

Standard Interpretations

08/05/1992 - Competent person responsibilities at excavations.

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• **Standard Number:** [1926.651\(k\)\(1\)](#)

August 5, 1992

Kenneth G. Fellers Manager,
QA & Productivity
Johnson Controls World Services, Inc.
381 Eniwetok Drive, MS-JQAP
Los Alamos, NM 87544

Dear Mr. Fellers:

This is in response to your June 18 letter requesting an interpretation of the Occupational Safety and Health Administration (OSHA) standard addressing competent person responsibilities at excavations. I apologize for the delay in responding to your inquiry.

In regard to whether the competent person mentioned in 29 CFR 1926.651(k)(1) must be on site at all times, please be advised that there is no blanket requirement that a competent person be present at a construction jobsite at all times. The competent person can leave the site periodically, consistent with the goals of this section. It is the responsibility of the competent person to make those inspections necessary to identify situations that could result in hazardous conditions (e.g., possible caveins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions), and then to insure that corrective measures are taken. It is, therefore, subject to the conditions present at each individual worksite whether or not a competent person is required to be present at the jobsite at all times.

If we can be of any further assistance, please contact Mr. Roy F. Gurnham or Mr. Dale R. Cavanaugh of my staff in the Office of Construction and Maritime Compliance Assistance at (202) 523-8136 until September 27 and (202) 219-8136 thereafter.

Sincerely,

Patricia K. Clark, Director
Directorate of Compliance Programs