

Shore Safety Gram

Military unique designation



All civilian and military personnel and Navy worldwide operations must comply with Occupational Safety and Health Administration (OSHA) regulations. However, OSHA stipulates uniquely military equipment, systems and operations are excluded from OSHA regulations. The exclusion definition applies to “the design of Department of Defense equipment and systems that are unique to the national defense mission, such as military aircraft, ships, submarines, missiles, and missile sites, early warning systems, military space systems, artillery, tanks and tactical vehicles; and excludes operations that are uniquely military such as field maneuvers, naval operations, military flight operations, associated research test and development activities and actions required under emergency conditions.”

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Only CNO N09F (Commander, Naval Safety Command) can approve a military unique determination to exempt commands from following OSHA regulations. If any command believes they are unable to comply with OSHA regulations, they must submit a request through their chain of command to CNO N09F, who will determine if a deviation, waiver, exemption, alternate standard or determination of military unique is appropriate per OPNAV M-5100.23, B0105.

Approval requires sufficient details

While OSHA does exclude uniquely military equipment, systems and operations from the scope of its regulation under 29 CFR 1960.2(i), the process for how this is accomplished is defined by the military services. To be considered, the equipment, systems and operations must not be comparable to those in private industry. There must also be sufficient detail including:

- 1) Why compliance with an OSHA standard for uniquely military equipment, systems and operations is infeasible,
- 2) What risk management procedures are in place, and
- 3) How they are communicated to affected personnel in an enduring manner.

This information is required because DoDI 6055.01, DoD Safety and Occupational Health (SOH) Program, states all DoD operations and workplaces that are designated uniquely military equipment, systems and operations must still comply in whole or in part with OSHA.

For the Navy, the process is simple. All approvals pertaining to military unique designations will include a letter from CNO N09F with a certificate similar to Figure 1.

The Navy currently only has four approved operations designated as military unique. These are all associated with shipyard operations.

Department of Navy
Military Unique Approval

Date

As set forth in Naval Safety Command Memo Ser 00/003 of 7 May 2024, the following operations are considered to be uniquely military and are excluded from federal regulatory standards distributed by Occupational Safety and Health Administration (OSHA):

Specific energized work associated with nuclear-powered submarine ballast control system maintenance and repair.

All Navy personnel shall follow the requirements of Occupational Safety, Health and Environment Control Manual (OSHECM) 230, in lieu of the requirements of 29 CFR § 1915.181. All other OSHA requirements shall be followed for the listed operations.

No deviations to the listed operations or identified requirements may occur without update of the authorization Memo Ser 00/003 of 7 May 2024. All levels of management and supervision, as well as all oversight entities, shall ensure the requirements of these operations as outlined, as well as the required communication to affected personnel, is maintained in an enduring manner.

Name
Commander
Shipyard

Figure 1

References

29 CFR 1960.2(i)
DoDI 6055.01
OPNAV M-5100.23



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