

**FY 2022**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

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# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## TABLE OF CONTENTS

Appropriation Language .....	1
Explanation of Language Change .....	4
Analysis of Appropriation Language .....	5
Amounts Available for Obligation .....	6
Summary of Changes .....	7
Summary Budget Authority and FTE by Activity .....	9
Budget Authority by Object Class .....	11
Authorizing Statutes .....	12
Appropriation History .....	13
Overview .....	14
Organization Chart .....	19
Budget Activities .....	21
Safety and Health Standards .....	21
Federal Enforcement .....	29
Whistleblower Programs .....	39
State Programs .....	49
Technical Support .....	59
Compliance Assistance-Federal .....	69
Compliance Assistance-State Consultations .....	83
Compliance Assistance-Training Grants .....	93
Safety and Health Statistics .....	101
Executive Direction .....	113

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# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, [\$591,787,000] \$664,624,000, including not to exceed [\$110,075,000] \$117,575,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, [2021] 2022, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except— (1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies; (2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found; (3) to take any action authorized by the Act with respect to imminent dangers; (4) to take any action authorized by the Act with respect to health hazards; (5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and (6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act: Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That [\$11,787,000] \$13,787,000 shall be available for Susan Harwood training grants, of which *the Secretary shall reserve* not less than \$4,500,000 [is] for Susan Harwood Training Capacity Building Developmental grants [, as described in Funding Opportunity Number SHTG-FY-16–02 (referenced in the notice of availability of funds published in the Federal Register on May 3, 2016 (81 Fed. Reg. 30568))] for program activities starting not later than September 30, [2021] 2022 and lasting for a period of 12 months: Provided

## **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

further, That not less than \$3,500,000 shall be for Voluntary Protection Programs. (*Department of Labor Appropriations Act, 2021.*)

# **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

## **EXPLANATION OF LANGUAGE CHANGE**

OSHA is proposing to remove the provision that references the FY 2016 Capacity Building Developmental and Pilot funding opportunity announcement (SHTG-FY-16-02). The reference precludes OSHA from making any programmatic and systematic improvements to the Capacity Building Developmental grants in the Susan Harwood Grant program.



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## ANALYSIS OF APPROPRIATION LANGUAGE

### Language Provision

### Explanation

"... including not to exceed \$117,575,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act;"

This appropriation language establishes an overall limit on 50 percent matching grants to States for approved occupational safety and health compliance programs. Under this language, States administering and enforcing State programs under plans approved by the Secretary shall not be required to expend from their own funds more than an amount equal to the grants provided by this appropriation.

"... and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of Training Institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education:"

This language authorizes the retention of up to \$499,000 per year in tuition payments made by and fees collected from the private sector for safety and health training courses offered by OSHA and to offset costs currently absorbed by the agency for training materials and production of Outreach Trainer Certification cards. The retained funds are to be utilized to augment the direct appropriations approved for training and education.

"... the Secretary of Labor is authorized, during the fiscal year ending September 30, 2022, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace:"

This language authorizes the retention of fees for OSHA services provided to Nationally Recognized Testing Laboratories. The retained fees are to be utilized to provide funding for the agency to administer national and international laboratory recognition programs to promote the safety of equipment and products used in the workplace.

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	FY 2020 Revised Enacted		FY 2021 Revised Enacted		FY 2022 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>A. Appropriation</b>	<b>1,865</b>	<b>\$581,787</b>	<b>1,884</b>	<b>\$591,787</b>	<b>2,246</b>	<b>\$664,624</b>
CARES Act - (Pursuant to PL 116-136)	0	\$5,500	0	\$0	0	\$0
American Rescue Plan Act of 2021 (Pursuant to P.L. 117-2)	0	\$0	163	\$100,279	0	\$0
Transfer to DM for HR (Pursuant to P.L. 115-245 Sec. 102)	0	-\$554	0	-\$554	0	\$0
<i>Subtotal Appropriation</i>	<i>1,865</i>	<i>\$586,733</i>	<i>2,047</i>	<i>\$691,512</i>	<i>2,246</i>	<i>\$664,624</i>
Offsetting Collections From:						
Reimbursements	4	\$3,105	4	\$3,105	4	\$3,105
<b>B. Gross Budget Authority</b>	<b>1,869</b>	<b>\$589,838</b>	<b>2,051</b>	<b>\$694,617</b>	<b>2,250</b>	<b>\$667,729</b>
CARES Act - (Pursuant to PL 116-136)	0	-\$5,500	0	\$0	0	\$0
American Rescue Plan Act of 2021 (Pursuant to P.L. 117-2)	0	\$0	-163	-\$100,279	0	\$0
Transfer to DM for HR (Pursuant to P.L. 115-245 Sec. 102)	0	\$554	0	\$554	0	\$0
Transfer to DM for Shared Services	-30	\$0	0	\$0	0	\$0
Offsetting Collections deduction:						
Reimbursements	-4	-\$3,105	-4	-\$3,105	-4	-\$3,105
<b>C. Budget Authority Before Committee</b>	<b>1,835</b>	<b>\$581,787</b>	<b>1,884</b>	<b>\$591,787</b>	<b>2,246</b>	<b>\$664,624</b>
Offsetting Collections From:						
Reimbursement	4	\$3,105	4	\$3,105	4	\$3,105
<b>D. Total Budgetary Resources</b>	<b>1,839</b>	<b>\$584,892</b>	<b>1,888</b>	<b>\$594,892</b>	<b>2,250</b>	<b>\$667,729</b>
FTE Lapse and Unobligated Balance Expiring	-49	-\$347	0	\$0	0	\$0
Reimbursements	0	-\$222	0	\$0	0	\$0
Transfer to DM for Shared Services	30	\$0	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>1,820</b>	<b>\$584,323</b>	<b>1,888</b>	<b>\$594,892</b>	<b>2,250</b>	<b>\$667,729</b>

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2021 Revised Enacted	FY 2022 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$591,233	\$664,624	+\$73,391
Total	\$591,233	\$664,624	+\$73,391
 <b>Full Time Equivalents</b>			
General Funds	1,884	2,246	362
Total	1,884	2,246	362

### FY 2022 Change

Explanation of Change	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	1,884	\$200,071	0	\$0	0	\$5,630	0	\$5,630
Personnel benefits	0	\$70,381	0	\$0	0	\$3,029	0	\$3,029
Federal Employees' Compensation Act (FECA)	0	\$1,181	0	\$0	0	\$515	0	\$515
Benefits for former personnel	0	\$94	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$3,196	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$2	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$20,054	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$2,911	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$676	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$1,151	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$10,251	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$64,591	0	\$0	0	\$0	0	\$0
Other Federal sources (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$1,936	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$11,278	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$14,261	0	\$0	0	\$0	0	\$0

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

FY 2022 Change

Explanation of Change	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Supplies and materials	0	\$2,519	0	\$0	0	\$0	0	\$0
Equipment	0	\$3,238	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$183,362	0	\$0	0	\$0	0	\$0
State Administration Workload	0	\$0	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$80	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>1,884</b>	<b>+\$591,233</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$9,174</b>	<b>0</b>	<b>+\$9,174</b>
<b>B. Programs:</b>								
Rebuilding and Strengthening OSHA's Enforcement Program	0	\$0	0	\$0	207	\$19,881	207	\$19,881
Restoring OSHA's Rulemaking and Guidance Capacity	0	\$0	0	\$0	30	\$10,084	30	\$10,084
Rebuilding and Strengthening OSHA's State Partners	0	\$0	0	\$0	0	\$7,500	0	\$7,500
Increasing Outreach and Compliance Assistance	0	\$0	0	\$0	45	\$6,009	45	\$6,009
Expanding OSHA's Whistleblower Protection Program	0	\$0	0	\$0	63	\$5,343	63	\$5,343
Building a Modern Compliance Workforce	0	\$0	0	\$0	0	\$3,765	0	\$3,765
Restoring and Modernizing OSHA Training	0	\$0	0	\$0	6	\$3,632	6	\$3,632
Enhanced Statistical and Data Analysis	0	\$0	0	\$0	5	\$2,514	5	\$2,514
Expanding State Consultative Services	0	\$0	0	\$0	0	\$2,000	0	\$2,000
Increasing Susan Harwood Training Grants	0	\$0	0	\$0	0	\$2,000	0	\$2,000
Enhancing Lab Services to Support Enforcement	0	\$0	0	\$0	6	\$1,489	6	\$1,489
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>362</b>	<b>+\$64,217</b>	<b>362</b>	<b>+\$64,217</b>
<b>Total Increase</b>	<b>1,884</b>	<b>+\$591,233</b>	<b>0</b>	<b>\$0</b>	<b>362</b>	<b>+\$73,391</b>	<b>362</b>	<b>+\$73,391</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>B. Programs:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>Total Change</b>	<b>1,884</b>	<b>+\$591,233</b>	<b>0</b>	<b>\$0</b>	<b>362</b>	<b>+\$73,391</b>	<b>362</b>	<b>+\$73,391</b>

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b> (Dollars in Thousands)								
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Revised Enacted</b>		<b>FY 2022 Request</b>		<b>Diff. FY22 Request / FY21 Revised Enacted</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>Safety and Health Standards</b>	<b>67</b>	<b>18,000</b>	<b>65</b>	<b>18,000</b>	<b>95</b>	<b>28,450</b>	<b>30</b>	<b>10,450</b>
General Funds	67	18,000	65	18,000	95	28,450	30	10,450
<b>Federal Enforcement</b>	<b>1,304</b>	<b>221,711</b>	<b>1,338</b>	<b>228,711</b>	<b>1,545</b>	<b>254,634</b>	<b>207</b>	<b>25,923</b>
General Funds	1,304	221,711	1,338	228,711	1,545	254,634	207	25,923
<b>Whistleblower Programs</b>	<b>115</b>	<b>18,564</b>	<b>122</b>	<b>19,064</b>	<b>185</b>	<b>24,999</b>	<b>63</b>	<b>5,935</b>
General Funds	115	18,564	122	19,064	185	24,999	63	5,935
<b>State Programs</b>	<b>0</b>	<b>108,575</b>	<b>0</b>	<b>110,075</b>	<b>0</b>	<b>117,575</b>	<b>0</b>	<b>7,500</b>
General Funds	0	108,575	0	110,075	0	117,575	0	7,500
<b>Technical Support</b>	<b>81</b>	<b>24,469</b>	<b>92</b>	<b>24,469</b>	<b>98</b>	<b>26,394</b>	<b>6</b>	<b>1,925</b>
General Funds	81	24,469	92	24,469	98	26,394	6	1,925
<b>Compliance Assistance-Federal</b>	<b>205</b>	<b>74,481</b>	<b>208</b>	<b>75,231</b>	<b>259</b>	<b>86,175</b>	<b>51</b>	<b>10,944</b>
General Funds	205	74,481	208	75,231	259	86,175	51	10,944
<b>Compliance Assistance-State Consultations</b>	<b>0</b>	<b>61,500</b>	<b>0</b>	<b>61,500</b>	<b>0</b>	<b>63,500</b>	<b>0</b>	<b>2,000</b>
General Funds	0	61,500	0	61,500	0	63,500	0	2,000
<b>Compliance Assistance-Training Grants</b>	<b>0</b>	<b>11,537</b>	<b>0</b>	<b>11,787</b>	<b>0</b>	<b>13,787</b>	<b>0</b>	<b>2,000</b>
General Funds	0	11,537	0	11,787	0	13,787	0	2,000

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2020 Revised Enacted		FY 2021 Revised Enacted		FY 2022 Request		Diff. FY22 Request / FY21 Revised Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Safety and Health Statistics</b>	<b>19</b>	<b>32,900</b>	<b>31</b>	<b>32,900</b>	<b>36</b>	<b>39,479</b>	<b>5</b>	<b>6,579</b>
General Funds	19	32,900	31	32,900	36	39,479	5	6,579
<b>Executive Direction</b>	<b>25</b>	<b>9,496</b>	<b>28</b>	<b>9,496</b>	<b>28</b>	<b>9,631</b>	<b>0</b>	<b>135</b>
General Funds	25	9,496	28	9,496	28	9,631	0	135
<b>Total</b>	<b>1,816</b>	<b>581,233</b>	<b>1,884</b>	<b>591,233</b>	<b>2,246</b>	<b>664,624</b>	<b>362</b>	<b>73,391</b>
<b>General Funds</b>	<b>1,816</b>	<b>581,233</b>	<b>1,884</b>	<b>591,233</b>	<b>2,246</b>	<b>664,624</b>	<b>362</b>	<b>73,391</b>

