

JPIASource

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ACWA JPIA Risk Management for the Water Industry

What is a “Competent Person”?



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The term “[competent person](#)” is commonly used in the water industry on job sites, but what does Cal/OSHA mean by it? Cal/OSHA defines a “competent person” as “one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.” It is important to note that the competent person can be the supervisor or another person who meets the definition above. If the competent person is not a supervisor, the employer must ensure that a site supervisor does not alter the competent person's directives.

Roles and Responsibilities

If the standard requires a competent person for the task, that person must assess the risk. Are there any current hazards at the worksite, and are employees adequately trained to perform the work safely? The competent person also has the right to act. Based on their knowledge, skills, abilities, training, education, experience, and other relevant factors, they have the authority to stop work and ensure that all necessary steps have been taken to reduce current hazards and mitigate risk.

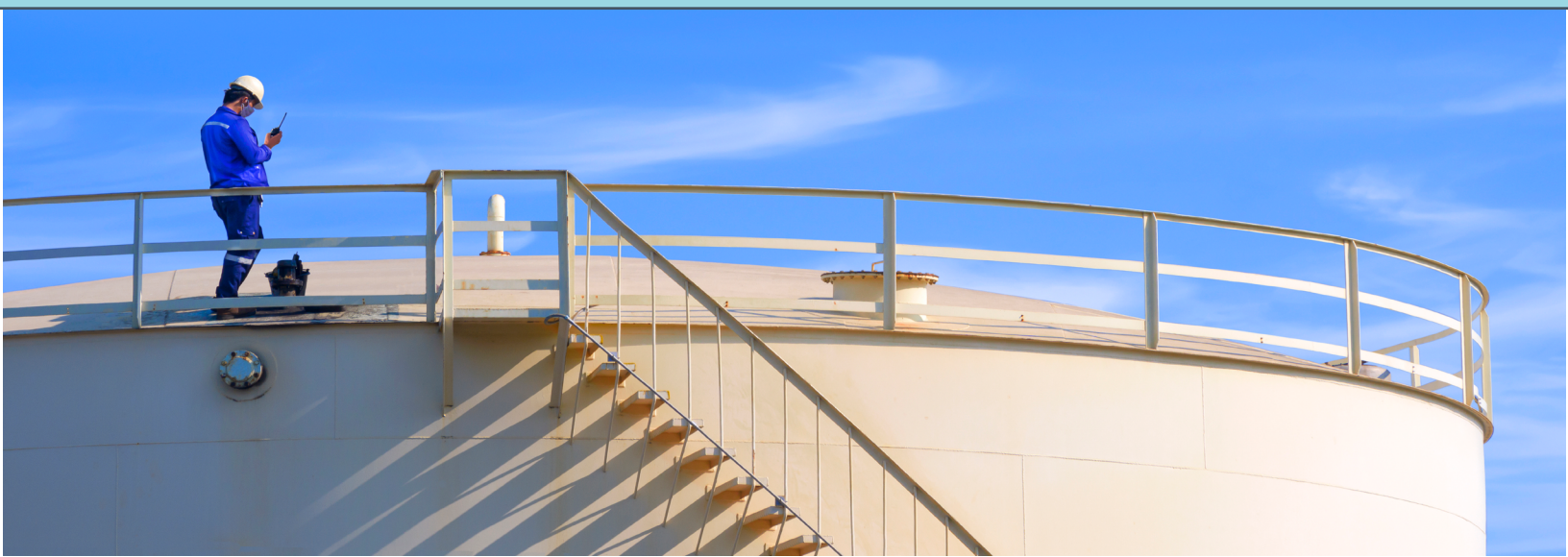
An example of a competent person is outlined in the [California Code of Regulations, Title 8, Sections 1539-1541.1](#), which addresses trenching and excavation. Some of the responsibilities listed for a competent person in this context include the following:

- Conducting/documenting site inspections
- Classifying soil type
- Choosing and inspecting protective systems
- Supervising safe work practices
- Monitoring water removal equipment
- Overseeing other nearby hazards
- For trenches shallower than five feet, a competent person must still determine whether a protective system is required or not.

Competent vs. Qualified Person

Cal/OSHA defines a [qualified person](#) as “a person designated by the employer who, by reason of training, experience, or instruction, has demonstrated the ability to perform all assigned duties safely, and, when required, is properly





licensed in accordance with federal, state, or local laws and regulations.

A “competent person” and a “qualified person” have distinct meanings under Cal/ OSHA standards. Because the roles are not interchangeable, it is important to determine which designation is required based on the specific task and applicable standard. For example, if you are the qualified employee responsible for conducting lockout/tagout services and handling hazardous energy, you are assigned by the employer to perform these services, including maintenance, cleaning, or adjustment of machinery, by locking out or tagging out the equipment. This indicates that the employee has the skills to work with this kind of machinery or energy, such as those of a qualified electrician. Ultimately, a qualified person is someone capable of solving an issue within their scope of expertise.

An example of a qualified person is defined in the [California Code of Regulations, Title 8, Section 1541.1](#) Appendix F, which states, “Protective systems for use in excavations more than 20 feet in depth must be designed by a registered professional engineer in accordance with 1541.1 (b) and (c).”

By comparing these two examples, which may require both a competent and a qualified person, we can see that they have very different definitions and applications suited to mitigating risk and preventing potential harm to employees.

Benefits of a Competent Person

In many cases, having a competent person is required and offers multiple benefits. Among the primary benefits is ensuring adherence to all applicable federal, state, and local laws and regulations. The competent person can identify existing and foreseeable hazards, thereby safeguarding employees daily. By conducting these risk assessments, the likelihood of on-site third-party claims, such as those from subcontractors or the public, may also be reduced. Performing the required inspections and observations in a thoroughly documented manner will demonstrate the due diligence of both the water agency and the competent person, as they endeavor to establish a safer work environment for employees.

JPIA Resources

Some workplace examples that water agencies encounter and that require a competent person include, but are not limited to:

- Fall Protection
- Crystalline Silica
- Confined Space
- Scaffolding
- Asbestos Cement Pipe
- Trench/Excavation

The JPIA recommends that the competent person be identified in writing to eliminate confusion and ensure these positions are documented. The JPIA provides a variety of



resources and sample forms to help our members implement adequate controls and programs that document the designation and responsibilities of assigned individuals. Within [Section 10 – Competent/Authorized Person Documentation Forms](#), the forms and templates can be customized to suit the agency’s needs. Given the wide variety of hazards and risks, a competent person should be assigned to each task. Should you require further assistance with resource utilization or have additional questions, please reach out to your agency’s assigned Risk Advisor.

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The JPIASource is not intended to be exhaustive. The discussion and best practices suggested herein should not be regarded as legal advice. Readers should pursue legal counsel or contact their insurance providers to gain more exhaustive advice.

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Quiz – Test Your Knowledge on Cal/OSHA Competent Person Best Management Practices

1. Who has the responsibility of designating a competent person?
 - a. Supervisor
 - b. Employer
 - c. Professional Engineer
2. A competent person is the same as a qualified person.
 - a. True
 - b. False
3. The supervisor is always the competent person on-site.
 - a. True
 - b. False
4. Select all the tasks that require a competent person.
 - a. Scaffolding
 - b. Motor Vehicle Use
 - c. Crystalline Silica
 - d. Heat Illness Prevention
5. After an employee completes a third-party competent person safety training course, does Cal/OSHA recognize the employee as a competent person?
 - a. Yes
 - b. No



Answers:

1. B
2. False
3. B
4. A and C
5. B