

Guide to Jurisdiction in OSHA, Region 10

Version 11.1

General Principles - Federal civilian employers are covered by OSHA throughout the four-state region. State, county, municipal and other non-federal public employers are covered by state programs in Washington, Oregon, and Alaska. There is no state program in Idaho, and OSHA's coverage of public employers in Idaho is limited to the federal sector; OSHA regulates virtually all private employers in Idaho (exceptions noted below).

Industry / Location	State Coverage	OSHA Coverage
Air Carriers	Washington, Oregon and Alaska: Air carrier ¹ operations on the ground and aircraft cabin crewmembers'	Washington, Oregon and Alaska: No coverage at this time.
T	exposure to hazardous chemicals (HAZCOM), bloodborne pathogens, noise, recordkeeping, access to employee exposure and medical records.	Idaho: Air carrier operations on the ground and aircraft cabin crewmembers' exposures to hazardous chemicals (HAZCOM), bloodborne pathogens, noise, recordkeeping, access to employee exposure and medical records.
Commercial Diving	Washington, Oregon and Alaska: Employers with diving operations staged from shore, piers, docks or other fixed locations.	Washington, Oregon, and Alaska: Employers with diving operations staged from boats or other vessels afloat on navigable waters ² .
		Idaho: All diving operations for covered employees.
Construction	Washington, Oregon, and Alaska: All construction contractors, except for those covered by OSHA (see bullet points to the right).	Washington and Oregon: Contractors on military bases, and portions of construction projects where employers use boats or other vessels afloat ³ on navigable waters;
A	In the state of Washington only, for accidents involving crane operations which cross jurisdictional lines, see footnote 6 on page 3.	and contractors at Crater Lake, North Cascades, Olympic, and Mt. Rainier national parks.
		Alaska: Portions of construction projects where contractors use boats or other vessels afloat on navigable waters. Also, off-shore oil rigs and artificial islands, and Denali National Park.
		Idaho: All contractors, except at DOE/INL. (see page 8).

¹ The term "air carrier" refers to private employers engaged in air transportation of passengers and/or cargo.

³ In the state of Washington, for vessels afloat, such as boats, ships and barges moored at a pier or dock, DOSH's jurisdiction ends at the edge of the dock or pier and OSHA's jurisdiction begins at the foot of the gangway or other means of

² The term "navigable waters" means those that are deep and wide enough to afford ships, vessels or structures (used and capable of transportation on water passage to the ocean). OSHA's jurisdiction extends three nautical miles from shore; this principle applies to <u>all</u> situations involving navigable waters, including commercial diving and fishing, and marine spill response.

Industry / Location	State Coverage		OSHA Coverage
Dams	Washington, Oregon and Alaska: Private sector employers performing construction and other work at all dams, <u>except</u> where work is being performed using boats or other vessels on navigable waters.		Washington, Oregon and Alaska: Federal employers at dam sites and private employers performing work using boats or other vessels on navigable waters. Idaho: Federal and private employers at all dams.
Ferry Boats	Washington, Oregon, and Alaska: State and other non-federal public employers working aboard ferries. (See "Ship Building and Repair" if ferry is being built or repaired.)		Washington, Oregon, and Alaska: Private employers working aboard ferries on navigable waters. (See "Ship Building and Repair" if ferry is being built or repaired.)
Fishing Vessels and Fish Processors	Washington and Oregon: No jurisdiction over fishing vessels ⁴ or floating processors. Alaska: Permanently moored fishing vessels <i>not</i> affected by tide.	L Als	Washington, Oregon and Alaska: Uninspected vessels ⁵ fishing or processing within three nautical miles of the coast on navigable waters. o: <i>In Alaska only</i> , permanently moored fishing vessels affected by tide.

access to the vessel; this principle applies to <u>all</u> situations involving moored vessels, including construction, longshoring, and ship repair. Furthermore, DOSH covers houseboats and floating docks which are attached to piers or other non-floating structures (e.g., boat docks at marinas which rise and fall with the tide).

⁴ The term "fishing vessels" includes boats used to commercially catch, take or harvest fish (finfish, mollusks, crustaceans, and all other forms of marine animal and plant life except marine mammals and birds).

⁵ The term "uninspected vessels" means vessels not subject to inspection under U.S. Coast Guard regulations (46 USC §3301) and not recreational vessels under 46 USC §2101(43).