NOTE: 2020 reflects actual FTE.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
	Full-Time Equivalent				
	Full-time Permanent	1,865	1,884	2,246	362
	Reimbursable	4	4	4	0
	<b>Total</b>	<b>1,869</b>	<b>1,888</b>	<b>2,250</b>	<b>362</b>
	Average ES Salary	\$186,534	\$189,145	\$194,252	\$5,107
	Average GM/GS Grade	12/5	12/5	12/5	0
	Average GM/GS Salary	\$94,826	\$94,826	\$97,386	\$2,560
11.1	Full-time permanent	195,480	194,801	219,724	24,923
11.3	Other than full-time permanent	477	479	479	0
11.5	Other personnel compensation	4,792	4,791	4,791	0
11.9	<b>Total personnel compensation</b>	<b>200,749</b>	<b>200,071</b>	<b>224,994</b>	<b>24,923</b>
12.1	Civilian personnel benefits	66,639	71,562	82,050	10,488
12.2	Military Personnel Benefits	0	0	0	0
13.0	Benefits for former personnel	93	94	94	0
21.0	Travel and transportation of persons	8,746	3,196	4,642	1,446
22.0	Transportation of things	2	2	2	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	24,785	20,054	20,054	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	2,911	2,911	2,911	0
24.0	Printing and reproduction	501	676	676	0
25.1	Advisory and assistance services	1,151	1,151	1,151	0
25.2	Other services from non-Federal sources	12,269	10,251	20,571	10,320
25.3	Other goods and services from Federal sources 1/	69,437	77,805	82,925	5,120
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	8,169	14,261	20,026	5,765
26.0	Supplies and materials	1,555	2,519	2,839	320
31.0	Equipment	2,534	3,238	6,747	3,509
41.0	Grants, subsidies, and contributions	181,612	183,362	194,862	11,500
42.0	Insurance claims and indemnities	80	80	80	0
	<b>Total</b>	<b>581,233</b>	<b>591,233</b>	<b>664,624</b>	<b>73,391</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	63,073	64,591	64,591	0
	DHS Services	1,436	1,936	1,936	0
	Services by Other Government Departments	4,928	11,278	16,398	5,120

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## AUTHORIZING STATUTES

<b>Public Law / Act</b>	<b>Legislation</b>	<b>Statute No. / US Code</b>	<b>Volume No.</b>	<b>Expiration Date</b>
P.L. 91-596	The Occupational Safety and Health Act of 1970	Stat. 1590	84	Indefinite authority



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2012					
Base Appropriation...1/	\$583,296		\$535,251	\$564,788	2,305
2013					
Base Appropriation...2/3/	\$565,468			\$535,246	2,239
2014					
Base Appropriation	\$570,519			\$552,247	2,235
2015					
Base Appropriation	\$565,010			\$552,787	2,224
2016					
Base Appropriation	\$592,071	\$535,000	\$524,476	\$552,787	2,173
2017					
Base Appropriation	\$595,023			\$552,787	1,995
2018					
Base Appropriation	\$543,257	\$531,470		\$552,787	1,923
2019					
Base Appropriation...4/ 5/	\$549,033		\$556,787	\$557,787	1,911
2020					
Base Appropriation...5/ 6/ 7/	\$557,533	\$660,908		\$581,787	1,865
2021					
Base Appropriation...7/	\$576,813			\$591,787	1,884
2022					
Base Appropriation	\$664,624				2,246

1/ Reflects a \$1,069 reduction pursuant to P.L. 112-74.

2/ Reflects a \$1,130 Rescission reduction and a \$28,412 Sequestration reduction pursuant to P.L. 113-6.

3/ Does not reflect \$2,250,000 transferred to OSHA for Hurricane Sandy reconstruction and recovery activities, as provided in the Disaster Relief Appropriations Act, 2013, P.L. 113-2. This amount has been transferred from the Employment and Training Administration, Training and Employment Services account via a non-expenditure transfer.

4/ This bill was passed by the Senate. It was passed out of the House Subcommittee but was not reported out of the House Committee or by the full House.

5/ Does not reflect \$554,000 transferred to the Office of the Assistant Secretary for Administration and Management (OASAM) in the Departmental Management Appropriation. This amount has been transferred to provide resources for the transfer of Human Resources staff from OSHA Executive Direction to OASAM.

6/ This bill was passed by the House. It was not taken up by the Senate Appropriations Subcommittee or full Appropriations Committee.

7/ FTE for FY 2020 and FY 2021 reflect the Shared Services Realignment.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

Established in 1971 by the Occupational Safety and Health Act (OSH Act) (Public Law 91-596), the Occupational Safety and Health Administration's (OSHA) mission is to ensure that employers provide safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA seeks to prevent work-related injuries, illnesses, and deaths by encouraging employers to eliminate workplace hazards. The agency is also responsible for administering 25 whistleblower laws to prevent any person from discharging, or in any manner retaliating, against any employee who has exercised their rights under a covered Act.

Under this Administration, OSHA will seek to reassert its position as a leader within the national safety and health dialogue, and increase and enhance OSHA's enforcement presence; meet increased employer and worker requests for outreach, training and compliance assistance, particularly in vulnerable and underserved communities; and build a transformative agency that is pro-active and responsive to improving workplace safety and health across the country. OSHA will ensure full and fair access to for all workers regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, migrant status, religion, or other marginalized status through targeted outreach and awareness. The agency plans to hold additional targeted stakeholder meetings, particularly with underserved communities, to obtain valuable public input and feedback on how the agency can improve program operations and enhance customer service.

The Department transferred \$5.5 million to OSHA under the Coronavirus Aid, Relief, and Economic Security (CARES) Act in FY 2020. The funding is available through September 30, 2022 and OSHA expects to spend \$4.955 million on the development and publication of COVID-19 guidance materials for specific industries and general topics such as cleaning and disinfection, ventilation, workplace stress, and respiratory protection. The agency will also utilize \$530,000 for printing, translation into multiple languages, shipping, and storage of Coronavirus publications for distribution. Finally, OSHA will utilize \$15,000 to purchase lab equipment and inspection supplies in support of COVID-19 interventions.

In FY 2021, OSHA received \$100.278 million as part of the American Rescue Plan (ARP) Act. OSHA plans use the funding to address COVID-19 infectious disease pandemic issues in American workplaces, with a focus on vulnerable and hard-to-reach workers in high hazard industries. The agency will respond to the pandemic on several fronts. Specifically, OSHA will obligate \$41.654 million on enforcement activities, including supporting 85 Compliance Safety and Health Officers (CSHOs), \$13.079 million on the Whistleblower Protection Programs to support 25 investigators to address COVID-19 complaints, and \$6.335 million on personnel and laboratory equipment to support the agency's enforcement efforts. The agency will also spend \$7.984 million on standards and guidance development activities, \$3.665 million on compliance assistance and training, \$500,000 for information technology needs, and \$1.061 million on human resources support to hire staff quickly. State Plan states will receive \$16.0 million to ensure their COVID response efforts are "at least as effective as" those of federal OSHA. Finally, OSHA will award \$10 million in Susan Harwood Training Grants that will focus on COVID-19 infectious disease response.

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

The FY 2022 budget request seeks to build on the momentum created by the ARP Act funding. OSHA's key goals include building back a better agency that is the national leader in workplace safety and health, and expanding its enforcement and outreach presence to address the needs of a 21<sup>st</sup> century workforce. This includes a focus on strengthening agency capacity to meet the demands of a diverse and changing workforce in changing workplaces. In 2021, OSHA will celebrate its 50<sup>th</sup> anniversary. Since its creation, the agency has made great strides in protecting American workers, from issuing its first standard on asbestos in 1972, to launching the annual National Safety Stand-Down to Prevent Falls in Construction in 2014. OSHA also has helped to cut the number of worker deaths a day from 38 in 1970 to 15 a day in 2019. But even with these improvements, OSHA's mission continues to be as important as ever as the agency pivots to respond to the immediate hazard of COVID-19 and other emerging hazards of the 21<sup>st</sup> century as the economy evolves and workplaces change. The agency's responsibilities have increased and evolved in the last 50 years – from additional whistleblower protection statutes; new hazards such as the COVID-19 virus; and changes in workplace safety and health from a demographically changing workforce in terms of diversity, economics and geography. The FY 2022 request for OSHA provides the building blocks to help the agency address these increased responsibilities.

It is critical to ensure that good jobs created through the investments in the President's American Jobs Plan remain good jobs. To make this a reality, the Budget includes \$7.5 billion in mandatory funding for the Department's worker protection agencies to protect against discrimination, protect wages and benefits, enforce health and safety protections, and safeguard workers' rights. Further, the President is calling for increased penalties when employers violate workplace safety and health rules.

In FY 2022, OSHA is requesting \$664,624,000 in discretionary funding and 2,246 FTE, a program increase of \$64,217,000 and 362 FTE over the FY 2021 Enacted level. The request will allow OSHA to rebuild and sustain its capacity to meet its mission as the country emerges from the COVID-19 pandemic. To accomplish this, OSHA will advance the goals of the Administration by increasing and enhancing OSHA's enforcement presence, including within OSHA State Plans; meeting increased employer and worker requests for outreach, training and compliance assistance; and building a transformative agency. The FY 2022 request also provides budget stability by providing permanent funding for the agency to support workforce needs funded by the ARP COVID supplemental. For the agency to sustain resources added into the OSHA budget by the ARP Act, the agency requires increases to its direct appropriation that will support the CSHOs, whistleblower investigators and additional program staff that will be funded by the three year supplemental. Building these resources into OSHA's base budget will provide long term support for the agency to have meaningful impacts across its range of programs.

In order to support and rebuild OSHA's enforcement program, OSHA is requesting a program increase of \$15,106,000 and 155 CSHO FTE who are the frontline staff responsible for ensuring employer compliance with OSHA regulations. This is a down payment on the President's commitment to double the number of OSHA inspectors by the end of his first term. With these additional CSHOs, OSHA initially will perform 3,100 inspections but this number should double once these compliance staff are fully trained. In addition, OSHA is requesting \$4,775,000 and 52

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

FTE to support the influx of CSHOs and growth of the enforcement program, including safety technicians, additional Assistant Area Directors, and other Area, Regional, and National Office staff. These funds will also support policy development and review of case files including significant and egregious cases, and the development of National Emphasis Programs. OSHA is requesting \$1.489 million and 6 FTE for Technical Support for lab personnel and equipment to support OSHA's increased inspection activity.

The request also includes \$4,100,000 and 50 FTE for whistleblower investigators to effectively enforce 25 whistleblower statutes, including the recently added Criminal Antitrust Anti-Retaliation Act and the Anti-Money Laundering Act for which OSHA did not receive additional FTE when enacted. The 25 whistleblower statutes that OSHA enforces protect workers from retaliation for exercising their right to report violations of the associated laws. In addition to investigators, OSHA is requesting \$1,243,000 and 13 FTE to support alternative dispute resolution, and policy development and review. OSHA is working to institute improvements in its whistleblower protection program to improve response and reduce the backlog of complaints to better meet the needs of workers who need assistance from OSHA.

Finally, consistent with the enforcement program expansion, OSHA is requesting \$7,500,000 for OSHA's State Plan partners to ensure they have adequate resources to maintain standards, the ability to enforce those standards, and the ability to protect workers from retaliation in a manner "at least as effective" as OSHA. The increase in State grant funding is needed for State plan states to keep up with a revitalized federal program. Requested increases for State Programs would help support state economies that have suffered during the pandemic, and are beginning to rebuild and recover. The agency's State Plan partners provide coverage for approximately 40 percent of the workforce, and additionally extend coverage within their states to state and local government employees, which OSHA cannot directly provide.

OSHA is requesting resources to conduct a multi-prong outreach and training campaign for workers and employers on occupational safety and health policies, regulations and hazards as part of the agency's effort to rebuild its capacity and meet its mission. As part of the agency's effort to reemerge as a leader in the national safety and health dialogue, OSHA is requesting \$6,009,000 and 45 FTE to hire Compliance Assistance Specialists (CASs). In FY 2011, OSHA had one or more CASs per Area Office. Since that time, the CAS ranks have dropped by more than half. CASs are agency ambassadors who conduct outreach to workers and employers in high-hazard industries, offer training on OSHA industry-specific hazards, and promote OSHA's suite of cooperative programs, including Alliances, Strategic Partnerships, and the Voluntary Protection Program. OSHA is expanding outreach to disadvantaged and underserved communities through our cooperative compliance programs to ensure that we better meet the needs of these workers and that workers in these communities know their rights under the OSH Act. The agency is also requesting \$3,623,000 to hire six trainers and resources to develop training curriculum for the anticipated influx of CSHOs, whistleblower investigators, and other staff.

To leverage safety and health expertise in the safety and health community, the agency is requesting \$2,000,000 for Susan Harwood Training Grants to cover emerging hazards in a post-pandemic economy, such as increased workplace heat hazards in the face of global climate

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

change. The Harwood grant program will focus on developing and providing valuable and accurate information about hazards in the workplace and improve the safety environment for at-risk workers in variety of high-hazards industries. OSHA's targets for the training include workers in small businesses and other hard-to-reach workers, including young, low literacy, limited English speaking, immigrant, minority, and domestic workers among other underserved worker populations.

