

1972 MOU: OSHA and DOT

MEMORANDUM OF UNDERSTANDING

Under the Occupational Safety and Health Act of 1970 (PL 91-596, 84 Stat. 1590, 29 USC 651, et seq.), the Department of Labor is authorized to promulgate and enforce mandatory occupational safety and health standards applicable to business affecting interstate commerce. Section 4(b)(1) of that Act, however, states that, "Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies . . . exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health." The Department of Transportation has and exercises authority to prescribe and enforce occupational safety and health standards with respect to working conditions of certain employees.

To effectively implement the provisions of the Occupational Safety and Health Act of 1970, and to avoid inconsistency or duplication in Federal requirements for the occupational safety and health employees, the Department of Labor and the Department of Transportation, subject to their respective statutory authorities; agree to designate a coordinating office in each Department. The responsibility of these offices will be to develop, among other things, (a) a statement of the authority exercised by each Department, specifically identifying as far as practicable those place and situations to which the particular regulations of each Department pertain; (b) a coordinated approach to reporting of occupational injuries and illnesses by regulated business; and (c) an understanding of the relationship between the two Departments with respect to administration of occupational safety and health standards under contracts let by the Department of Transportation, such as where the workplace is government-owned but contractor-operated and where the workplace is contractor-owned and contractor-operated.

The designated coordinating offices will serve as the point of contact and communication between the two Departments in the resolution of questions which may arise in the implementation of the Occupational Safety and Health Act as those questions affect the Department of Transportation. In addition, these offices shall assist in defining those areas which may require development of recommendations for legislation under Section 4(b)(3) of the Occupational Safety and Health Act to avoid unnecessary duplication and to achieve coordination between that Act and Federal laws administered by the Department of Transportation.

Nothing in this agreement is intended to diminish or otherwise affect the authority of either agency to carry out its respective statutory functions.

Assistant Secretary for Safety and Consumer Affairs, DOT, April 27, 1972

Assistant Secretary for Occupational Health and Safety, DOL, May 2, 1972