

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



March 20, 1974

Mr. C. M. Westerman
Senior Vice President
Warner Insurance
4210 Peterson Avenue
Chicago, Illinois 60646

Dear Mr. Westerman:

This letter is in response to your request of February 12, 1974, as to who would be cited under certain floor loading situations. A recent opinion by the Associate Solicitor for Occupational Safety and Health is the basis for the following.

The relationship of a building owner and a tenant is that of "lessor" and "lessee."

The tenant's employees are his responsibility, and under Section 5(a)(2) of the Occupational Safety and Health Act of 1970, he is required to provide a place of employment which meets the requirements of paragraph (d) of 1910.22.

The situation you describe where a building owner refused to assist the tenant in evaluating and posting the areas he occupied is between "lessor" and "lessee."

The employer of the employees who are exposed to a recognized hazard would be cited in the event of an inspection.

Your interest in safety and health is greatly appreciated. If I may be of further assistance, feel free to contact me.

Sincerely,

Barry J. White
Associate Assistant Secretary
for Regional Programs