To further outreach and education, OSHA is requesting \$2,000,000 for the On-Site Consultation Program to provide free and confidential occupational safety and health services to small, women, and minority-owned businesses nationwide with priority given to high-hazard worksites. The Consultation Program works with small-business employers to identify workplace hazards, provide advice for compliance with OSHA standards, and assist in establishing and improving safety and health programs.

The needs of employers and workers are ever-evolving, as recently demonstrated by the COVID-19 pandemic. In order to better anticipate those needs and meet them in real time, OSHA is requesting \$10,084,000 and 30 FTE to restore OSHA's rulemaking and guidance capacity. OSHA has a robust regulatory agenda with highly complex and specialized topics, including infectious diseases, workplace violence prevention, and emergency response. The additional FTE and contract funds will provide OSHA the flexibility to bring in appropriate subject matter expertise to bear on its regulatory agenda, and the ability to complete the rules in a timelier manner.

OSHA also seeks \$2,514,000 and 5 FTE for Statistics to expand and modernize IT resiliency and cybersecurity response as well as to increase data analytics and transparency. The additional statistical FTE will allow OSHA to enhance the efficiency and effectiveness of agency strategies in the reduction of injuries, illnesses, and fatalities with improved workplace safety and health data by establishing technical expertise in using enhanced analytical methodologies to determine the incidence and prevalence of injuries and chronic disease in the working population. OSHA is requesting \$3,765,000 for contract funds to target needed technology advancements for a modern compliance workforce, such as the implementation of electronic case file processing, and acquisition of field equipment and technology that will allow OSHA to develop and issue citations in the field without returning to the office for processing, shortening the time between hazard identification and abatement.

### BUDGET ACTIVITIES

The following budget activities contribute to OSHA's strategies and goals to reduce worker injuries, illnesses, and fatalities:

*Safety and Health Standards:* The Safety and Health Standards budget activity level request for FY 2022 is \$28,450,000 and 95 FTE, an increase of \$10,450,000 and 30 FTE above the FY 2021 Enacted Level. This includes a program increase of \$10,084,000 and 30 FTE to restoring OSHA's rulemaking and guidance capacity.

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Federal Enforcement: The Federal Enforcement budget activity request for FY 2022 is \$254,634,000 and 1,545 FTE, an increase of \$25,923,000 and 207 FTE above the FY 2021 Enacted Level. This includes a program increase of \$19,881,000 and 207 FTE to rebuild and strengthen OSHA's enforcement program.

Whistleblower Programs: The Whistleblower budget activity request for FY 2022 is \$24,999,000 and 185 FTE, an increase of \$5,935,000 and 63 FTE above the FY 2021 Enacted Level. This includes a program increase of \$5,343,000 and 63 FTE to expand OSHA's Whistleblower Protection Program.

State Programs: The State Programs budget activity request for FY 2022 is \$117,575,000, which includes a program increase of \$7,500,000 above the FY 2021 Enacted Level to provide OSHA's state plan partners with resources to keep pace with a revitalized federal program.

Technical Support: The Technical Support budget activity request for FY 2022 is \$26,394,000 and 98 FTE, an increase of \$1,925,000 and 6 FTE above the FY 2021 Enacted Level. This includes a program increase of \$1,489,000 and 6 FTE for enhanced laboratory services to support enforcement.

Federal Compliance Assistance: The Federal Compliance Assistance budget activity request for FY 2022 is \$86,175,000 and 259 FTE, an increase of \$10,944,000 and 51 FTE above the FY 2021 Enacted Level. This includes a program increase of \$3,623,000 and 6 FTE for instructors to restore and modernize OSHA trainings, and a program increase of \$6,009,000 and 45 FTE to increase outreach and compliance assistance programs provided directly by OSHA.

State Compliance Assistance: The State Compliance Assistance budget activity request for FY 2022 is \$63,500,000, which includes a program increase of \$2,000,000 above the FY 2021 Enacted Level to expand the on-site consultation program.

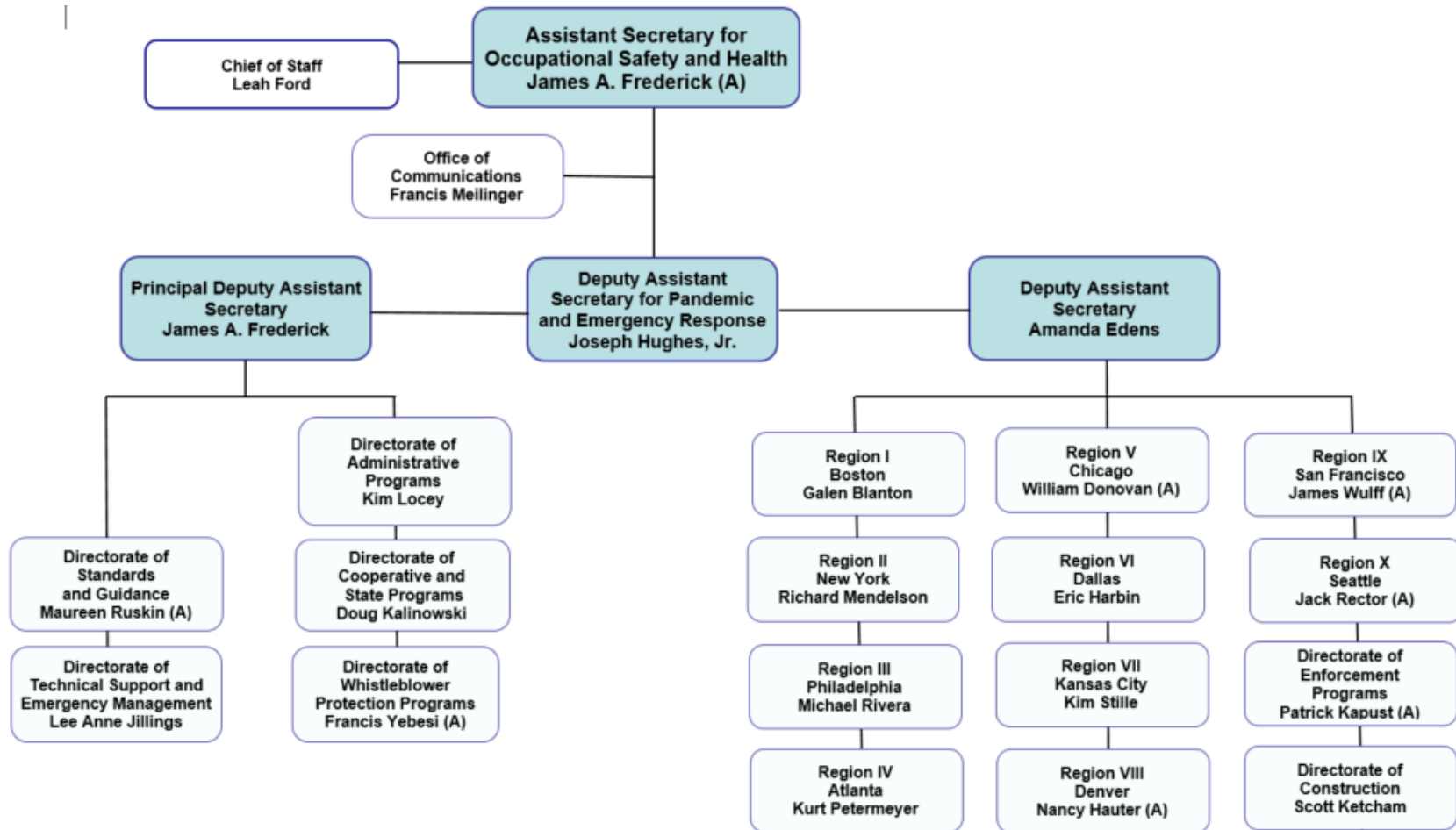
Training Grants: The Compliance Assistance Training budget activity request for FY 2022 is \$13,787,000, which includes a program increase of \$2,000,000 above the FY 2021 Enacted level for the Susan Harwood Training Grant Program to target training to underserved and vulnerable populations.

Safety and Health Statistics: The Safety and Health Statistics budget activity request for FY 2022 is \$39,479,000 and 36 FTE, an increase of \$6,579,000 and 5 FTE above the FY 2021 Enacted Level. This includes a program increase of \$2,514,000 and 5 FTE to enhance statistical and data analysis and a program increase of \$3,765,000 for building a modern compliance workforce.

Executive Direction: The Executive Direction budget activity request for FY 2022 is \$9,631,000 and 28 FTE, an increase of \$135,000 above the FY 2021 Revised Enacted Level.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## ORGANIZATION CHART







## SAFETY AND HEALTH STANDARDS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>18,000</b>	<b>18,000</b>	<b>28,450</b>	<b>10,450</b>
FTE	67	65	95	30

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 65.

### **Introduction**

Ensuring employers provide their workers a safe and healthful workplace is the core mission of the Occupational Safety and Health Administration (OSHA). To accomplish this mission, OSHA uses both regulatory and non-regulatory approaches to address a broad array of workplace safety and health hazards. The agency’s standards and guidance products extensively cover occupational safety and health hazards in a wide range of workplaces and industries, including general industry, construction, and maritime.

OSHA continually evaluates hazards and risks to the health and safety of workers, particularly those in minority, vulnerable and underserved communities. The agency identifies areas where new health and safety standards are necessary to protect workers, and evaluates existing standards to determine when updates are necessary to remain relevant by reflecting current health studies, technologies, approaches, as well as considering updated national consensus standards. During the rulemaking process, the agency must meet the legal and administrative requirements under the OSH Act, other applicable legislation passed by Congress, and Executive Orders. The standard-setting process is complex, carrying with it the force of law, and involves multiple steps and comprehensive stages of review. OSHA’s rules must be accompanied by analyses, on based on the best available evidence, to clearly identify the risk of the hazard being addressed and the impacts of regulatory requirements on employers and the economy; offer proof that the new standard will appropriately address that risk; and ensure the requirements are technologically and economically achievable. Such analyses provide multiple opportunities to collect comments and information from the public, affected workers, and industries. OSHA’s scientific analyses to support rulemaking actions must also be peer reviewed, and a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel must be conducted when regulatory options under consideration have the potential to produce a significant impact on small businesses.

The agency’s regulatory activities are complemented by non-regulatory guidance products and outreach initiatives that cover a wide variety of occupational safety and health hazards. Guidance products and outreach initiatives allow the agency to inform workers and employers about safety and health issues more expeditiously than through the formal rulemaking process. In both the regulatory and non-regulatory efforts, the agency uses a scientific, common-sense, and plain-language approach to effectively address safety and health hazards and ensure that steps to improve workplace safety and health are easily understood.

# SAFETY AND HEALTH STANDARDS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$18,000	70
2018	\$18,000	68
2019	\$18,000	67
2020	\$18,000	65
2021	\$18,000	65

## FY 2022

In FY 2022, OSHA is requesting \$28,450,000 and 95 full-time employees (FTE) for the Safety and Health Standards activity, which includes a program increase of \$10,084,000 and 30 FTE from the FY 2021 Enacted Level. OSHA is planning to publish five final rules, four proposed rules, complete one SBREFA panel, and publish one request for information (RFI). The highest priorities among the rulemaking projects are Infectious Diseases, Prevention of Work Place Violence in Healthcare and Social Assistance, Medical Removal Protections for Silica, Improving Tracking of Workplace Injuries and Illnesses, and Personal Protective Equipment Fit in Construction. OSHA plans to use the requested increase to advance these high priority rulemakings. The additional funds will ultimately enable OSHA to progress more quickly through the complicated and lengthy rulemaking process.

In addition to the rulemakings, OSHA anticipates continuing with the major outreach initiatives associated with safety and health programs and heat stress, and producing 20 guidance products related to rulemaking activities and on a variety of safety and health topics. The agency is committed to ensuring every worker has a safe and healthy workplace that is free of hazards regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, migrant status, religion, or other marginalized status.

## FY 2021

In FY 2021, the agency has already published one final rule and one proposed rule. OSHA anticipates issuing four additional proposed rules, completing a SBREFA panel, publishing two RFIs as an initial step for future rulemaking, and engaging in stakeholder outreach as part of the rulemaking process. The agency will finalize the materials for a SBREFA panel on Prevention of Work Place Violence in Healthcare and Social Assistance to be prepared to initiate the panel process in early FY 2022. Additionally, OSHA anticipates producing 30 guidance documents on various safety topics.

