

ALASKA DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

DOSH Program Directive No. 80-8

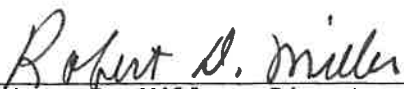
October 24, 1980

To: All DOSH Personnel

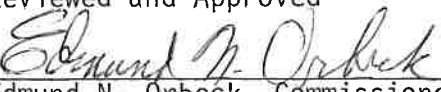
Subject: Interagency Agreement Between the Mine Safety and Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA).

1. Purpose: This Program Directive provides guidelines for implementing the Interagency Agreement between MSHA and OSHA (see Appendix A) which became effective on March 29, 1979, and clarified DOSH's part in this Agreement.
2. Directives Affected: None.
3. Background. The MSHA/OSHA Agreement of March 29, 1979, superseded the MESA/OSHA Memorandum of Understanding of April 22, 1974, as a result of the amendments to the Federal Mine Safety and Health Act of 1977 and the establishment of the Mine Safety and Health Administration in the Department of Labor. The agreement aims to assure safe and healthful working conditions for employees at mine and milling worksites, through the coordination of MSHA and OSHA activities at all levels. It is designed to clarify situations involving overlapping jurisdiction between MSHA and OSHA (DOSH) with respect to the health and safety of miners employed at one physical establishment, particularly those miners working in mineral milling and related processes. The factors which will be used to determine, in close cases, what constitutes mineral milling under the Federal Mine Safety and Health Act of 1977 are also set forth in the agreement.
  - A. In general, unsafe and unhealthful working conditions on mine sites and in milling operations come under the jurisdiction of MSHA and its regulations. This jurisdiction includes construction at mine and mineral milling sites, including construction related to mining and milling performed by independent contractors. Where the provisions of the Mine Act and standards issued under it either do not cover or do not apply to occupational safety and health hazards on mine or mill sites (e.g., in those facilities unrelated to mining or milling such as hospitals on mine sites), OSHA (DOSH) applies. Also, when MSHA receives information about possible unsafe working conditions in an area over which it has authority, but for which its statutes or standards afford no appropriate remedy, it will refer the matter to OSHA (DOSH).

- B. The agreement further clarifies MSHA and OSHA (DOSH) authority, outlines enforcement procedures, and establishes means for interagency coordination. (See Appendix A for text of the agreement).
  - C. DOSH being a State plan State is covered by the MSHA/OSHA Agreement. However, DOSH may negotiate with MSHA to modify the basic agreement.
4. Procedures:
- A. Questions of jurisdiction between MSHA and DOSH should be referred to the Director (or his designee) who will contact the MSHA District Manager to resolve the problem.
  - B. The Director (or his designee) will keep the OSHA Regional Administration informed of any problems and the resolutions thereof negotiated by DOSH and MSHA.
  - C. Jurisdictional matters that cannot be decided by DOSH and MSHA will be referred promptly by the Director to the OSHA Regional Administrator. Under OSHA procedures, the Regional Administrator can refer the problem to the OSHA and MSHA national office for resolution.
  - D. Information concerning safety and health matters, including workplace complaints, in areas or workplaces under MSHA authority, will be promptly referred to MSHA by the Director (or his designee) for action. DOSH inspections in areas or workplaces under MSHA jurisdiction may be initiated only upon specific request from, or agreement with MSHA officials.
5. Action: This directive is effective immediately.
6. Filing: This directive will remain in effect until modified or superseded.

  
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Robert D. Miller, Director

Reviewed and Approved

  
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Edmund N. Orbeck, Commissioner