



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Puerto Rico State Plan; Operational Status Agreement; Change in Level of Federal Enforcement: Private Sector Employment on Federal Properties and Marine Construction Conducted by Private Sector Employees

AGENCY: Occupational Safety and Health Administration (OSHA), Labor

ACTION: Notification of revisions to the Puerto Rico State Plan's Operational Status Agreement (OSA) and change in level of federal enforcement.

SUMMARY: This document announces a new OSA between the Occupational Safety and Health Administration (OSHA) and the Puerto Rico State Plan, which specifies the areas of State Plan responsibility and delineates continuing federal responsibilities. This document further gives notice of OSHA's approval of a change to the Puerto Rico State Plan reinstating federal OSHA enforcement authority over private-sector employment on federal properties and marine construction conducted by private sector employees.

DATES: Effective Date: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:

I. Background

Section 18 of the Occupational Safety and Health Act of 1970 (the OSH Act), 29 U.S.C. 667, provides that States that wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting and obtaining federal approval of a State Plan. State Plan approval occurs in stages that include initial approval under Section 18(c) of the Act and, ultimately, final approval under Section 18(e). In the interim, between initial approval and final approval, there is a period of concurrent federal/state jurisdiction within a state operating an approved plan.

Puerto Rico administers an OSHA-approved State Plan to develop and enforce occupational safety and health standards for public-sector and private-sector employers, pursuant to the provisions of Section 18 of the OSH Act. The Puerto Rico Occupational Safety and Health Administration (PR OSHA) was designated as the state agency responsible for administering the State Plan. PR OSHA is part of the Puerto Rico Department of Labor and Human Resources which is headed by Maria del Pilar Vélez Casanova. The Puerto Rico State Plan received initial federal OSHA approval as a developmental State Plan under Section 18(c) of the OSH Act on August 15, 1977 (42 FR 43628). Subsequently, on September 7, 1982, federal OSHA issued a Certification of Completion of Developmental Steps for the Puerto Rico State Plan (47 FR 39164).

Pursuant to Section 18(e) of the OSH Act, as implemented by 29 CFR 1954.3, OSHA and Puerto Rico entered into an initial OSA dated December 8, 1981 (47 FR 25323), whereby concurrent federal enforcement authority was suspended with regard to federal occupational safety and health standards in issues covered by the State Plan.

II. Notification of New Operational Status Agreement

On September 25, 2025, OSHA and the Puerto Rico Department of Labor and Human Resources signed a new OSA, replacing the previous one. The new OSA makes several changes to the respective coverage between federal OSHA and PR OSHA, as described below.

The revisions to the OSA were initially precipitated when, on April 4, 2025, Puerto Rico's Assistant Secretary of Labor, Nelvin Rodriguez-Sanchez, sent a letter to OSHA to state PR OSHA's belief that it lacks the occupational safety and health resources to provide coverage for private sector employees performing work in the following circumstances: on land, property, or space that the federal government owns or leases where federal employees are regularly present for the purpose of performing their official duties; at federal government-owned contractor-operated sites; on federal property under construction; and marine construction performed by private sector employees. Under the existing OSA, federal OSHA only had coverage of enforcement related to contractors or sub-contractors on federal establishments when the State Plan could not obtain entry, and federal OSHA did not have coverage over marine construction conducted by private sector employers. In PR OSHA's letter, the State Plan requested a change in coverage and sought confirmation that federal OSHA will always provide coverage over private sector employees in both of these circumstances. After discussions between federal OSHA and the Puerto Rico State Plan on this issue, both agencies agreed that federal OSHA coverage of such private-sector employers on property owned or leased by the federal government in Puerto Rico and marine construction conducted by private sector employees was the best solution to ensure prompt and effective protection of these workers. Accordingly, notice is hereby given of this change in federal enforcement authority, and coverage is transferred from the Puerto Rico State Plan to federal OSHA. This change is memorialized in the 2025 OSA, which now states that federal OSHA has enforcement authority in these circumstances.

While reviewing the existing OSA in response to this coverage change request from the Puerto Rico State Plan, it was determined that several other revisions and clarifications to the OSA were also needed. First, it has long been the case that federal OSHA exercises enforcement authority over private sector employers within the secured

borders of all U.S. military installations where access is controlled, and PR OSHA has enforcement authority over state and local government employers on such military installations. However, this division of coverage was not previously specified in the 1981 OSA. Accordingly, that provision was added to the 2025 OSA for thoroughness and clarity.