OSHA is developing a broad collection of guidance materials, including materials that are broadly applicable to all workplaces (e.g., Preparing Workplaces for COVID-19; Returning to Work) as well as materials that are targeted to specific industries (e.g., meat and poultry processing, seafood processing, manufacturing, agriculture). Additionally, the Agency is using funding made available under Title VIII of the Coronavirus Aid, Relief, and Economic Security (CARES) Act to develop additional industry-specific guidance materials, as well as guidance on general topics (e.g., cleaning and disinfection, ventilation).

## **SAFETY AND HEALTH STANDARDS**

The agency is planning major initiatives in safety and health programs and heat illness prevention. A part of the safety and health program work includes the Safe + Sound campaign to promote the use of safety and health programs and provide tools and educational material with an emphasis on small and medium size businesses.

### **FY 2020**

In FY 2020, OSHA issued four final rules including beryllium exposure in general industry, beryllium exposure in construction/shipyards, cranes and derricks for railroad roadway work, and a collection of technical corrections to 27 OSHA standards. OSHA also published a proposed rule to update beryllium in construction/shipyards standard and the agency completed the SBREFA process for tree care.

OSHA also developed and published 30 guidance products, many to conduct education and outreach on safety and health programs, and to continue to grow the Safe + Sound Campaign, now with over 220 partner organizations. Additionally, the agency spent considerable time and effort supporting the overall Federal response to the COVID-19 pandemic. Activities included extensive research used to develop both general and specific industry guidance, and working closely with partner agencies to ensure a consistent Federal response.

## SAFETY AND HEALTH STANDARDS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Safety and Health Standards</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
OSHA-STAN-01	Notices of Proposed Rulemaking	7	1	5	4
OSHA-STAN-02	Final rules	4	4	1	5
OSHA-STAN-03	Guidance/Informational Materials	30	30	30	30

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## **SAFETY AND HEALTH STANDARDS**

### **Workload Summary**

During FY 2022, OSHA plans to publish five final rules, four proposed rules, and complete one SBREFA panel. Amongst these will be proposed rules on Infectious Disease, and Medical Removal Protections for Silica, and SBREFA on Prevention of Work Place Violence in Healthcare and Social Assistance. OSHA plans to use the requested increased funding to accelerate work on these projects and several others. Additionally, OSHA anticipates continuing initiatives on safety and health programs and heat illness prevention; and producing 30 guidance products related to rulemaking activities and on a variety of safety and health topics as the need arises.

During FY 2021, OSHA issued a final rule to codify the Maritime Advisory Committee for Occupational Safety and Health (MACOSH) and a proposed rule to update the Hazard Communications standard. The agency is planning to issue two RFIs, an additional five proposed rules, complete one SBREFA, and hold several stakeholders meetings or hearings. At the same time, OSHA will continue its efforts to assist with the Federal response in the COVID-19 pandemic. The agency also plans to continue growing the Safe + Sound campaign, develop material related to safety and health programs, and conduct a Heat Illness Protection Campaign.

In FY 2020, OSHA issued four final rules and one proposed rule; and completed one SBREFA review. The agency also spent significant resources supporting the overall Federal response to the COVID-19 pandemic. OSHA developed and published 30 guidance products including many on worker protection in the pandemic. In addition, the agency grew the Safe + Sound Campaign to reach approximately 1.9 million workers from 3.452 businesses, with almost 40% of these being small to medium sized businesses.

## SAFETY AND HEALTH STANDARDS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	6,811	6,836	9,059	2,223
11.3	Other than full-time permanent	86	86	86	0
11.5	Other personnel compensation	260	259	259	0
11.9	<b>Total personnel compensation</b>	<b>7,157</b>	<b>7,181</b>	<b>9,404</b>	<b>2,223</b>
12.1	Civilian personnel benefits	2,302	2,631	3,528	897
13.0	Benefits for former personnel	14	14	14	0
21.0	Travel and transportation of persons	120	120	150	30
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	1,040	875	875	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	38	38	38	0
24.0	Printing and reproduction	289	289	289	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	943	1,744	8,744	7,000
25.3	Other goods and services from Federal sources 1/	6,082	5,093	5,393	300
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	12	12	12	0
31.0	Equipment	3	3	3	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>18,000</b>	<b>18,000</b>	<b>28,450</b>	<b>10,450</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,960	4,765	4,765	0
	Services by Other Government Departments	122	328	628	300

# SAFETY AND HEALTH STANDARDS

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$198
Personnel benefits	107
Federal Employees' Compensation Act (FECA)	61
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$366**

**Net Program** **\$10,084**

**Direct FTE** **30**

	Estimate	FTE
<b>Base</b>	<b>\$18,366</b>	<b>65</b>
<b>Program Increase</b>	<b>\$10,084</b>	<b>30</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>





## FEDERAL ENFORCEMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>221,711</b>	<b>228,711</b>	<b>254,634</b>	<b>25,923</b>
FTE	1,304	1,338	1,545	207

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 1,323.

### **Introduction**

Enforcement activity reflects the authority vested in OSHA by Congress to enforce Federal workplace standards issued under the Occupational Safety and Health Act of 1970 (OSH Act). To ensure compliance with OSHA standards, reduce workplace hazards, and prevent fatalities, the agency conducts inspections of worksites and facilities, assesses penalties, and requires abatement of hazards when violations are identified. OSHA utilizes a mix of unprogrammed inspections (e.g., investigating complaints, including claims of imminent danger, and serious accidents involving fatalities, amputations, and in-patient hospitalizations) and programmed inspections (proactive approaches to specific workplace hazards or high-hazard workplaces identified by analyzing injury/illness data and emerging threats).

OSHA’s enforcement strategies include targeting inspections at workplaces with particular hazards or at specific hazardous industries. In a number of cases, these targeted approaches have identified egregious and persistent violators of the OSH Act. By reaching the most hazardous worksites and facilities, the agency not only helps secure safe and healthy workplaces and reduce workplace injuries, illnesses, and deaths, but also protects at-risk workers, who are least likely to have the protections and training to safely work in high hazard workplaces.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2017	\$208,000	1,386
2018	\$208,000	1,323
2019	\$209,000	1,319
2020	\$221,711	1,323
2021	\$228,711	1,338

### **FY 2022**

In FY 2022, OSHA is requesting \$254,634,000 and 1,545 FTE for Federal Enforcement, a program increase of \$19,881,000 and 207 FTE. The FY 2022 request includes \$15,106,000 and 155 compliance safety and health officers (CSHO) FTE who are the frontline staff responsible for ensuring employer compliance with OSHA regulations and \$4,775,000 and 52 FTE to support the influx of CSHOs and growth of the enforcement program, including safety

## FEDERAL ENFORCEMENT

technicians, additional Assistant Area Directors, and other Area, Regional, and National Office staff.

As the pandemic has highlighted, OSHA's mission is as important now as it has ever been in the agency's fifty year history. As the agency continues working to protect workers from COVID-19 and towards ending the pandemic, it is seeking ways to improve workplace safety protections to meet the challenges ahead. Many workers are at increased risk, sometimes because of the jobs they do, but also because of factors like the color of their skin, their ethnicity, or the fact that English is not their first language. This Administration believes every worker is entitled to a safe and healthy workplace.

The requested funding and FTE will support these goals and position the agency to return to its historical role as a leader in worker safety and health. This is a down payment on the President's commitment to double the number of OSHA inspectors by the end of his first term. With the additional 155 CSHOs, the agency anticipates conducting an additional 3,100 inspections in FY 2022 assuming some of the newly hired compliance staff are able to conduct inspections independently. In FY 2022, OSHA plans to conduct 36,984 inspections and reach a goal of 66,571 enforcement units (EU), shifting the focus to the highest-impact and most complex inspections at high-risk workplaces, which often employ minority and other vulnerable workers.

OSHA anticipates that the response to severe injury reports (SIR) will continue to affect inspection totals in FY 2022, resulting in greater unprogrammed activity than programmed activity. SIR inspections typically require double the time to complete as programmed inspections. The agency expects that previously hired CSHOs, now in their second year of service, and newly hired CSHOs will cover many SIRs in FY 2022, allowing senior CSHOs to focus on programmed inspections. OSHA will continue to improve and utilize Corporate Settlement Agreements (CSA) as a tool to leverage the abatement hazards company-wide for employers who exhibit a pattern of non-compliance. A CSA is an enforcement tool used when an employer is found to have a significant pattern of non-compliance with the OSH Act across multiple locations. This wide-ranging abatement program maximizes performance measures, such as the total number of employees removed from workplace hazards. OSHA ensures that an employer fully implements a CSA by conducting monitoring inspections and requiring abatement and audit documentation throughout the life of the CSA. In addition, the agency will use the Severe Violator Enforcement Program (SVEP) to target employers who have demonstrated recalcitrance or indifference to worker safety and health.

The agency conducts programmed inspections using national and local emphasis programs that direct resources to high-hazard industries or specific hazards that lead to severe injuries, illnesses, or death. OSHA currently has 10 National Emphasis Programs (NEPs) focusing on COVID-19, lead, ship-breaking, trenching/excavations, process safety management, hazardous machinery, hexavalent chromium, primary metal industries, silica, and combustible dust. OSHA's Regions and Area Offices also have additional Local Emphasis Programs (LEPs) that focus on hazards and industries prevalent in their jurisdiction. The FY 2022 new hire CSHOs will assist senior CSHOs in many NEP and LEP inspections as it is critical to learning and applying the agency's policies and procedures.

## FEDERAL ENFORCEMENT

In FY 2022, OSHA plans to continue the Site Specific Targeting (SST) inspections to help focus agency efforts in non-construction workplaces. The fourth year of SST inspections will target non-construction workplaces with 20 or more employees and is based on the injury and illness information employers submits to OSHA through the Injury Tracking Application. OSHA creates inspection lists of establishments with elevated days away restricted or transferred (DART) rate, together with a random sample of establishments that did not provide the required data to OSHA. To verify data accuracy, the agency includes a random sample of low rate establishments for quality control purposes. The program helps OSHA achieve the goal of ensuring that employers provide safe and healthful workplaces by directing enforcement resources to the workplaces with the highest rate of injuries and illnesses, while also examining low reporting workplaces to ensure adherence to the reporting requirements.

The agency will continue to seek to reduce injuries and fatalities by targeting workplaces where there are potential trenching/excavation hazards for inspections as well as outreach but will not be continuing the trenching and excavation Agency Priority Goal (APG) into 2022. OSHA has an NEP in place that addresses hazards related to trenching and excavation. Construction worksites will continue to be targeted through C-Target, which focuses on construction projects rather than construction firms.

### **FY 2021**

The COVID-19 Pandemic continues to affect OSHA's enforcement resources the conduct of inspections in FY 2021. Nonetheless, OSHA plans to conduct 31,013 federal inspections (24,810 safety inspections and 6,208 health inspections). Newly hired inspectors in FY 2021 are undergoing extensive technical training, including partnering with senior investigators to ensure they have the skills and expertise ready to conduct independent inspections in future years. OSHA estimates approximately 60 percent of the total inspections initiated will be unprogrammed activity, such as complaints, employer reported referrals, and fatalities or catastrophes.

The agency will use several programs and systems in FY 2021 to help focus efforts on the most hazardous worksites to protect all workers, especially vulnerable and at-risk workers. OSHA launched its new NEP for COVID-19 on March 12, 2021 and plans to conduct an estimated 1,100 inspections addressing COVID-19 hazards in the workplace. In addition to NEPs and LEPs, the new OSHA Weighting System, an improvement upon the enforcement weighting system used in fiscal years 2015 through 2019, continues to account for and assist managers in directing resources to the most hazardous worksites and help conduct the most impactful inspections for a total of 55,823 EUs. OSHA also will seek to increase use of criminal prosecutions when appropriate under a Memorandum of Understanding with the Department of Justice that enables OSHA to pursue criminal prosecutions of employers in especially severe cases, typically when willful violations result in a fatality. The agreement has already led to a number of criminal case filings and at least two high-profile cases that resulted in successful criminal prosecutions.

OSHA will continue to use and update the SST program with employer reported injury and illness data to target non-construction workplaces with 20 or more employees. In addition to updating and continuing the SST emphasis program, the agency will continue to implement

## FEDERAL ENFORCEMENT

national and local emphasis programs to target high-risk hazards and industries. OSHA also relies on CSAs to abate hazards throughout the corporate structure of large employers who exhibit a pattern of non-compliance corporate-wide. OSHA will provide notice to Congress within ten days of any national, regional, or local emphasis program, including the circumstances and data used to determine the need for a new program.

OSHA will continue the APG in FY 2021 to reduce trenching and excavation hazards the construction industry through the NEP. The purpose of this particular goal is to put emphasis on excavation hazards through enforcement and compliance assistance interventions. The agency completed 1,981 targeted abatements of hazards in FY 2020. In addition, OSHA will continue to focus inspections on worksites to identify and correct construction hazards such as falls, electrical, struck-by, and caught between hazards utilizing the Construction Inspection Targeting System (C-TARG). These four hazards account for more than half of all construction fatality incidents and area a high priority for the agency. The C-TARG system enhances the agency's ability to program inspections in addition to the Local and Regional Emphasis Programs in the field regions.

