

MEMORANDUM OF UNDERSTANDING
between
THE STATE OF OREGON,
DEPARTMENT OF BUSINESS AND CONSUMER SERVICES, OREGON OSHA
A STATE PLAN STATE
and
THE UNITED STATES DEPARTMENT OF LABOR,
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

I. Purpose and Authority

Pursuant to section 21(c)(2) of the Occupational Safety and Health Act of 1970, (29 U.S.C. § 656, the Act), the State of Oregon, Department of Business and Consumer Services, Oregon OSHA (designated state agency) and the Occupational Safety and Health Administration (OSHA) agree that the State of Oregon may request and, within the prescribed intent, scope, policies and procedures of OSHA, use duly authorized Federal employees, some of whom may be Federal volunteers who have the status of Special Government Employees (SGEs) as defined at 18 U.S.C. § 202(a), as members of the State's Voluntary Protection Program (VPP) onsite review teams.

II. Duties of Duly Authorized Federal Employees

A. The Federal members of the State of Oregon VPP onsite review team duties will include, but are not limited to:

1. Reviewing company documents that describe or verify the worksite's safety and health management system
2. Conducting a walkaround of the worksite to ensure the site's safety and health management system is operating effectively
3. Interviewing employees of the company and contractors to determine their level of involvement in and perceptions of the worksite's safety and health management system
4. Assisting in the preparation of a report that evaluates the worksite's safety and health management system with respect to VPP criteria.

B. The duties of the Federal members of the State of Oregon VPP onsite review team shall not include, at any time, the role Team Leader or other primary decision maker.

III. Period of Performance

This agreement shall commence upon its execution by both parties. Activities shall begin as soon as possible.

Either party may terminate this agreement on 30 days written notice to the other.

IV. Miscellaneous

The State may be asked to provide reports, information and/or recommendations to OSHA regarding activities, expenses and feedback about its experience under this agreement.

The State shall take all reasonable steps to protect the safety and health of the Federal employees acting as members of the onsite review team.

V. Effect of Agreement

This agreement is between government entities and is not intended to confer any right upon any private person.

Nothing in this agreement shall be interpreted as limiting, superseding or otherwise affecting either agency's normal operations or decisions in carrying out its statutory or regulatory duties. This agreement does not limit or restrict the parties from participating in similar activities or arrangements with other entities.

This agreement does not itself authorize the expenditure or reimbursement of any funds. Nothing in this agreement obligates the parties to expend appropriations or enter into any contract or other obligations.

AGREED TO

Edwin G. Foulke, Jr.
Edwin G. Foulke, Jr.
Assistant Secretary
Occupational Safety and Health Administration

2/11/05
Date

FOR THE STATE OF OREGON
Department of Business and Consumer Services, Oregon OSHA

Michael Wood
Signature

1/27/05
Date

Michael Wood
Name

Administrator
Title