Industry / Location	State Coverage	OSHA Coverage
General Industry	Washington, Oregon and Alaska: All employers with the exception of those covered by OSHA.	 Washington & Oregon: Industries and locations as described herein. Alaska: Industries and locations as described herein, <i>and</i> all work activities performed on off-shore oil rigs and artificial islands. Idaho: Industries and locations as described herein.
Logging	Washington: Employers logging on lands owned by private entities or on land managed by the U.S. Forest Service or by the Bureau of Land Management (BLM). Also, logging by non-tribal employers on Indian reservations or on trust lands. Oregon: All logging operations except for Indian reservations and military bases.	Washington: Tribal employers logging on Indian reservations or on trust lands. Also, any employer logging on Fort Lewis or other military bases. Oregon: Logging on Indian reservations and on military bases. Alaska: Logging on Annette Island only.
	Alaska: All logging operations except on Annette Island.	Idaho: All logging operations.
Longshoring and Marine Terminals	Washington: Employers with operations ashore at marine terminals ⁶ . Oregon: Ashore construction activities and manufacturing areas at marine terminals.	Washington: Employers with operations aboard vessels afloat, such as container ships, cargo barges, and boom boats ⁶ except loading/unloading coal or other minerals into/out-of barges or vessels at mine piers and docks ⁷ .
	Alaska: Ashore construction activities and manufacturing areas at marine terminals.	Oregon, Alaska and Idaho: All longshoring and marine terminal operations on and off the water, except loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks.
		Alaska: Retains coverage of longshoring and marine terminal operations at the Red Dog Mine.

⁶ In the event of accidents involving crane or mooring operations which cross jurisdictional lines, joint investigations by OSHA and DOSH may be appropriate. For example, if a draft (load) hoisted using a pier-side or shore-based crane falls onto a floating vessel and injures workers, OSHA and DOSH may jointly investigate to determine the cause.

⁷ MSHA has authority over the loading/unloading of coal or other minerals into/out of barges or vessels, including associated pier or dock facilities, when such transfer is integral to the extraction, preparation, or milling process.

Industry / Location	State Coverage	OSHA Coverage
Marine Spill Response	Washington, Oregon and Alaska: Public sector employers (<i>except</i> federal) aboard vessels and ashore. Also, private contractors ashore, <i>except</i> in Olympic National Park (Washington only).	Washington, Oregon and Alaska: Private and federal employers aboard vessels, e.g., EPA and contractor spill responses. Also, federal employees ashore. <i>In</i> <i>Washington only</i> , private employers within the boundaries of Olympic National Park.
Migrant Farm Workers	Washington: Temporary labor camps and field sanitation under terms of a memorandum of understanding with the Washington Department of Health. Oregon and Alaska: Temporary labor camps and field sanitation.	Washington, Oregon and Alaska: No jurisdiction due to state coverage. Idaho: Agricultural/Farming employers that maintain temporary labor camps or employ more than ten (10) employees, with the exception of pesticide application, field reentry, field sanitation and temporary labor camps. CPL 02-00-051 - Enforcement Exemptions and Limitations under the Appropriations Act may impose additional restrictions.
Military Bases	 Washington: Private employers, as well as public sector employers (except federal) on military property <i>outside the boundaries</i> of a base, e.g., housing areas, post exchanges. Oregon: Public sector employers (except federal) on military bases. Alaska: Private employers, as well as public sector employers (except federal) on most military bases. 	Washington, Oregon and Idaho: Federal civilian employers and private contractors. Alaska: Federal civilian employers on all bases; also, private contractors at four missile defense facilities and four Coast Guard locations. See endnote ¹ on last page for a list of the sites. <u>te</u> : Neither OSHA nor the states ver uniformed military personnel.

