idented as a result of a consultative visit, the Area Director shall have authority to assess minimum penalties if the employer is in good faith complying with the recommendations of a consultant after such consultative visit.

(Approved by the Office of Management and Budget under control number 1218-0110)

§ 1908.9 Monitoring and evaluation.

(a) Assistant Secretary responsibility. A State’s performance under a Cooperative Agreement will be regularly monitored and evaluated by the Assistant Secretary as part of a systematic Federal plan for this activity. The Assistant Secretary may require changes as a result of these evaluations to foster conformance with consultation policy. If the State policies or practices which require change are such that the State’s assurance of correction of serious hazards and of the effectiveness of employers’ safety and health programs is in doubt, the Assistant Secretary may, pending the completion of the changes, suspend recognition of a State’s consultative visits as a basis for exemption from compliance inspection as permitted under §1908.7(b)(4).

(b) Consultant performance—(1) State activity. The State shall establish and maintain an organized consultant performance monitoring system under the Cooperative Agreement:

(i) Operation of the system shall conform to all requirements established by the Assistant Secretary. The system shall be approved by the Assistant Secretary before it is placed in operation.

All consultants shall be selected in accordance with the provisions of Executive Order 11246 of September 24, 1965, as amended, entitled “Equal Employment Opportunity.”

(2) Minimum requirements of consultants shall include the following:

(i) The ability to identify hazards; the ability to assess employee exposure and risk; knowledge of OSHA standards; knowledge of hazard correction techniques and practices; knowledge of workplace safety and health program requirements; and the ability to effectively communicate, both orally and in writing.

(ii) Consultants shall meet any additional degree and/or experience requirements as may be established by the Assistant Secretary.

(c) Training. As necessary, the Assistant Secretary will specify immediate and continuing training requirements for consultants. Expenses for training which is required by the Assistant Secretary or approved by the RA will be reimbursed in full.