### **FY 2020**

In FY 2020, OSHA conducted a total of 21,710 federal inspections (17,559 safety inspections and 4,151 health inspections). Those inspections generated a total of 43,925 EUs under the OSHA Weighting System. The inspection total included 11,093 construction inspections, 211 maritime inspections, and 10,406 general industry inspections. Of the total number of inspections, 60 percent were initiated by unprogrammed activity such as complaints, employer reported referrals, and fatalities/catastrophes.

OSHA used several programs in FY 2020 to help focus agency efforts and provide for maximum impact. The agency's National, Regional, and Local Emphasis Programs directed enforcement resources to the most hazardous worksites and industries and addressed emerging threats to worker safety. OSHA launched the site-specific targeting program using illness and injury data submitted by employers for calendar year 2016, allowing the agency to target establishments with high injury and illness rates. In addition to strategic targeting, OSHA also relied on CSAs to abate hazards throughout the corporate structure of large employers who exhibit a pattern of non-compliance corporate-wide. The agency also used SVEP to target 77 new inspections of employers who have demonstrated recalcitrance or indifference to the OSH Act. These targeting efforts enabled the agency to direct key resources based on the safety and health conditions of workplaces. There were also 56 inspections of employers subsequently removed from SVEP.

In construction, the agency completed the third year of the APG emphasizing the abatement of excavation and trenching hazards. In FY 2020, OSHA exceeded its APG target by abating 1,981 hazards.

## FEDERAL ENFORCEMENT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Federal Enforcement</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
<b>OSHA- Hazards- 08op</b>	<b>Number of trenching and excavation hazards abated</b>	<b>2,572</b>	<b>1,981</b>	<b>2,619</b>	<b>--</b>
<b>Federal Compliance Inspections</b>					
OSHA-FCI- 01op	Safety Inspections	16,523[p]	17,558	24,810[p]	29,587[p]
OSHA-FCI- 02op	Health Inspections	4,131[p]	4,116	6,203[p]	7,397[p]
<b>Total</b>		<b>20,654</b>	<b>21,674</b>	<b>31,013</b>	<b>36,984</b>
OSHA- CMPL-01op	Percent of worker complaints that have an inquiry initiated within one working day or an on-site inspection initiated within five working days	95%	98%	95%	95%
OSHA-FCI- 04op	Construction Inspections	10,740	11,093	15,983	19,046
OSHA-FCI-05	Federal Agency Inspections	414	503	620	740
OSHA-FCI-08	Phone and Fax non-formal investigations	22,000	24,524	22,000	22,000
OSHA-FCI-06	Enforcement Units	59,058	43,925	55,822	66,571
OSHA-FCI-09	Severe Injury Reporting – Rapid Response Investigations	8,228[p]	8,506	8,840[p]	9,825[p]

## FEDERAL ENFORCEMENT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
OSHA-FCI-10	Severe Injury Reporting – Severe Injury Inspections	3,872	3,013	4,160	3,275
OSHA-Hazards-07op	Number of hazards abated associated with falls in construction, general industry, and maritime	7,810	5,336	7,810	0
OSHA-PG-01op	Construction fatality rate decrease from baseline (Rate is deaths per 100,000 workers).	8.6	7.6	0.0	0.0
OSHA-PG-02op	General industry fatality rate decrease from baseline (Rate is deaths per 100,000 workers).	0.9	1.2	0.0	--
OSHA-PG-03op	Federal Agency total case rate for injuries and illnesses	1.77	1.59	1.48	1.53
OSHA-PG-04op	Federal Agency lost time case rate for injuries and illnesses	1.00	0.99	1.00	1.00

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

# FEDERAL ENFORCEMENT

## Workload Summary

In FY 2022, OSHA will continue the agency's strong commitment to and emphasis on the enforcement of standards and regulations that serve as an effective deterrent to recalcitrant employers who put workers' lives at risk. With the increase in the front line CSHO staff from FY 2020 – FY 2021, and requested CSHO staff in FY 2022, OSHA plans to conduct 36,984 inspections and reach a goal of 66,571 EUs.

The need to respond to SIRs continues to affect inspection targeting. SIRs focus inspection activity on unprogrammed inspections. In FY 2022, the agency expects to continue to respond to the high number of SIRs. OSHA estimates about 75 percent of injuries reported through the SIR program (9,825) will be addressed through rapid response investigations (i.e., employer-led investigations) and the remaining 25 percent (3,275) will result in inspections as outlined in OSHA's "Revised Interim Enforcement Procedures for Reporting Requirements under 29 C.F.R. 1904.39," published March 4, 2016.

The agency will continue to utilize the improved OSHA Weighting System to assign and track total EUs, which distinguishes inspections in terms of complexity and impact as well as test the compliance assistance and essential enforcement support functions additions to the weighting system. The agency plans to maintain the percent of inspections that result in EUs greater than one EU to at least 40 percent in FY 2022. To better target interventions and initiatives, OSHA will continue to analyze data on workplace safety and health. In FY 2022, OSHA plans to utilize the following targeted programs to reduce workplace injuries, illnesses, and fatalities: SST, NEP and LEP; SVEP; and Corporate/Enterprise-Wide Settlement Agreements.

SVEP increases focus on the most severe violators, leveraging enforcement actions to minimize those workplace hazards most likely to lead to injuries, illnesses, and death. Workers benefit from the focus on abatement of serious workplace hazards. In FY 2020, OSHA's Regions reported over 510 SVEP cases, with 51 percent being construction-related. Twenty inspections in the general-industry sector were the result of SVEP-referral inspections, some of which resulted in additional SVEP inspections, highlighting the greater impact the program can have for the American worker.

The Federal Agency total case rate for the injuries and illnesses performance measure counts the total number of workers' compensation cases in Federal Agencies, including first aid. The Federal Agency lost time case rate for injuries and illnesses performance measure counts the number of cases with any time lost away from work beyond the date of the injury or illness. The Federal Agency total case rate performance measure was 1.54 in FY 2019, 1.59 in FY 2020, and is projected to be 1.48 in FY 2021, and 1.53 in FY 2022. The Federal Agency lost time case rate performance measure was 0.84 in FY 2019, 0.99 in FY 2020, and is projected to be less than one percent in FY 2021 and FY 2022. The reduction of injury rates at various agencies reduced the overall rates for the Executive Branch. OSHA will establish goals that focus on continual improvement for the federal agencies.

Construction employment poses a greater risk to worker safety and health. An analysis published by the Center for Construction Research and Training in 2018 indicated that construction accounted for approximately seven percent of employment, but for 22 percent of worker

## FEDERAL ENFORCEMENT

fatalities. In 2018, the fatality rate in construction was almost three times higher than the average of all industries (Source: BLS). Implementation of the new OSHA weighting system is expected to yield a slightly greater number of construction inspections for FY 2021, an increase of 187 over FY 2020. OSHA also utilizes the C-Target program to establish the agency's presence throughout the construction industry, primarily through inspection of construction job sites with multiple contractors.

In FY 2022, the agency will continue to focus on fatal incidents involving hazards associated with falls in all industries and the focus four high hazards in construction. Falls have been identified as the leading cause for approximately one third of all fatal incidents in construction. In 2019, OSHA's inspection efforts where fall hazards were identified accounted for four of the top 10 conditions where citations were issued nationwide. The agency will not continue the APG of identifying and abating trenching and excavation hazards in construction workplaces. Instead, OSHA will refocus its efforts on the NEP, which addresses hazards related to trenching and excavation. The FY 2022 targets for fall hazards and trenching hazards abated will be determined in May or June when the agency works on the first draft of the FY 2022 Agency Management Plan.

OSHA did not establish targets for either the construction fatality rate decrease from baseline (Rate is deaths per 100,000 workers) or the general industry fatality rate decrease from baseline (Rate is deaths per 100,000 workers) in the agency operating plan for FY 2020 or FY 2021. The fatality numbers are no longer identified in the operating plan because the fatalities of any particular industry have many external environmental factors involved which may obscure any statistical correlation between increased enforcement pressure and the fatality number. Consistent with the collection of better data, OSHA will make strategic and informed decisions based on the utilization of two program resources: employer reports of severe injuries and the employer submissions of their summaries of work-related injuries and illnesses logs (OSHA Form 300A).

In the FY 2021 House Report, the Appropriations Committee notes the challenge of ensuring adequate enforcement in remote geographical areas, such as the Pacific territories, and that there have been worker fatalities and injuries in areas where there is no permanent enforcement presence. The Committee encourages OSHA to ensure compliance safety and health officers are adequately serving these territories and to provide an assessment of need for areas with no permanent enforcement presence in its fiscal year 2022 Congressional Justification.

OSHA has almost 20 enforcement staff, including compliance safety and health officers and managers in the office that has jurisdiction over the Pacific Territories. However, COVID-19 curtailed OSHA inspections in the Pacific Territories. The agency has not been able to conduct inspections in American Samoa or the Commonwealth of the Northern Marianas Islands (CNMI) in approximately a year. OSHA did conduct two COVID-19 fatality inspections in Guam with the Governor's approval. The agency plans to visit Guam/CNMI in June or July as the territories open up. OSHA will add American Samoa to the plans as COVID restrictions are lifted, as the territory currently requires a month of quarantine.



## FEDERAL ENFORCEMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	136,554	131,470	145,658	14,188
11.3	Other than full-time permanent	226	227	227	0
11.5	Other personnel compensation	2,978	2,978	2,978	0
11.9	<b>Total personnel compensation</b>	<b>139,758</b>	<b>134,675</b>	<b>148,863</b>	<b>14,188</b>
12.1	Civilian personnel benefits	46,508	48,042	54,023	5,981
12.2	Military Personnel Benefits	0	0	0	0
13.0	Benefits for former personnel	33	34	34	0
21.0	Travel and transportation of persons	6,781	2,231	3,231	1,000
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	8,476	7,133	7,133	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	1,089	1,089	1,089	0
24.0	Printing and reproduction	7	182	182	0
25.1	Advisory and assistance services	1,113	1,113	1,113	0
25.2	Other services from non-Federal sources	320	720	920	200
25.3	Other goods and services from Federal sources 1/	15,761	29,964	32,034	2,070
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	211	613	613	0
26.0	Supplies and materials	589	1,151	1,351	200
31.0	Equipment	1,007	1,706	3,990	2,284
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	58	58	58	0
	<b>Total</b>	<b>221,711</b>	<b>228,711</b>	<b>254,634</b>	<b>25,923</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	14,627	25,805	25,805	0
	DHS Services	440	940	940	0
	Services by Other Government Departments	694	3,219	5,289	2,070

# FEDERAL ENFORCEMENT

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$3,800
Personnel benefits	2,048
Federal Employees' Compensation Act (FECA)	194
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$6,042**

**Net Program** **\$19,881**

**Direct FTE** **207**

	Estimate	FTE
<b>Base</b>	<b>\$234,753</b>	<b>1,338</b>
<b>Program Increase</b>	<b>\$19,881</b>	<b>207</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## WHISTLEBLOWER PROGRAMS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>18,564</b>	<b>19,064</b>	<b>24,999</b>	<b>5,935</b>
FTE	115	122	185	63

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 119.

### **Introduction**

This activity supports enforcement of 25 whistleblower protection statutes, including Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act), and the two newest statutes: the Criminal Antitrust Anti-Retaliation Act (CAARA) and the Anti-Money Laundering Act (AMLA). The whistleblower protection statutes administered by OSHA protect employees who report violations of various workplace safety and health, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, securities, tax, anti-trust, and anti-money laundering laws. These statutes prohibit any person from discharging, or in any manner retaliating, against any employee who has exercised their rights under a covered Act.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2017	\$17,500	124
2018	\$17,500	127
2019	\$17,500	126
2020	\$18,564	119
2021	\$19,064	122

### **FY 2022**

In FY 2022, OSHA is requesting \$24,999,000 and 185 FTE, which includes a program increase \$4,100,000 and 50 FTE for whistleblower investigators to effectively enforce 25 whistleblower statutes, including the recently added Criminal Antitrust Anti-Retaliation Act and the Anti-Money Laundering Act. In addition to investigators, OSHA is requesting a program increase of \$1,243,000 and 13 FTE to support the Alternative Dispute Resolution (ADR) Program, policy development and review, and appropriate management support for the Whistleblower Protection Program (WPP). As part of the effort to build a stronger whistleblower program and have the necessary level of resources to support the significant number of whistleblower statutes the agency has been mandated to enforce, OSHA will make sure that every worker, especially those in vulnerable and underserved communities, knows about their rights and what to do if they believe their safety and health is not being protected. The agency is committed to ensuring that

## WHISTLEBLOWER PROGRAMS

every worker is protected and feels empowered to raise concerns when they feel their workplaces are unsafe.