Industry / Location	State Coverage	OSHA Coverage
Mining	Washington, Oregon and Alaska: All activities at mines covered under the state plan which are not regulated by MSHA. (See bullet on federal jurisdiction in Idaho).	 Washington, Oregon: No jurisdiction. Alaska: Longshoring and marine terminal operations at Red Dog mine. Idaho: Contractors at mine sites performing work <i>other than</i> mining, milling or associated operations. Examples include, but are not limited to, construction at abandoned mines⁸, housing, hospitals and longshore operations.
Motor Vehicles	Washington, Oregon and Alaska: Commercial motor vehicles that operate interstate ⁹ are covered by FHWA. Need to check with state DOT for intrastate jurisdiction.	 Idaho: Commercial motor vehicles that operate interstate⁹ are covered by FHWA. Generally any motor vehicle that is not regulated by FHWA may be covered by OSHA. Washington, Oregon and Alaska: No jurisdiction due to state coverage, except for vehicles operated exclusively at work sites.
National Guard	 Washington and Alaska: State National Guard civilian employees, and private contractors at National Guard facilities. Oregon: State National Guard civilian employees only. <u>Note</u>: Neither OSHA nor the states cover uniformed military personnel except for military technicians, who are uniformed civil service. 	 Washington and Alaska: Federal National Guard employees. Oregon and Idaho: Federal National Guard employees and private contractors at National Guard facilities. <u>Note</u>: Neither OSHA nor the states cover uniformed military personnel except for military technicians, who are uniformed civil service.
National Parks	 Washington: Public sector employers (<i>except</i> federal). Oregon: Public sector employers (<i>except</i> federal). Alaska: Public sector employers (<i>except</i> federal), as well as private employers at all national parks, <i>except</i> Denali National Park (Mount McKinley). 	 Region-wide: National Park Service and other federal employers. Also: Washington: Private employers within the boundaries of North Cascades, Olympic, and Mt. Rainier national parks. Oregon: Private employers within the boundaries of Crater Lake National Park. Alaska: Private employers at Denali National Park (Mount McKinley).

⁸ Construction at active mine sites is covered by MSHA.

⁹ Interstate operation is defined in 49CFR390.3 and by policy memorandum issued by Federal Highway Administration (FHWA) on February 8, 2000, as any operation of the vehicle or the driver crossing state boundaries in a four month preceding period.

Industry / Location	State Coverage	OSHA Coverage
Native American Tribes ¹⁰	Washington: Employers who are enrolled tribal members performing work off Indian reservations, <i>except</i> on trust lands ¹¹ . Also, non-tribal employers working on Indian reservations or on trust lands.	Washington: Tribally-owned establishments on reservations or on trust lands. Also, employers who are enrolled tribal members working on reservations or on trust lands. ^{11,}
	Oregon: Public employers (except federal) on Indian reservations or trust lands.	Oregon: Private and tribal employers on reservations and trust lands.
	Alaska: All Indian reservations, <i>except</i> on Annette Island (the Tsimshian tribe) and trust lands. On Annette Island, state employees such as school district operations are covered. Also, health care facilities ¹² owned or leased by tribal organizations, <i>except</i> on Annette Island. In addition, construction contractors, subcontractors and contracted maintenance activity at all	Alaska: All activity on Annette Island (the Tsimshian tribe) and trust lands except school district. Also, federally-owned and contractor-operated health care facilities ¹² , <i>except</i> for construction contractors, subcontractors, and contracted maintenance activities at such facilities. Idaho: Tribal and non-tribal
	health care facilities, <i>except</i> on Annette Island.	employers on reservations except those noted in footnote 10.
Oil & Gas Well Drilling and Servicing	Washington, Oregon and Alaska: All oil and gas well drilling and servicing, <i>except</i> where such work occurs on fixed offshore platforms located within State waters and on inland navigable waterways.	Washington, Oregon and Alaska: Oil and gas well drilling and servicing on fixed offshore platforms located within State waters and on inland navigable waterways.
		Idaho: All oil and gas well drilling and servicing operations.

¹⁰ All intramural operations on Indian Reservations and trust lands are excluded from both federal and state jurisdiction. Intramural operations are defined as those activities carried out within the bounds of the reservation or trust lands for the sole benefit of tribal members.

¹¹ Trust lands are those held in trust by the federal government for Native American tribes.

¹² A 2001 memorandum of understanding entitled *"Jurisdiction for Native Health Care Facilities in Alaska"* lists the facilities covered by OSHA (Appendix A) and by AKOSH (Appendix B). For a copy, contact OSHA at the number listed at the end of this document.

¹³ Regarding the *Colville Tribe only*: A November 1989 "model management agreement" between the Colville Tribe and DOSH called for inspections of Indian-owned or tribal workplaces to be conducted either by the tribe or by joint State-Tribal inspection teams, and for citations to be issued <u>under tribal law only</u> (emphasis added). OSHA approved the agreement, but determined that in order to provide workers on the Colville reservation the same rights and protections as other workers, OSHA reasserted Federal enforcement authority over Indian-owned and tribal workplaces. This change was published in the Federal Register on April 19, 2004.

