

OSHA TO REMODEL ONLINE DELIVERY OF 10-HOUR AND 30-HOUR OUTREACH COURSES

Hodgson Russ OSHA Alert
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OSHA recently announced its intention to remodel the online delivery of its general industry, construction and maritime Outreach courses. On October 8, 2019, OSHA published a Request for Information (“RFI”) in the Federal Register seeking input to “assist the agency in determining whether to adopt a new online delivery model for OSHA’s Outreach Training Program.” The RFI notes that prior to 2001, the 10- and 30-hour Outreach courses were delivered live by a trainer. But after online training became available, the agency received numerous complaints about the online training. Among other things, concerns were raised with individuals completing courses on behalf of other persons, the availability of how-to videos showing ways to complete the course in less than the minimum required time, delays in issuing course completion cards, poor customer service, difficulties reaching an authorized Outreach trainer, misleading and confusing program advertising, and difficulties encountered by the public in distinguishing between authorized online program offerings and similar private Outreach-like safety and health program offerings that are not equivalent to a legitimate 10- or 30-hour OSHA Outreach course.

OSHA’s RFI is suggesting a new model of delivery dubbed the Online Outreach Training Program Consortium Model. Under that model, a consortium would be formed through a voluntary agreement of three or four interested-party collaborator organizations. Each collaborator—one of whom would always be OSHA—would have specific responsibilities under its agreement relative to the technical, curriculum and program responsibilities. The other two parties would be an OSHA Training Institute Education Center and an online provider. In a four-party consortium, the fourth-party would be an interested stakeholder, such as an employer or a labor union desirous of delivering training to its own employees or members. The consortium would become authorized to provide training only after meeting OSHA’s requirements to be an authorized consortium. Among other things, OSHA is considering setting minimum standards and expectations for the delivery of the program, such as technical system requirements, system controls, administrative requirements, and fees. OSHA would retain final programmatic authority over the consortium and its members, as well as termination or expiration of consortium agreements. The proposed specific responsibilities of each consortium member are generally outlined in the RFI, and OSHA has posed numerous questions about these proposed responsibilities and the structure of the model overall, for which it seeks

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public comment. Interested parties have until December 9, 2019 to submit their thoughts and responses in writing.

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