The additional investigators requested in FY 2022 will focus on preventing an increase in the backlog of complaint investigations while also reducing the overall inventory of pending investigations. The Whistleblower Protection Program has consistently seen an increase in new complaints filed, resulting in a significant backlog of pending investigations and delays in promptly responding to complainants. The requested resources will help OSHA keep up with the high demand, and ensure that workers' concerns are properly and thoroughly processed and responded to as expeditiously as possible.

OSHA has experienced a sustained increase in new complaint filings in the past year due to the COVID-19 pandemic. As of April 18, 2021, the agency has received more than 5,200 new COVID-19-related complaints since the beginning of the pandemic. This has resulted in an increase of approximately 360 new complaints per month in addition to OSHA's traditional whistleblower workload, creating a backlog of more than 2,500 pending docketed investigations. It is anticipated that OSHA will continue to experience significantly high numbers of new complaints filed, especially complaints that are COVID-19-related. As the agency works to address the increase of complaints, the WPP will continue to identify opportunities to improve its efficiency and effectiveness, as well as become more adept in handling novel issues that affect COVID-19-related whistleblower complaints. The agency continues to examine opportunities to simplify the investigative and administrative related functions, through training and approved pilot programs that strive to identify methods to streamline whistleblower retaliation investigations without compromising quality. Successful pilot programs will be implemented nationwide and incorporated into the Whistleblower Investigations Manual (WIM).

OSHA will promote expanded use of the ADR Program in FY 2022, as an effective alternative to traditional enforcement in resolving complaints of retaliation. The agency will also continue to improve the quality and efficiency of the Request for Review (RFR) process and search for methods to address the increase in investigations under Section 1904.35(b)(1)(iv) of OSHA's recordkeeping rule.

In FY 2022, the agency will continue to focus on the WPP's Outreach Plan, which provides a roadmap for national and regional activities to support the agency's mission of ensuring that workers' rights to raise concerns are protected. Under this Administration, OSHA will ensure full and fair access to for all workers regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, migrant status, religion, or other marginalized status through targeted outreach and awareness. The agency plans to hold additional targeted stakeholder meetings, particularly with underserved communities, to obtain valuable public input and feedback on how the agency can improve program operations and enhance customer service. The Outreach Plan also focuses on training and educational opportunities for employers on these rights, as well as the benefits of establishing an anti-retaliation culture in their workplaces, by promoting the agency's Recommended Practices for Anti-Retaliation Programs guidance.

## WHISTLEBLOWER PROGRAMS

OSHA will strive to build relationships with relevant partner agencies, including our new federal partners for the two (2) new whistleblower statutes: The Department of Justice (CAARA) and the Department of the Treasury (AMLA). These collaborative efforts are critical to a successful referral program where OSHA investigates allegations of workplace retaliation while the relevant partner agency investigates the underlying safety, security, or well-being allegations presented in the complaint.

### **FY 2021**

In FY 2021, the agency expects to complete approximately 2,900 docketed investigations, which is slightly lower than FY 2020's final result because of increased complexity of COVID-related complaints received during the pandemic. In addition to investigative duties, whistleblower staff perform customer and administrative functions, including responding to requests for information under the Freedom of Information Act (FOIA), among others.

In FY 2021, OSHA has succeeded in offering comprehensive training through webinars and virtual training courses at the OSHA Training Institute to provide staff with the most up-to-date techniques, strategies, and tools for conducting successful investigations. The agency's Directorate of Whistleblower Protection Programs (DWPP) and the Office of Training and Education (OTE) worked together to develop and deliver a series of webinars throughout the year. In January 2021, the "When a 'Quit' is not a Quit" webinar was delivered, focusing on work refusals, constructive discharge, and related ambiguous doctrine scenarios. Two additional webinars are scheduled for delivery later in the year, specifically, training covering the Federal Railroad Safety Act (FRSA) and the National Transit Systems Security Act (NTSSA), as well as a session on postponement and deferral procedures. The agency will continue to work with OSHA's Education Centers to provide valuable information to participants on strategies to create and maintain workplace cultures free of retaliation, as well as the benefits of creating such workplace cultures.

OSHA has been actively engaged in making major revisions to the WIM, the first major overhaul of the manual since 2011. Substantive changes include streamlining the document, restructuring the chapters, incorporating all policy memoranda issued since 2011, updating guidance on specific program areas, incorporating successful regional pilot programs, and removing all letter templates and statute-specific chapters. The WIM is expected to be completed, cleared, and published in FY 2021.

In FY 2021, OSHA expects to complete the remaining statute-specific Desk Aids. These Desk Aids provide up-to-date guidance for OSHA's field staff, including recent changes to case law developed from relevant court decisions, examples of situations that could involve coverage and protected activity, useful reference material, and a worksheet to assist with analysis of whistleblower complaints. Since the Desk Aids are available to the public on [www.whistleblowers.gov](http://www.whistleblowers.gov), the information will assist the public with understanding the legal standards and investigative procedures that OSHA follows when investigating whistleblower retaliation cases.

## WHISTLEBLOWER PROGRAMS

OSHA endeavors to expand its outreach efforts by showcasing the newly designed website during meetings and presentations, and will create new Facts Sheets for those statutes that do not have one while updating existing Fact Sheets to ensure they remain up to date with the latest case law decisions and outcomes. As noted above, the agency will direct its outreach to underserved communities, ensuring every voice is heard.

Outreach efforts will continue to include stakeholder meetings during FY 2021, including added focus on the COVID-19 pandemic and the agency's response. OSHA has been diligent in looking for opportunities to interact with the regulated and professional communities, including presentations planned for the National Safety Council (NSC), the Voluntary Protection Programs Participants' Association (VPPPA), and with the Occupational Safety and Health State Plan Association (OSHSPA). OSHA will also initiate or reestablish communication with labor unions, worker center and Council for Occupational Safety and Health (COSH) organizations with the goal of obtaining opportunities to present at relevant worker meetings and conferences – either virtually or in person when conditions permit.

In addition to the new whistleblower protection provisions of CAARA and AMLA, enacted in December 2020 and January 2021, a number of newly proposed whistleblower protection statutes are being considered by Congress. OSHA is closely tracking these proposals, as they may be delegated to the agency, which would severely impact the OSHA's ever-increasing caseload. OSHA is actively preparing strategies and processes to minimize the impact of these new statutes while developing effective training tools to ensure that whistleblower personnel are equipped to effectively carry out these added responsibilities.

### **FY 2020**

During FY 2020, further work was conducted to continue the revision process for the WIM in preparation for a final round of clearance in FY 2021. Additionally, OSHA developed several statute-specific Desk Aids, and is scheduled to complete the remaining Desk Aids in FY 2021.

Targeted stakeholder meetings continued in FY 2020, which allowed for more focused engagement with specific stakeholders and providing a forum for those individuals to offer the agency ways to improve the program. Two meetings were held in FY 2020: one in October 2019, focused on the aviation industry, which provided feedback emphasizing the need for OSHA training in this industry and a review of WPP's deferral process. A second meeting was held in May 2020, for the general public, which produced comments about OSHA's response to the coronavirus pandemic that was just beginning to impact the American workforce.

In FY 2020, the agency continued to make enhancements to its newly designed WPP Internet ([www.whistleblowers.gov](http://www.whistleblowers.gov)) site, which was launched in late FY 2019. The new webpage provides a fresh visual appearance coupled with reorganized technical material into a one-stop-shop approach, with new categories of information designed to offer assistance to employers, employees, and the public.

On July 1, 2019, the Taxpayer First Act (TFA) was signed into law, which included a whistleblower protection provision delegated to the Secretary of Labor to administer and

## **WHISTLEBLOWER PROGRAMS**

enforce. OSHA became actively engaged in informing the regulated community of this new whistleblower protection law. The statute was uploaded on the whistleblower public page, and a Trade Release was published shortly thereafter. A Fact Sheet was developed and published in June 2020. The Interim Final Rule was drafted and is currently undergoing agency and departmental review, before being submitted for OMB review and approval, and eventual publication in FY 2021. OSHA is also planning a training seminar for its investigators on the new statute.

## WHISTLEBLOWER PROGRAMS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Whistleblower Programs</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
OSHA-WB-01op	Whistleblower investigations completed	2,900	3,122	2,900	4,500
OSHA-WB-09op	Average age of pending whistleblower investigations.	340	333	340	330
OSHA-WB-10op	Average days to complete new complaint screening process.	13.0	11.8	13.0	13.0

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection



# WHISTLEBLOWER PROGRAMS

## Workload Summary

OSHA's Whistleblower Protection Program is 100 percent complaint-driven, and as such, it is challenging to predict the actual number of new complaints received each year. Over the past several years, the number of new whistleblower complaints filed with OSHA has increased significantly, from 4,677 in FY 2011 to 11,865 in FY 2020. The agency projects that the volume of incoming whistleblower complaints will continue to increase based on historical trends.

In FY 2020, 11,865 new whistleblower complaints were filed, with 3,448 docketed for investigation. OSHA completed 3,122 docketed investigations in FY 2020, exceeding its target of 2,900 completed docketed investigations. The agency estimates that it will, once again, receive more than 11,000 new complaints in FY 2021 and FY 2022, with more than 3,300 suitable for docketing and investigation. A significant number of these new complaints were filed through OSHA's Online Complaint Form.

With the addition of 50 investigators, OSHA expects to complete approximately 4,500 investigations in FY 2022, an increase of more than 1,300 investigations from the FY 2020 result. The new investigators will focus primarily on preventing further increase to the backlog of complaint investigations while reducing the overall inventory of pending investigations.

In addition to complaints suitable for investigation, OSHA receives thousands of complaints and inquiries each year (8,429 in FY 2020) that are determined to be out of the scope of the agency's legal authority. However, these complaints must still be screened, processed, administratively closed, documented, and/or referred to other agencies for processing. As a result, OSHA's whistleblower staff will continue to experience an extremely heavy workload every year.

The agency will continue to identify opportunities to streamline processes and procedures while maintaining investigative quality. Examples of these opportunities include an expansion of the ADR process and an early case-closure policy.

## WHISTLEBLOWER PROGRAMS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	12,681	13,027	16,683	3,656
11.3	Other than full-time permanent	3	3	3	0
11.5	Other personnel compensation	235	235	235	0
11.9	<b>Total personnel compensation</b>	<b>12,919</b>	<b>13,265</b>	<b>16,921</b>	<b>3,656</b>
12.1	Civilian personnel benefits	4,293	4,737	6,134	1,397
13.0	Benefits for former personnel	8	8	8	0
21.0	Travel and transportation of persons	184	184	310	126
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	260	219	219	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	31	31	31	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	29	28	91	63
25.3	Other goods and services from Federal sources 1/	826	571	1,201	630
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	13	16	79	63
31.0	Equipment	1	5	5	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>18,564</b>	<b>19,064</b>	<b>24,999</b>	<b>5,935</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	821	515	515	0
	DHS Services	5	5	5	0
	Services by Other Government Departments	0	51	681	630

# WHISTLEBLOWER PROGRAMS

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$376
Personnel benefits	202
Federal Employees' Compensation Act (FECA)	14
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$592**

**Net Program** **\$5,343**

**Direct FTE** **63**

	Estimate	FTE
<b>Base</b>	<b>\$19,656</b>	<b>122</b>
<b>Program Increase</b>	<b>\$5,343</b>	<b>63</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## STATE PROGRAMS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>108,575</b>	<b>110,075</b>	<b>117,575</b>	<b>7,500</b>
FTE	0	0	0	0

### **Introduction**

This budget activity supports OSHA-approved State Plan development and enforcement of workplace safety and health standards, compliance assistance, and cooperative programs, including Voluntary Protection Programs (VPP). OSHA’s State Plans are responsible for workplace safety and health for 40 percent of U.S. workers. Twenty-two State Plans cover both private and public-sector employees and six cover public-sector employees only. Section 23(g) of the Occupational Safety and Health Act of 1970 (OSH Act) authorizes the agency to award matching grants of up to 50 percent of the total operational costs to those states that meet the OSH Act’s criteria for establishing and implementing programs for standards and enforcement that are “at least as effective” as Federal OSHA’s program.

State Plans support DOL’s Strategic Objective of securing safe and healthful working conditions for America’s workers. State Plans conduct enforcement and regulatory activities, administer 11(c) whistleblower protection programs, perform a wide range of outreach and compliance assistance activities, and foster cooperative program participation. State Plans also provide extensive training programs for workers and small businesses throughout the states. Private-sector consultation is provided in all of the State Plans either through participation in the separately funded Consultation program, authorized under Section 21(d) of the OSH Act or, as in two states (Kentucky and Washington), directly under their State Plan 23(g) grant.