Industry / Location	State Coverage	OSHA Coverage
Pipeline Safety	Washington, Oregon, and Alaska: Contractors performing service or maintenance of an active pipeline or constructing new pipelines. Exception: Active pipelines where USDOT, Office of Pipeline Safety has a regulation covering the activity. See Title 49 CFR 192. An example would be OSHA has no jurisdiction over respiratory protection or confined space entry.	Washington, Oregon, Alaska: Federal employees only. Idaho: Contractors performing service or maintenance of an active pipeline or constructing new pipelines. Exception: Active pipelines where Office of Pipeline Safety has a regulation covering the activity. See Title 49 CFR 192. An example would be OSHA has no jurisdiction over respiratory protection or confined space entry.
Railroads	Washington, Oregon and Alaska: Railroad shops, as well as track construction and repair. ¹⁴ Washington only: Sound Transit Light Rail that is not connected to the general railroad system, i.e. the electric system to the Sea-Tac airport.	Washington, Oregon and Alaska: Railroad construction/repair on military bases and limited coverage for work performed on bridges ¹⁴ Also, in Alaska and Oregon, longshoring and marine terminal operations involving rail operations. Idaho: Railroad shops as well as track construction and repair and limited coverage for work performed on bridges ¹⁴
Ship Building and Repair ¹⁵	Washington: Employers building or repairing vessels ashore. Also, employers building new vessels ¹⁶ in a graving dock ¹⁷ , on a marine railway, or on a syncrolift (marine elevator) ¹⁸ . Oregon: Ashore construction and other non-shipbuilding and repair activities at shipyards.	Washington: Employers building or repairing vessels on navigable waters, e.g., vessels afloat or on floating drydocks. Also, employers repairing vessels in a graving dock, on a marine railway or on a syncrolift. ¹⁸ For accidents involving cranes, see footnote 6. Oregon and Alaska: All shipbuilding and repair on and off water.

¹⁴ Neither the states nor OSHA cover "rolling stock" (railroad equipment in operation) because the Federal Railroad Administration (FRA) enforces pertinent rules— 49 CFR 214.101(d) delegates limited jurisdiction to OSHA: "(a) The purpose of this subpart is to prevent accidents and casualties arising from the performance of work on railroad bridges." and "(d) Any working conditions involving the protection of railroad employees working on railroad bridges not within the subject matter addressed by this chapter, including respiratory protection, hazard communication, hearing protection, welding and lead exposure standards, shall be governed by the regulations of the U.S. Department of Labor, Occupation Safety and Health Administration." AMTRAK is a stock issued corporation and as such shall be treated as a private employer.

¹⁵ Shipyard-related employment includes inspection, testing and employment as a watchman (i.e., security guard). See 29 CFR 1915.4(m).

¹⁶A vessel is considered "new" if it has not yet been in the water.

¹⁷ Graving docks are fixed drydocks from which water is pumped; they do not float.

¹⁸ When a vessel is removed from a graving dock, marine railway or syncrolift and placed ashore for repairs, jurisdiction switches from OSHA over to DOSH. Currently, there is only one syncrolift in the state of Washington, located at Dakota Creek Industries in Anacortes.

Industry / Location	State Coverage		OSHA Coverage
	Alaska: Ashore construction and other non-shipbuilding and repair activities at shipyards.		
State Prisons	Washington, Oregon and Alaska: Private employers and state employees include inmates who are required to perform work similar to that performed outside of prisons and who are paid for such work.		Washington, Oregon and Alaska: None. Idaho: Employees of private contractors operating the prison for the State of Idaho and contractors working within the prison. If inmate labor is involved, contact FSO for determination on coverage.
Tugboats	Washington, Oregon, and Alaska: No jurisdiction over private tugboat operations while vessels are underway. (See "Ship Building and Repair" above if tug is being built or repaired.)	reg ins	Washington, Oregon and Alaska: Private employers operating tugboats on navigable waters. (See "Ship Building and Repair" above if tugboat is being built or repaired.) te: The USCG has proposed gulations to include towing vessels as pected vessels. When finalized these ssel will become USCG jurisdiction.
U.S. Army, Umatilla Chemical Agent Disposal Facility (Oregon only)	Oregon: State, county and local emergency response operations both on and off the Umatilla Chemical Depot.	OS and OS be	Oregon: Private employers at the disposal facility, including the primary contractor and any subcontractors who operate or perform maintenance at the facility. te: OR-OSHA may accompany SHA personnel during site inspections d will be advised of results. Federal SHA's regulations and standards will applied, and citations will be issued OSHA.
U.S. Department of Energy (DOE) / Hanford (Washington only)	Washington: Employers at the Port of Benton; Energy Northwest (formerly known as Washington Public Power Supply System); and the low level waste facility operated by U.S. Ecology.		Washington: DOE and other federal employers at Hanford.
U.S. Department of Energy (DOE) / INL - Idaho National Lab (Idaho only)	Idaho: No safety and health jurisdiction is exercised by any state agency.		Idaho: DOE and other federal employers at INL.

