

REGULATORY CLARIFICATION

January 2018

PERTAINING TO: Construction

REGULATORY AGENCY: Occupational Health and Safety Administration (OSHA)

REFERENCE: 29 CFR 1926.32(f)

SUBJECT:

“Competent Person means one who is capable of *identifying existing* and *predictable hazards* in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take *prompt corrective measures* to eliminate them.”

SUMMARY:

A competent person must be able to identify the hazards and predict potential hazards and have the authority to “take prompt corrective measures.” Therefore, if OSHA inspects the workplace and finds an issue that needs to be resolved, the “competent” worker would be able to correct the situation solely based on his knowledge and authority.

By contrast, a “qualified” person, as defined might have more technical expertise, but would not necessarily have expertise in hazard recognition or the authority to correct identified hazards. A “qualified person” according to 1910.21, possesses “a recognized degree, certificate or professional training or who by extensive knowledge, training and experience has successfully demonstrated the ability to solve or resolve problems.”