OSHA works with the State Plans to ensure safety and health policies of the State Plans are “at least as effective” as Federal OSHA’s policies. OSHA also ensures the State Plans use resources efficiently, Federal and State initiatives are consistent, and State Plans maintain strong consultation and compliance assistance programs. To increase consistency in program operations, OSHA encourages State Plans to participate in the development of national worker protection policy. In furtherance of the collaborative and cooperative dialogue, OSHA meets with all the State Plans three times a year, and meets with the State Plan Board an additional three times, to discuss policy issues and unique State Plan approaches to protecting workers. Additionally, OSHA communicates with each State Plan individually throughout the year in quarterly meetings to discuss overall program performance and performance under the agreed upon State Activity Mandated Measure (SAMM).

For each State Plan, OSHA issues a Comprehensive Federal Annual Monitoring Evaluation (FAME) Report every other year, with a follow-up FAME report in the off-years. These monitoring efforts help OSHA ensure that State Plans are given the flexibility to address state-specific hazards and industries in unique ways, but that their policies and procedures remain “at least as effective” as OSHA’s.

# STATE PROGRAMS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$100,850	0
2018	\$100,850	0
2019	\$102,350	0
2020	\$108,575	0
2021	\$110,075	0

## FY 2022

In FY 2022, OSHA is requesting \$117,575,000 for the State Programs activity, which includes a program increase of \$7,500,000 for OSHA’s State Plan partners to ensure they have adequate resources to maintain standards, the ability to enforce those standards, and the ability to protect workers from retaliation in an “at least as effective” manner as OSHA. OSHA’s State Plan partners provide coverage for approximately 40 percent of the workforce, and additionally extend coverage within their states to state and local government employees, which OSHA cannot directly provide.

As the pandemic has highlighted, OSHA’s mission is as important now as it has ever been in the agency’s fifty year history. To re-affirm OSHA’s commitment to worker safety and re-establish trust that OSHA is advocating for workers – including vulnerable and underserved workers, the requested increase in State grant funding is needed for State Plans to keep up with a revitalized federal program. Requested increases for State Programs would help support state economies that have suffered during the pandemic, and are beginning to rebuild and recover; address new and emerging hazards; and support a sustainable and effective nationwide workplace safety and health program.

With the expected return to normalcy in FY 2022, State Plans could hire up to an additional 68 compliance officers with this \$7,500,000 increase. Given the need to train newly hired compliance officers the results from hiring new staff in FY 2022 will be moderately realized in FY 2022, with increased performance results in FY 2023, and fully realized results in FY 2024. State Plan inspections are expected to increase from 32,498 in FY 2021 to 33,208 in FY 2022. Similarly, State Plan consultation visits are expected to increase slightly from 4,829 in FY 2021 to 4,935 in FY 2022 and cooperative programs are expected to increase from 379 to 387. The number of 11(c) whistleblower investigations completed by State Plans is also projected to increase from 1,247 in FY 2021 to 1,274 in FY 2022.

Grants to State Plans under section 23(g) of the OSH Act cover salaries, fringe benefits, rent, equipment costs, and other program related expenses. Many State Plans routinely contribute more than the required federal match of funds, also known as overmatch, to their programs. These funds help State Plans meet the real costs of their program, which increase every year due to inflation and cost-of-living increases. State Plans will continue to work with OSHA to use resources efficiently, ensure that Federal and State initiatives are consistent, and maintain strong consultation and compliance assistance programs. OSHA will also continue to encourage State Plan participation in the development of national policy.

## STATE PROGRAMS

In FY 2022, OSHA will conduct the FY 2021 Comprehensive Federal Annual Monitoring Evaluation process (FAME) to include on-site case file review to identify new issues and track the progress made by State Plans in addressing findings from prior years. State Plans provide progress reports, as established through their corrective action plans, to demonstrate how they have addressed deficiencies. Additionally, OSHA reviews State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and State Activity Mandated Measures (SAMM). Collectively, this information was used within the FAME process to evaluate State Plan effectiveness.

### **FY 2021**

In FY 2021, OSHA received a \$1,200,000 increase (approximately one percent) in funding for the State Programs activity for a total of \$110,075,000. Under normal conditions, given the six percent increase in FY 2020 and the additional one percent increase in FY 2021, State Plans would have been expected to realize an increase in activity numbers. However, throughout FY 2021, the negative impact of the COVID-19 pandemic continued and the growth that was expected in State Plans has been temporarily delayed. Many State Plans are expending an unanticipated amount of resources on dealing with the challenges of operating amidst the pandemic, which extends to difficulty with hiring and training enforcement staff.

In FY 2021, OSHA is engaging the State Plans through the FY 2020 Follow-up FAME. As part of the biennial process, the FY 2020 FAME Report will document progress made by State Plans in addressing FY 2019 FAME findings and recommendations. State Plans provide progress reports, as established through their corrective action plans, to demonstrate how they are addressing findings from prior years. Additionally, OSHA is reviewing State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and SAMM.

Finally, OSHA continues to work with interested states on the possible establishment of new OSHA-approved State Plans, which would require funding for the Federal match from Congress. Through a State Plan, states can assume delegation of worker protection programs, with standards, targeting, consultation, and outreach efforts customized to address state-specific hazards and industries, to include safety and health coverage of state and municipal workers. In FY 2021, Massachusetts has made progress on the path toward establishing a State Plan. Additional funds would need to be added to this budget activity in the future, in order to support the establishment of Massachusetts as a State Plan, or the establishment of any other new State Plan.

### **FY 2020**

In FY 2020, OSHA was funded at \$108,875,000 for the State Programs activity. State Plans conducted a total of 32,062 inspections, with 23,921 safety inspections and 8,141 health inspections. In FY 2020, State Plans also completed a total of 1,228 whistleblower investigations in a continued effort to protect workers from retaliation for reporting unsafe or unhealthy working conditions, or employer conduct that jeopardizes the safety and health of workers. During most of FY 2020, State Plan activity was severely curtailed by the COVID-19 pandemic as the programs worked to modify their onsite procedures to keep their workforce safe while protecting workers throughout the state.

## **STATE PROGRAMS**

In FY 2020, OSHA conducted a comprehensive FAME to assess FY 2019 State Plan operations. As part of a biennial process, the FY 2019 FAME was a comprehensive evaluation of each State Plan and included on-site case file reviews to identify new issues and track the progress made by State Plans in addressing FY 2018 FAME findings and recommendations. Additionally, OSHA reviewed State Plan performance against negotiated metrics established in the 23(g) grants and agreed upon SAMM. Collectively, this information was used within the FAME process to evaluate State Plan effectiveness.



## STATE PROGRAMS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>State Programs</b>				
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>				
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>				
<b>State Enforcement Inspections</b>				
OSHA-State- Safety 01	31,458	23,921	24,246	24,776
OSHA-State- Health 02	9,289	8,141	8,252	8,432
<b>Total</b>	<b>40,747</b>	<b>32,062</b>	<b>32,498</b>	<b>33,208</b>
<b>Consultation Visits</b>				
OSHA- Private Sector (KY & WA) Consultation- 01	2,439	2,428	2,461	2,515
OSHA- Public Sector Consultation- 02	2,123	2,336	2,368	2,420
OSHA- Total Number of 11(c) Investigations Completed State11(c)-01	1,421	1,228	1,247	1,274
OSHA- Number of Operational Grants Grants-09	28	28	28	28

## STATE PROGRAMS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
OSHA-Coop-01	Cooperative Programs	362	333	379
OSHA-Outreach-01	Outreach/Training Participants	321,763	471,241	510,524
				521,678

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## STATE PROGRAMS

### Workload Summary

Under normal conditions, given the funding increases in both FY 2020 and FY 2021, State Plans would have been expected to realize an increase in activity numbers through both of those years. However, the negative impact of the COVID-19 pandemic in FY 2020 and FY 2021 has temporarily delayed that expected growth. With the expected return to normalcy in FY 2022, State Plans estimate hiring an additional 68 compliance officers with the \$7,500,000 requested increase. The impacts of the FY 2022 funding increase will result in a moderate increase in activity in FY 2022 as newly hired compliance officer staff receive necessary technical training. Greater increases in performance is projected in FY 2023, and FY 2024. In FY 2022, the number of State Plan inspections is projected to increase by 710 – bringing the estimated inspection total to 33,208. Consultation visits will also increase by about 100 visits. Similarly, whistleblower investigations completed by State Plans are expected to increase in FY 2022 from 1,247 to 1,274 and cooperative programs run by State Plans should increase from 379 to 387.

## STATE PROGRAMS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.1	Civilian personnel benefits	0	0	0	0
41.0	Grants, subsidies, and contributions	108,575	110,075	117,575	7,500
	<b>Total</b>	<b>108,575</b>	<b>110,075</b>	<b>117,575</b>	<b>7,500</b>

# STATE PROGRAMS

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments \$0

Grants, subsidies, and contributions 0

State Administration Workload 0

**Built-Ins Subtotal \$0**

**Net Program \$7,500**

**Direct FTE 0**

	Estimate	FTE
<b>Base</b>	<b>\$110,075</b>	<b>0</b>
<b>Program Increase</b>	<b>\$7,500</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## TECHNICAL SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>24,469</b>	<b>24,469</b>	<b>26,394</b>	<b>1,925</b>
FTE	81	92	98	6

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 92.

### **Introduction**

Technical Support is a necessary component of the agency’s enforcement and compliance assistance efforts, including identifying hazardous substances and investigating workplace hazards. This activity also supports other OSHA activities including: standards development, outreach, cooperative programs, and emergency management.

Major functions include:

1. Technical expertise and advice with respect to general industry, maritime, and construction issues;
2. Specialized engineering assistance and occupational medical advice to investigate and determine causes of major catastrophes, fatalities, and injuries at worksites;
3. Emergency preparedness, response/recovery, and management;
4. Technical and compliance assistance for outreach services and products to employers, employees, other government agencies and non-government organizations;
5. Calibration and maintenance of hazard measurement instrumentation and technical equipment; and
6. Chemical analysis, material failure investigation, and sampling and analytical method development.

OSHA’s Technical Support activity provides necessary resources and tools to allow compliance officers to identify, investigate, and control workplace hazards, and allows agency personnel to assist employers with identifying and abating workplace hazards. To facilitate the evolving needs of industry and adaptation to changing technologies, OSHA’s Variance Program provides technical expertise to evaluate alternative compliance approaches that may be equally as effective as OSHA’s safety and health standards. Additionally, the agency’s Nationally Recognized Testing Laboratory (NRTL) Program ensures that independent third-party organizations are qualified to approve (i.e., test and certify) particular types of equipment to protect workers from hazards, such as electric shock, electrocution, explosions, burns, and fire.

# TECHNICAL SUPPORT

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$24,469	99
2018	\$24,469	96
2019	\$24,469	93
2020	\$24,469	92
2021	\$24,469	92

## FY 2022

In FY 2022, OSHA is requesting \$26,394,000, which includes a program increase of \$1,489,000 and 6 FTE to hire staff and purchase safety and health technical equipment to support the agency's increased inspection activity. Technical Support provides essential support to OSHA's enforcement activities and is an integral part of strengthening the agency, re-affirming OSHA's commitment to worker safety, and re-establishing trust that the agency is advocating for workers

OSHA's Health Response Team (HRT), supports the agency's front line field staff in conducting complex investigations, including responding to disasters, both natural and man-made. The agency will continue to maintain efforts to build the expertise of internal staff by enhancing their technical knowledge to support the agency's overall readiness. In addition, technical expertise on topics including process safety management, will be provided to the agency's field enforcement and compliance assistance programs. The agency will continue to develop and provide print and electronic technical information about hazards and abatement methods to field staff, employers and workers. Topics addressed will include chemical sampling, tank cleaning, noise, combustible dust, and materials to support the implementation of the agency's internal safety and health management system.

OSHA's Industrial Hygiene Chemistry Laboratory will continue to develop defensible analytical methods and use these to provide chemical and material analysis support for the agency's field staff. Implementation of a modern laboratory information management system will improve the defensibility of sampling results and efficiency of data entry and access by OSHA field activities. Improved and streamlined initial screening protocols will continue to be developed to allow field staff to quickly identify and prioritize more complex chemical sampling to efficiently support enforcement activities. Improvements to existing sampling and analysis methods, and development of new sampling and analysis methods will continue as driven by technical agency needs and the introduction of new chemicals and processes in the workplace. Collaboration with the Cincinnati Technical Center (CTC) will also improve technical support to the field. Ongoing efforts include providing clear guidance to compliance officers regarding correct sampling media and procedures, and rapid access to sampling media through a unified media ordering process.

