

Overview

- Initial Approval: June 01, 1984 (49 FR 23000)
- State Plan Certification: August 16, 2006 (71 FR 47089)

The New York Public Employee Safety and Health (PESH) Bureau is part of the New York Department of Labor. The New York Department of Labor is headed by the Commissioner. The main office is located in Albany with nine district offices located throughout the state.

Coverage

New York PESH covers all state and local government workers in the state. It does not cover federal government workers. Federal government workers, including those employed by the United States Postal Service and civilian workers on military bases, are covered by OSHA. OSHA also exercises authority over private sector employers in the state and federal OSHA standards apply to these workers. A brief summary of the New York State Plan is included in the Code of Federal Regulations (CFR) at 29 CFR 1952.24. OSHA retains the authority to monitor the State Plan under Section 18(f) of the OSH Act.

State Plan Standards and Regulations

New York PESH has generally adopted all OSHA standards applicable to state and local government employment. In addition, the Commissioner has the authority to develop alternative and/or state-initiated standards to protect the safety and health of state and local government workers in New York in consultation with the Hazard Abatement Board. The procedures for adoption of alternative standards contain criteria for consideration of expert technical advice and allow interested persons to request development of any standard and to participate in any hearing for the development or modification of standards. PESH's state-initiated standards include:

- Workplace Violence Prevention – 12 NYCRR Part 800.6
- Emergency Escape and Self-Rescue Ropes and System Components for Firefighters (*in cities below one million residents*) – 12 NYCRR Part 800.7
- Permissible Exposure Limits – 12 NYCRR Part 800.5
- Right-to-Know – 12 NYCRR Part 820

New York PESH also has its own regulation on the recording and reporting of occupational injuries and illnesses (12 NYCRR Part 801).

Enforcement Programs

New York PESH utilizes its Field Operations Manual (FOM) which provides policy guidance for its enforcement program. The Enforcement Branch conducts unannounced mandatory inspections which results in a "Notice of Violation and Order to Comply" for hazards and/or violations of OSHA standards. Abatement periods to comply with the violations are established and verification of abatement is required. Penalties may be assessed for failure to comply with abatement orders. For more information on these programs, please visit the New York State Plan website.

Voluntary and Cooperative Programs

New York PESH offers voluntary and cooperative programs that focus on reducing injuries, illnesses, and fatalities. New York PESH also offers on-site consultation services which help employers comply with PESH's standards and identify and correct potential safety and health hazards. New York DOSH also has an agreement with OSHA, under Section 21(d) of the OSH Act, to provide free on-site consultation services to the private sector. For more information on these programs, please visit the New York State Plan website.

Informal Conferences and Appeals

Employers and workers may seek formal administrative review of New York Department of Labor notices and orders to comply by petitioning the New York Industrial Board of Appeals (IBA) no later than 60 days after the issuance of the notice and order. The IBA is the independent state agency authorized by McKinney's Labor Law §27(a)(6)(c) to consider petitions from affected parties for review of the Commissioner of Labor's determinations. For more information on these proceedings, please visit the New York State Plan website.

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Disclaimer

OSHA makes every effort to ensure that this webpage is accurate and up-to-date; however, for the latest information please contact the State Plan directly.

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www.OSHA.gov

FEDERAL GOVERNMENT

White House

Severe Storm and Flood Recovery
Assistance

Disaster Recovery Assistance

DisasterAssistance.gov

USA.gov

No Fear Act Data

U.S. Office of Special Counsel

OCCUPATIONAL SAFETY & HEALTH

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