Industry / Location	State Coverage	OSHA Coverage
U.S. Department of Energy (DOE) / Sites not subject to the Atomic Energy Act (AEA)	Oregon: Private contractors performing work for the Bonneville Power Administration. Washington: Private contractors performing work for the Bonneville Power Administration except within the controlled areas of the Hanford Reservation.	Region-wide: Federal employees and contractors responsible for operating an entire facility under contract to DOE (contractor- operated facility). Oregon: Contractors and federal employees at the Albany Research Center. Washington: All Bonneville Power Administration operations within the controlled areas of the Hanford Reservation.
U.S. Forest Service	Washington, Oregon and Alaska: Private employers performing logging, construction or other work activities on Forest Service land.	Region-wide: U.S. Forest Service and other federal agencies. Idaho: Private employers performing logging, construction or other work activities on Forest Service land.

Industry / Location	State Coverage	OSHA Coverage
U.S. Department of Justice Bureau of Prisons	Washington, Oregon and Alaska: None.	Oregon: Federal employers, private contractors and inmates required to perform work at the Federal Correctional Institution-Sheridan. Washington: Federal employers, private contractors and inmates required to perform work at the Federal Detention Center- SeaTac. Idaho: Currently there are no federal facilities.
U.S. Postal Service	Washington, Oregon and Alaska: Private employers performing construction or other work <i>not</i> involving mail operations at postal facilities.	Region-wide: USPS and other federal agencies. Also, private employers performing USPS mail operations, e.g., contract mail carriers and truck drivers transporting and loading/unloading mail.
		Idaho: Private employers performing construction or other work <i>not</i> involving mail operations at postal facilities.
Whistleblowers	Washington, Oregon and Alaska: These states investigate complaints of discrimination under their respective statutory equivalents to section 11(c) of the Act, in industries or locations for which they have jurisdiction.	Region-wide: OSHA investigates complaints of discrimination under section 11(c) of the Act in industries or locations under federal jurisdiction. OSHA <i>also</i> investigates whistleblower complaints throughout Region 10, filed under any of 21 other federal statutes ¹⁹ .

¹⁹ The 21 other statutes are: Surface Transportation Assistance Act (STAA); Asbestos Hazard Emergency Response Act (AHERA); International Safe Container Act (ISCA); Energy Reorganization Act (ERA); CERCLA (Superfund); Safe Drinking Water Act (SDWA); Federal Water Pollution Control Act (FWPCA); Toxic Substances Control Act (TSCA); Solid Waste Disposal Act (SWDA); Clean Air Act (CAA); Wendell Ford Aviation Investment & Reform Act for the 21st Century (AIR21); Corporate and Criminal Fraud Accountability Act of 2002 (CCFA); Pipeline Safety Improvement Act (PSIA); National Transit Systems Security Act (NTSSA); Federal Rail Safety Act (FRSA); Consumer Product Safety Improvement Act of 2008 (CPSIA); Affordable Care Act (ACA); Consumer Financial Protection Act of 2010 (Section 1057 of the Dodd Frank Wall Street Reform and Consumer Protection Act of 2010); Seaman's Protection Act (SPA); Moving Ahead for Progress in the 21st Century Act (MAP 21); FDA Food Safety Modernization Act (FMSA).

- Cape Lisburne Air Force Station
- Point Lay Air Force Distance Early Warning Station
- Eareckson Air Station (Shemya Island, U.S. Department of Defense)
- Fort Greely (Delta Junction, U.S. Army)
- USCG Integrated Support Command, Kodiak
- USCG Integrated Support Command, Ketchikan
- USCG Air Station, Sitka
- USCG 17th District Command, Juneau

IMPORTANT NOTE

The purpose of this guide is to aid federal and state compliance officers, and other staff, in understanding jurisdictional issues in OSHA Region 10. It is intended for use as a quick reference tool, and *does not* change or supercede official operational status agreements, memoranda of understanding, Federal Register Notices, and the like.

If you have questions, comments or suggestions, contact the OSHA Office of Federal-State Operations at (206) 553-5932, ext. 8083. This document is periodically updated as new or different information is brought to OSHA's attention.

ⁱ OSHA covers both federal and private employers at the following missile defense facilities and U.S. Coast Guard locations in the state of Alaska: