



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Oregon Occupational Safety & Health Division (OR-OSHA)

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March 10, 2004

Revised October 6, 2008

Mr. Robert J. Cox
Department of Administrative Services
155 Cottage Street NE
Salem, OR 97310

Dear Mr. Cox:

This is about your obligations, under our rules in Division 1, to inspect state buildings.

Division 1 does not mention landlord/tenant relationships, building ownership or the presence in a building by employees of the landlord or tenants. What it does state is that a team of employer and employee representatives, or a designated person trained in hazard recognition, must inspect each facility in its entirety at least quarterly to discover and correct issues that impact employee safety or health. The rule also allows that at locations where more than one business resides, they may combine resources to meet the intent of the rule.

It is reasonable to presume that any valid inspection would serve all employees in the building, not just those employees of the employer conducting the inspection. Further, although we may work for separate agencies, we are all public employees of the State of Oregon and it is not unreasonable for us to rely on each other to comply with the State's rules. Therefore, if the tenant state agencies in a DAS owned facility do their inspections and report their findings as required by the rules, there should be no special hazard to employees of other state agencies or tenants residing in the same building.

There is also the issue of feasibility. The newly adopted Safety Committee and Safety Meeting rules allow for building occupants to combine resources where more than one employer is at the same location. This would include combining resources to conduct inspections. This should relieve some of the burden for DAS since you clearly do not have the resources to do separate and duplicative inspections of the 5 million square feet of space you own.

In summary, DAS must fully comply with Division 1 rules requiring inspections of space that they occupy. DAS owned space occupied by other state agencies is the

responsibility of those agencies regardless of whether there is a nominal presence of DAS employees in the facility. The agency may work together with DAS to determine who will be performing the inspections to meet the intent of the rules.

Sincerely,

A handwritten signature in black ink that reads "Peggy A. Munsell". The signature is written in a cursive style with a large initial "P" and "M".

Peggy Munsell, Manager
Standards and Technical Resources