



Occupational Safety and Health Administration

MENU

Standard Interpretations (Archived)

/ General duty provisions are used in inspection only where there are no specific standards applicable to the particular hazard involved.

- **Standard Number:** [1910.5\(f\)](#)

OSHA ARCHIVE

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OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <https://www.osha.gov>.

March 21, 1979

Dr. Gary Erisman
Extension Safety Leader
Ag. Engineering Department
108 Rogers Hall
University of Florida
Gainesville, Florida 32611

Dear Dr. Erisman:

This is in response to your recent letter, in which you expressed your concern with the use of voluntary standards by Occupational Safety and Health Administration (OSHA) Compliance Officers as a basis for General Duty 5(a)(1) citations. Your letter was forwarded to this office for response.

The general duty provisions are used in inspections only where there are no specific standards applicable to the particular hazard involved; 29 CFR 1910.5(f) expressly provides that an employer who is in compliance with a specific standard shall be deemed to be in compliance with the general duty clause insofar as it applies to

hazards covered by the specific standard.

Any recognized hazard created in part by a condition not covered by a standard may be cited under the general duty clause. A hazard is recognized if it is a condition that is (a) of a common knowledge or general recognition in the particular industry in which it occurred, and (b) detectable (1) by means of the senses (sight, smell, touch, and hearing), or (2) is such wide, general recognition as a hazard in the industry that even if it is not detectable by means of the senses, there are generally known and accepted tests for its existence which should be generally known to the employer. In addition, "Voluntary Standards" also meet the preceding criteria for identifying a hazard.

Because of the virtually equivalent language used in Sections 17(k) and 5(a)(1) of the Act, in describing serious and general duty clause violations, respectively, a nonserious citation is not issued for violations based on the general duty clause. Citations based on the general duty clause are limited to alleged serious violations (including willful and/or repeated violations which would otherwise qualify as serious violations, except for their willful or repeated nature).

(For additional text, see printed copy)



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