

**State of Alaska
Department of Labor
Division of Labor Standards and Safety**

AKOSH Program Directive 98-11

Date: July 23, 1998

To: All AKOSH Staff

From: Alan W. Dwyer, Director

Subject: CPL 2-0.51J Enforcement Exemptions and Limitations under the Appropriations Act

This program directive, PD 98-11 will implement OSHA Instruction CPL 2-0.51J Enforcement Exemptions and Limitations under the Appropriations Act. This instruction is attached and becomes part of this program directive.

This directive explains the limits (exemptions and limitations) for the Occupational Safety and Health Administration's (OSHA) enforcement activity under the Appropriations Act.

In providing funding for OSHA, the U.S. Congress has placed restrictions on enforcement activities regarding two categories of employers: small farming operations and small employers in low-hazard industries. The Appropriations Act contains limits for OSHA Act activities on a year-by-year basis.

Although the U.S. Congress has placed these restrictions on federal OSHA appropriations, there are no such restrictions on state monies. State statutes require certain actions that Alaska must follow. These exempted activities will, therefore, be funded by "State only" monies.

Please note that AKOSH has not agreed to relinquish jurisdiction for temporary labor camps and field sanitation enforcement in agriculture to the Employment Standard Administration, as referred to in Sections 10(B) and (C) of this Instruction. It is AKOSH's intention to enforce all applicable regulations, in agriculture, including, but not limited to, logging camps and housing related to fish processing operations.

This directive cancels AKOSH PD 98-03 (OSHA Instruction CPL 0-2.51I) dated October 15, 1997.

References: (1) OSHA Instruction STP 2.22A, May 14, 1986, the State Plan Policies and Procedures Manual; (2) OSHA Instruction CPL 2.103, September 26, 1994, the Field Inspection Reference Manual; (3) Secretary's Orders 5-96 and 6-96, December 27, 1996, Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Employment Standards and Other Officials in the Employment Standards Administration and the Assistant Secretary for Occupational Safety and Health; and (4) OSHA Instruction CPL 2.115, June 14, 1996, Complaint Policies and Procedures.

Attachment: OSHA Instruction CPL 2.51J dated May 28, 1998

Distribution:

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