Second, the existing 1981 OSA did not have provisions reflecting coverage changes that occurred after it became effective, including that federal OSHA covers federal government employers, including the United States Postal Service (USPS), as well as contractors and contractor-operated facilities engaged in USPS mail operations, and that federal OSHA covers all working conditions of aircraft cabin crewmembers onboard aircraft in operation. Accordingly, provisions identifying both of those as subject to federal OSHA coverage were also added to the 2025 OSA.

Third, the 1981 OSA contained several sections discussing aspects of the Puerto Rico State Plan un-related to the respective coverage between federal OSHA and PR OSHA, including, for example, OSHA's determination that the Puerto Rico State Plan had achieved operational status and various commitments that the State Plan made to continue as an operational State Plan moving forward. OSHA no longer includes this kind of information in more modern OSAs and instead focuses the content of the OSA on its stated purpose, i.e., to set forth the scope of the exercise of federal authority by delineating areas of state versus federal responsibility. Accordingly, the 2025 OSA no longer contains sections discussing those aspects of the Puerto Rico State Plan that do not relate to the scope of federal coverage. However, the removal of those sections from the 2025 OSA does not change any of federal OSHA's determinations on the State Plan's operational status, nor the State Plan's ongoing obligations.

Fourth, the 1981 OSA had a provision noting that federal OSHA would retain coverage over any open cases remaining from federal inspections conducted prior to the

“operational status” of the Puerto Rico State Plan. Because PR OSHA has now been operational for over forty years, there are no longer any open federal cases falling within this provision, therefore it was determined this provision was no longer necessary and it has been deleted from the 2025 OSA.

Fifth, the 1981 OSA had a provision noting that federal OSHA could exercise its authority to enforce new standards until such time as the State Plan adopted a comparable standard and a provision noting that Federal OSHA could exercise its authority to enforce new standards that are particularly unique or complex. As is common in more modern OSAs, these specific provisions have been removed and replaced with a more general provision noting that federal OSHA can inspect and take appropriate enforcement action in extraordinary circumstances or when the State Plan is not able to fully or effectively exercise its enforcement authority, which could include both situations, among others.

Sixth, the 2025 OSA includes a new provision that notes that federal OSHA can exercise its authority to inspect and take appropriate enforcement action at an entire project or facility where federal and State Plan authorities both have enforcement authority in the interest of administrative practicability. The provision states that federal enforcement may be exercised immediately upon agreement between federal OSHA and the State Plan. This provision was not included in the 1981 OSA but is a standard provision federal OSHA has found helpful with experience over the past several decades to include in more modern OSAs. Accordingly, it has been added to the 2025 OSA.

Finally, the 1981 OSA contained a provision noting that OSHA would publish a notice in the *Federal Register* to describe instances of resumed federal enforcement authority. This provision has been removed from the 2025 OSA, as it is redundant of existing notice obligations OSHA has codified in State Plan-related regulations. Accordingly, it is no longer necessary to include this provision in the OSA.

Effective immediately, federal OSHA and PR OSHA will exercise their respective enforcement authorities according to the terms of the 2025 OSA between them. As detailed in the 2025 OSA, federal enforcement responsibility under the OSH Act will continue to be exercised with regard to: federal government employers, including the United States Postal Service (USPS), as well as contractors and contractor-operated facilities engaged in USPS mail operations; private sector employers within the secured borders of all United States military installations where access is controlled; all working conditions of aircraft cabin crewmembers onboard aircraft in operation; private sector employers performing work on federal government owned or leased property where federal employees are regularly present, at federal government-owned contractor-operated sites, and construction on federal property; marine construction conducted by private employers; all maritime employment, including shipyard employment, marine terminals, and longshoring; situations where PR OSHA is refused entry and is unable to obtain a warrant or enforce the right of entry; and situations where PR OSHA is temporarily unable to exercise its enforcement authority fully or effectively. Federal responsibility will also continue to be exercised with regard to investigation and inspection for the purpose of carrying out the monitoring obligations under Section 18(f) of the OSH Act, 29 U.S.C. 667(f), as implemented by 29 CFR part 1954, and the enforcement of complaints filed with federal OSHA under the OSH Act's whistleblower provision, Section 11(c), 29 U.S.C. 660(c). The exceptions to the Puerto Rico State Plan's occupational safety and health coverage are listed on OSHA's website at <https://www.osha.gov/stateplans/pr>.

III. Authority and Signature

David. Keeling, Assistant Secretary for the Occupational Safety and Health Administration, U.S. Department of Labor, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the

Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order
No. 07-2025 (90 FR 27878), and 29 CFR parts 1902 and 1953.

Signed in Washington, DC, on April 16, 2026.

David. Keeling,

Assistant Secretary for the Occupational Safety and Health Administration (OSHA).

[FR Doc. 2026-08108 Filed: 4/23/2026 8:45 am; Publication Date: 4/24/2026]