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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE OHIO

Policy Memo 2004-PK-004

MEMORANDUM FOR SEE DISTRIBUTION

11 May 2004

FROM: HQ AFMC/PK
4375 Chidlaw Road, Room 208
Wright-Patterson AFB OH 45433-5006

SUBJECT: Air Force Responsibilities toward Private Contractor Employees under the Occupational Safety and Health Administration's "Multi-employer Worksite Policy"

Reference: HQ AFMC/PK Memo, 11 Mar 99, Government-Provided Occupational Health Support For Contractor Employees

HQ AFMC/PK Memo, 24 Apr 01, Eye Exams for Contractors Working with Lasers

1. Several of our customers have requested guidance relating to the scope of Air Force responsibility to contractor employees under the Occupational Safety and Health Administration's (OSHA) "Multi-employer Worksite Policy." The above-referenced memos clearly state that the Air Force has no legal responsibility to contractor employees and must refrain from taking responsibility. Based on legal advice, any Air Force actions that assume responsibility for contractor employees could place the Air Force at risk of liability that would not otherwise exist.

2. The Air Force policy has not changed relating to Multi-Employer Worksite Policy and safety interface with contractors. Air Force personnel must avoid taking actions which would put them, or appear to put them, in direct control of a worksite owned or controlled solely by a contractor or contractor employees. Contracts should not include anything that establishes a requirement for the Air Force to provide safety and health services to contractor employees. Likewise, do not include anything in inspection or surveillance programs that would give the perception that the Air Force is supervising or observing contractor personnel for their personal safety or the safety of their equipment. Requirements for protection of the general public can be included (i.e., barriers around trenches, etc.). If an Air Force inspector notices a potential OSHA violation, he/she should report the hazard to the contracting officer who can then remind the contractor of his obligation under the contract to comply with all pertinent regulations. Unless there is imminent danger, Air Force personnel (other than the contracting officer) should avoid reporting perceived safety violations directly to the contractor. Similarly, Air Force personnel should not perform inspections of contractor owned worksites, nor should the requirement for Air Force inspections be included in contracts. Bottom line: The Air Force has no legal responsibility under OSHA to contractor employees at sites owned or controlled solely by contractors.

3. We advise you to consult local legal counsel regarding any issues you may have relating to specific contracts. Please ensure any current or future CONUS contracts do not include provisions that require the government to provide occupational health support to contractor employees or require the government to protect contractor employees and their equipment. Questions may be directed to our action officer, Major Kimberly Yoder, HQ AFMC/PKPA, Kimberly.yoder@wpafb.af.mil, DSN 986-0353.

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THOMAS S. WELLS, SES
Director of Contracting