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Phil Colleran, former OSHA
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What is a competent person?

OSHA's requirements for the term extend beyond simply designating someone with the title

By Kyle W. Morrison, senior associate editor

When a boss calls an employee a “competent person,” it is not necessarily a compliment – it is a legal obligation.

A competent person is an employee who is able to recognize hazards associated with a particular task, and has the ability to mitigate those hazards.

Many OSHA construction standards require someone onsite – such as a foreman, supervisor or other employee – to be designated as a competent person.

However, OSHA does not have a specific standard regarding a competent person, which has led to some confusion.

“It’s a fairly misunderstood term,” said Phil Colleran, a Riverside, IL-based safety consultant specializing in construction and a former OSHA compliance officer. Some people may believe they can be considered a competent person because they attended a class or a boss arbitrarily assigned the title to them – although neither is necessarily the case, Colleran stated.

Knowledge and action

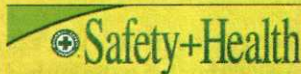
A competent person should not be chosen lightly, experts say, because he or she needs to be qualified to identify the hazards associated with a particular operation. For instance, if work is being performed on scaffolding, the competent person must be knowledgeable about scaffolding hazards.

This knowledge can come from a person’s skills, experience and training, according to Kevin Cannon, director of safety and health services with the Associated General Contractors of America in Arlington, VA. Training, which Cannon called

Competent person

“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.”

Source: OSHA, General Safety and Health Provisions, Construction, Definitions (1926.32(f))



Learn more about OSHA's requirements regarding a competent person at sh.nsc.org

key, can provide the individual with information from particular manufacturers or on various OSHA standards that will help him or her identify hazards.

Colleran warned against general “competent person training,” and stressed that fitting the description goes beyond what is learned in a classroom. “Just because you sat through a 10-hour course isn’t alone in determining your competency,” he said. “Competence is demonstrated, not certified.”

Part of that demonstration entails the competent person being able to immediately correct any hazards that may appear. If that person is unable to do so, he or she would not fit the definition of competent person, Colleran said.

Feature at a Glance

OSHA requires some activities to have a “competent person” who is present and knowledgeable about hazards associated with the tasks. But what defines a competent person, and what requirements are necessary for one?

Key points

- A competent person needs to not only recognize hazards, but be in a position to mitigate them.
- It is possible to have an individual who is competent in many tasks, or to have multiple competent people for several different tasks.
- While some experts believe hazard training is important, others assert that general “competent person training” does not exist.

Competent person vs. qualified person

IN ADDITION TO A competent person, some OSHA standards mandate the designation of a "qualified person." Experts are quick to point out that although the two have some similarities, notable differences exist.

A competent person can identify hazards and has the authority to mitigate them. A qualified person must have a "recognized degree, certificate etc., or extensive experience and ability to solve the subject problems" – including possibly technical or engineering knowledge – for a specific worksite issue.



For example, take a trenching operation. A competent person must be able to identify hazards within the operation and solve those issues; a qualified person has the knowledge to design the protective system in the trench.

According to Kevin Cannon, safety and health services director at the Associated General Contractors of America, it is possible for a single individual to be both a qualified person and competent person, but it may not be possible for every situation.

"You can be both, but you must meet the criteria in the definitions to be both," Cannon said. "A competent person may not be a qualified person just because of the different degree of knowledge and training that's required" for the latter.

This is where part of the confusion with the term resides, according to Cannon. "You can have an employee who's competent but may lack the authority to take any corrective action," he said. "Employers need to make sure the employee identified as a competent person has such authority granted to them."

Proper person

Because many different types of activities can take place on a worksite, a competent person must either have the authority to make safety-related changes to those different operations or know who can enforce those changes.

For instance, imagine a site where some workers are on a scaffold several yards downwind from a mason subcontractor performing cutting work. Because the scaffold workers are being exposed to dust and other potentially hazardous debris from the masonry work, and the masons are not under direct control of the competent person for the scaffolding work, the competent person must mitigate the situation by going to the general contractor.

A large worksite with different operations going on at the same time also may require more than one competent person, Colleran suggested.

"There is nobody who is all-competent," he said. "There are many types of many competent persons based on the fact [that] there are many specialized activities out there, and you can't be competent in all fields."

This does not have to be the case in every situation, however. If an individual has experience in two different types of work being done onsite – trenching and use of ladders, for example – that person could serve as the competent person for both tasks, Cannon said.

Additionally, a competent person could be somewhat of a generalist, according to

Colleran. This person does not need to know all the ins and outs of every OSHA standard on the jobsite, but could be considered a competent person if he or she is able to recognize when something may present a risk to workers – such as an unguarded platform – and can act when such a risk is identified.

In some respects, designating a competent person is similar to instituting a workplace safety and health program – both have goals of identifying and mitigating hazards. Cannon believes that employers who have a competent person working likely have already implemented some type of injury and illness program.

"If you're aware of the need of a competent person, it's not by chance. You understand what your responsibilities are," Cannon said.

OSHA inspection

When OSHA visits a site, one of the first questions an inspector may ask is who the competent person is. (If not with those exact words, then by asking who may be in charge.) The agency inspector may then question that individual about his

or her knowledge to ensure the work being performed is done so under the oversight of a truly "competent" competent person, according to Colleran. The requirement for competent person goes beyond simply designating an individual with that title, he said.

Colleran suggested employers ensure all employees have the ability to recognize hazards and the knowledge to mitigate them. That way, when OSHA comes knocking and asks who the competent person is, the employer can respond a little differently.

"The logical answer – if the company was really operating consistently with best practices – would be, hopefully, 'everyone,'" Colleran said. ☺

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