

- SUBJECT:** Guidelines for Administration of Corporate-Wide Settlement Agreements.
- Purpose:** The purpose of this instruction is to provide guidelines for the administration of corporate-wide settlement agreements (CSAs).
- Scope:** This instruction applies OSHA-wide.
- Reference:** Federal OSHA Instruction CPL 02-00-152, "Guidelines for Administering Corporate-Wide Settlement Agreements."
- Cancellation:** This directive supersedes CPL 2.90A Guidelines for Administration of Corporate-Wide Settlement Agreements, dated August 11, 2004.
- Background:** Federal OSHA established corporate-wide settlement agreements as an appropriate and useful compliance procedure at multiple locations for dealing with certain employers who have been found in violation of the Act. Corporate-wide settlement agreements (CSAs) enable OSHA to obtain formal recognition by the employer of the cited hazards and formal acceptance of the obligation to abate those hazards in all workplaces under its control. CSAs are often used in settlement of "egregious" cases which generally require extensive use of resources and where an employer has or may have a significant pattern on non-compliance with the OSH Act across multiple site locations. Of necessity, CSAs are a product of a voluntary negotiation process that requires the mutual commitment of all parties including OSHA, the employer, and the employees (union or other authorized representative).
- ACTION:** States will not routinely be involved in the negotiation of Federal CSAs; however, OSHA will notify states whenever such agreements are being negotiated with an employer who also has facilities under the State's jurisdiction. Completed agreements will be provided to States. In addition, states may negotiate CSAs of their own under procedures that are at least as effective as the federal requirements.
- A. **Federal-Negotiated CSAs.** Minnesota OSHA will take into account CSAs negotiated by Federal OSHA for employers with facilities in this state. The agreement will not automatically be effective in Minnesota. When a CSA is received from Region V, it will be reviewed by the Area Supervisor(s) in whose territory the subject company is located. Area Supervisors will, at the next scheduled inspection, consider the employer's compliance with the federal CSA and with applicable Minnesota standards. Citations may be issued for violations regardless of the terms of the CSA.
- B. **Minnesota-Negotiated CSAs.** Corporate-wide settlement agreements for employers with facilities within the boundaries of Minnesota may be considered by Minnesota OSHA. If a CSA is to be negotiated, it shall be done with the advice and consent of the Attorney General's Office and meet applicable requirements for CSAs as outlined in Federal OSHA Instruction CPL 02-00-152.

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James Krueger, Director MNOSHA Compliance  
For the OSHA Management Team

**Distribution:** OSHA Compliance and WSC Director

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