

Comparison of OSHA Enforcement, OSHA Consultation and
NIOSH Health Hazard Evaluation Referrals
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State public health departments typically do not have sufficient staff and/or expertise to conduct onsite investigations of potentially hazardous worksites. There are three federal programs from which states can request a workplace assessment. The table below provides an overview that compares specific parameters of the three federal programs that states should be aware of in deciding which federal program to involve. In state plan states, the OSHA program is conducted by the state. The OSHA consultation program is always done at the state level. In some states the consultation program is at a university. The NIOSH HHE program is always conducted by NIOSH with HHEs involving respiratory conditions being done by staff from Morgantown, West Virginia and all other health conditions covered by NIOSH staff from Cincinnati, Ohio. A complete description of the attributes of each program and how to contact the respective programs can be found on the CSTE website; see Guidance: Public Health Referrals to OSHA (<http://www.cste2.org/webpdfs/occupational/OSHAreferral922011.pdf>) and State Health Departments and the NIOSH Health Hazard Evaluation Program

(<http://c.ymcdn.com/sites/www.cste.org/resource/resmgr/occupationalhealth/StateHealthDepartmentHHEdocJ.pdf>)

	OSHA Enforcement Investigation	OSHA Consultation Investigation	NIOSH Health Hazard Evaluation (HHE)
Scope of investigation?	Determination if OSHA standards violated	Assistance in complying with OSHA standards	Medical and/or industrial hygiene investigation of requested problem; emphasis on new emerging issues, unregulated agents, new sampling or control methods
Who can make a request?	State health department Employee Union Health professional Any governmental agency	Small Employer, generally less than 250 employees	State health department Employer Union Three or more employees, one employee if less than three employees Any governmental agency
Potential role of state health department	File complaint directly with OSHA to request inspection (or work with employee or Union to request inspection).	Encourage employer to request consultation	Request HHE. Participate in investigation if state health department has legal right of entry or employer gives permission.
Right of entry?	Yes	No – Employer must request	Yes – if employer, union or employees make request. Need consent of employer if request from state health department, unless state health department has right of entry
Results of investigation available?	Yes, public information if requested. Available within months unless citations are contested by employer.	No, confidential (available only if employer shares) ¹	Yes, public information Brief summary letter within few weeks Final report within a year
What will be done?	Site visit or letter requiring employer to investigate (some state plans may require a site visit) If employer investigates,	Site visit or written assistance	Site visit(s) or phone consultation or written letter

	than employer must respond to OSHA about its investigation and any action it plans to take.		
What may be done if site visit done?	Walkthrough limited to scope of complaint unless other issues noted Sampling Review of OSHA Logs	Walkthrough Sampling Review of OSHA logs	Sampling, interviews, review of medical and other records, medical testing
Outcome of investigation	Citations and fines may be assessed if violation of standards identified	Written report of findings and recommendations. Employers must correct serious hazards identified but no fines will be issued	Written report of findings and recommendations for reducing hazards and preventing injuries and/or illnesses
May state health department personnel participate in investigation?	No, not typically	No	Yes, with permission of employer or if state health department has right of entry

¹In California, union representatives are invited to participate in the Consultation Service visit and inspection and are provided a copy of all serious hazards identified. Employers must post the serious hazards identified on the employee bulletin board for up to three days or until they have corrected the hazards. Employers have up to 30 days to correct the serious hazards and must protect employees with interim controls until the corrections are made.