance process, as described in ADM 03-00-003.

The Office of Audit will review revision requests and determine appropriate action. All changes to directives on the OSHA Directives web page must be made by the Directives Officer.

This change will be effective immediately while the Directorate of Administrative Programs, Office of Audit works to update ADM 03-00-003 OSHA Directive System, ADM 03-00-002 OSHA Policy Issuances and ADM 03-00-004 Non-Policy Issuance.