In FY 2022, OSHA will continue to build and maintain emergency preparedness and response capabilities by updating and testing agency and interagency plans; updating and developing online information, resources, and training for staff; enhancing and modernizing OSHA's computer system for data collection and management during disaster response; and participating in disaster, chemical, radiological, and infectious disease exercises with interagency partners and



## TECHNICAL SUPPORT

stakeholders. The agency will also continue to strengthen preparedness, coordination, and collaboration within the government-wide emergency response community, and enhance implementation of the National Response Framework and interagency response policy and plans, so that worker safety and health remains a top priority during emergency preparedness and response. The agency will continue to update and develop new print and electronic technical resources, as needed, such as webpages, guidance documents, and publications for employers, workers, and stakeholders to increase their preparedness for natural and man-made disasters and emerging infectious diseases, and protect the health and safety of workers during these events. The agency will continue surveillance of field staff and seek innovative ways to use data to assess and communicate risk to ensure they remain healthy and able to perform their jobs under the defined Office of Personnel Management requirements.

In addition, the agency plans to finalize the revised Variance Program Policies, Procedures, and Guidelines directive to provide instruction for OSHA's granting an employer the use of an alternative work practice as an alternative means of compliance with OSHA safety or health standard.

### **FY 2021**

In FY 2021, OSHA continues to use technical knowledge, sampling, and analytical technology for assessing physical, chemical, biological, and radiological hazards in the workplace. This work includes both developing and improving tools for workplace hazard assessment and providing expert field assistance in hazard exposure assessment and monitoring in the COVID-19 pandemic environment. OSHA's Industrial Hygiene Chemistry Laboratory continues to develop defensible analytical methods and uses these to provide chemical and material analysis support for agency field staff. Work will come to completion on developing streamlined sampling and analytical procedures for sampling groups to allow compliance officers to sample for multiple compatible analytes simultaneously on a single filter or sorbent tube. In addition to detailed analytical methods, improved and streamlined initial screening protocols are in development to allow field staff to quickly identify and prioritize more complex chemical sampling to efficiently support enforcement activities. The agency is also developing new technical materials to support OSHA's enforcement and compliance assistance programs. Topics include robotics, noise, and medical management. The agency will provide technical support for root-cause investigations of material failures, and perform modeling and analysis of chemical exposure data. In addition, OSHA is exploring new ways to reach target audiences based on available data, such as the most common causes for fatalities, illnesses, and injuries in the workplace.

OSHA continues to provide technical occupational medicine expertise to support its enforcement and rulemaking activities as well as maintenance of agency personnel fitness for duty requirements. The agency will continue to work collaboratively with federal and state partners to increase preparedness for, responses to, and recoveries from disasters and the spread of infectious disease, including participating in interagency preparedness committees, training, and exercises at the national and regional levels and by coordinating and co-hosting, under the National Response Team (NRT), the biannual 2020 National Response Team Worker Safety and

## TECHNICAL SUPPORT

Health Technical Conference (the 2020 conference was postponed to 2021 due to the COVID-19 pandemic).

OSHA is also updating the revised Variance Program Policies, Procedures, and Guidelines directive to provide instruction for OSHA's granting an employer the use of an alternative work practice as an alternative means of compliance with OSHA safety or health standard.

### **FY 2020**

During FY 2020, the agency developed and provided support for a variety of physical, chemical, biological, and radiological hazards. OSHA advanced new sampling and analytical technology to facilitate hazard assessment, upgraded multiple pieces of laboratory analytical chemistry equipment, and provided expert assistance in air monitoring techniques. The agency updated sampling for environmental and water system sources of Legionella (a bacteria that can cause lung infections), investigated the root-causes of process and material failures, worked on developing sampling and analytical procedures to evaluate peracetic acid exposure in meat processing, and modeled chemical exposures. The agency updated the OSHA Technical Manual, including the drafting of a new Robotics Chapter and updated Noise Chapter. OSHA also produced an assortment of print and electronic resources to advance employer awareness of workplace safety and health hazards across a variety of industries and promote implementation of appropriate control measures to prevent illnesses and injuries. These resources address chiefly COVID-19 related topics, but also various industry safety issues such as oil spill response PPE selection, job-made box hazards, and rotary valve hazards. OSHA conducted medical surveillance of field staff to ensure they remain healthy and able to perform their job duties under the defined OPM requirements. OSHA completed an audit of the medical surveillance program to update and improve its effectiveness. During the COVID-19 global pandemic, OSHA continued pre-placement medical exams for new compliance officer hires and used telemedicine for other medical visits.

OSHA's NRTL Program issued a revised NRTL Program Directive October 1, 2019. Due to travel restrictions caused by COVID-19, OSHA delayed full implementation of the directive until October 1, 2021. In addition, OSHA successfully transitioned to web based NRTL assessments in lieu of onsite assessments due to travel restrictions during COVID-19 global pandemic.

OSHA continued to invest in emergency preparedness, response, and recovery capabilities and build on and enhanced integration into the government-wide emergency response community and implementation of the National Response Framework so that the safety and health of response and recovery workers remained a top priority. This was demonstrated during OSHA's technical assistance and support of the responses to and recoveries from Hurricanes Hanna, Laura, Eta, and Sally; tornadoes in Alabama, Mississippi, North Carolina, and Texas; earthquakes in Alaska, Kansas, and Utah; and wildfires. The agency also continued to work extensively on the interagency National Biodefense Strategy that lays out a plan and set of objectives to counter the threats that can occur from naturally occurring events, accidental events, and deliberate biological terrorism.

## **TECHNICAL SUPPORT**

In addition, OSHA continued to coordinate with other government agencies to protect workers from emerging infectious diseases, including: COVID-19, Ebola, Smallpox, Middle East Respiratory Syndrome, Zika, Q Fever, and Highly Pathogenic Avian Influenza viruses, as well as Legionella and seasonal flu pathogens. The agency's front line field staff provided assistance in their emergency response activities with laboratory services, equipment and supplies, and technical resources.

## TECHNICAL SUPPORT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Technical Support</b>				
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>				
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>				
OSHA-SLT-02      Chemical samples analyzed	14,200	7,566	9,000	15,000
OSHA-SLT-05      Equipment units serviced	11,100	6,885	8,500	11,200

Legend: (r) Revised    (e) Estimate    (base) Baseline    -- Not Applicable    TBD - To Be Determined    [p] - Projection

# TECHNICAL SUPPORT

## Workload Summary

In FY 2020, despite the ongoing COVID-19 pandemic, OSHA continued to investigate and use new sampling and analytical technology in hazard assessment, and provide expert assistance in a variety of technical support activities. The agency developed print and electronic technical products to help employers address a variety of physical, chemical, biological, and radiological hazards. OSHA continued to provide support for enforcement and compliance assistance operations, and serviced 6,885 pieces of equipment, which is below the projected target due to the impact of COVID on OSHA's enforcement activities. It also received and processed 7,566 chemical samples, which was also lower than projected due to the pandemic.

OSHA continues to support enforcement and compliance assistance operations with available resources, and share information about workplace hazards and abatement with internal and external audiences. The Salt Lake Technical Center (SLTC) anticipates analyzing approximately 9,000 chemical samples with an average turnaround time of 14 days in FY 2021, which is lower than projected due to the pandemic. In FY 21, the agency expects that number to increase to 15,000 as the impact of COVID declines. SLTC-based Health Response Team continues to provide expert assistance to enforcement and compliance assistance staff, and remains available to provide support to other federal and state agencies on myriad chemical, physical, and biological hazards. The agency also continues to provide coordination, technical assistance, and support for emergency preparedness, disaster response and recovery, and infectious disease preparedness and response in particular related to COVID-19.

CTC continues to support the agency's enforcement and On-Site Consultation programs. CTC anticipates servicing approximately 8,500 pieces of OSHA field technical equipment with an average turnaround time of 20 days in FY 2021 as a result of reduced activity due to the pandemic. The number will increase to 11,200 pieces in FY 2022 as a result of increased staff support provided in the FY 2022 request, and as the agency emerges from the pandemic. CTC continues to increase efficiency in handling the servicing of technical equipment through modernization and automation of existing calibration systems.

The technical and docket support for regulatory activities will continue to proceed in accordance with the agency's Regulatory Agenda. OSHA reviews and evaluates technical data to more effectively identify and implement strategic initiatives.

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	9,497	9,532	10,092	560
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	424	424	424	0
11.9	<b>Total personnel compensation</b>	<b>9,921</b>	<b>9,956</b>	<b>10,516</b>	<b>560</b>
12.1	Civilian personnel benefits	3,166	3,461	3,724	263
12.2	Military Personnel Benefits	0	0	0	0
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	216	216	246	30
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	3,507	2,951	2,951	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	336	336	336	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	976	2,176	2,182	6
25.3	Other goods and services from Federal sources 1/	4,331	3,357	3,417	60
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	574	574	574	0
26.0	Supplies and materials	776	776	782	6
31.0	Equipment	666	666	1,666	1,000
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>24,469</b>	<b>24,469</b>	<b>26,394</b>	<b>1,925</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,629	1,962	1,962	0
	DHS Services	68	68	68	0
	Services by Other Government Departments	634	1,327	1,387	60

# TECHNICAL SUPPORT

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$275
Personnel benefits	148
Federal Employees' Compensation Act (FECA)	13
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$436**

**Net Program** **\$1,489**

**Direct FTE** **6**

	Estimate	FTE
<b>Base</b>	<b>\$24,905</b>	<b>92</b>
<b>Program Increase</b>	<b>\$1,489</b>	<b>6</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>





## COMPLIANCE ASSISTANCE - FEDERAL

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>74,481</b>	<b>75,231</b>	<b>86,175</b>	<b>10,944</b>
FTE	205	208	259	51

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 207.

### **Introduction**

Federal Compliance Assistance supports agency programs that deliver targeted outreach and assistance to employers and their employees, including small businesses; and promotes cooperative relationships with, and recognition of, employers and organizations. Through these programs, OSHA provides information, publications, training, and other resources to help employers comply with the Occupational Safety and Health Act of 1970 (OSH Act) and improve their workplaces. OSHA is committed to overcoming systemic barriers for and directing outreach to underserved communities, regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, migrant status, religion, or other marginalized status. This activity also funds agency training aimed at improving the technical skills of the agency’s inspectors and investigators.

The agency recognizes that the vast majority of employers are committed to worker protection. OSHA is committed to providing these employers with the technical assistance, compliance assistance, educational materials, and training necessary to accomplish this task. Companies that comply with OSHA requirements and implement safety and health programs see the benefits of improved safety and health performance, reduced workers’ compensation and other costs, and a better bottom line. Through outreach activities, including the Safe + Sound campaign, and online tools, such as the Safety Pays program, OSHA continues to educate employers and workers. It is important that all workers have the information and training they need to be safe at work – regardless of what they look like, where they come from, or what language they speak. Through cooperative and recognition programs, OSHA is able to work with industry organizations and employers to promote best practices, improve workplace safety and health for American workers, especially vulnerable workers and those in underserved communities, and recognize employers that have achieved safety and health excellence.

Compliance assistance activities include:

- 1) Providing assistance and programs to address the needs of small businesses and workers, particularly those in underserved communities, minority, vulnerable and those with limited-English proficiency;
- 2) Developing compliance assistance materials, including hazard and industry-specific guidance for methods of complying with OSHA standards and ensuring a safe workplace;

## COMPLIANCE ASSISTANCE - FEDERAL

- 3) Providing outreach and information through a variety of channels, including OSHA's website, targeted information and outreach campaigns, publications, social media, and guidance materials;
- 4) Supporting Compliance Assistance Specialists and other field staff to provide outreach to employers and workers;
- 5) Administering the Voluntary Protection Program (VPP), which recognizes employers and workers in industry and federal agencies who have implemented effective safety and health management systems and who maintain injury and illness rates below the national average for their industries;
- 6) Providing opportunities through Alliances and Strategic Partnerships to work cooperatively with small businesses, trade associations, universities, unions, and professional organizations to promote workplace safety and health and provide compliance assistance in their industries;
- 7) Providing training through the OSHA Training Institute (OTI) to increase the technical safety and health competence of OSHA's compliance officers, as well as other federal, state and private-sector employees; and
- 8) Administering the OTI Education Centers Program and Outreach Training Program.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$70,981	238
2018	\$70,981	236
2019	\$73,481	239
2020	\$74,481	207
2021	\$75,231	208

### FY 2022

In FY 2022, OSHA is requesting \$86,175,000 and 259 FTE for Federal Compliance Assistance, including a program increase of \$3,623,000 for six instructors and resources to develop training curriculum for the anticipated influx of Compliance Safety and Health Officers (CSHOs), whistleblower investigators, and other staff. The agency is also requesting \$6,009,000 and 45 FTE to hire enough additional Compliance Assistance Specialists (CASs) so one is available in every Area Office.

In FY 2022, the OSHA Training Institute (OTI) will continue to provide introductory, technical, and advanced occupational safety and health courses and seminars to develop compliance officers, as the agency on-boards the influx of new CSHOs and Whistleblower investigators during the fiscal year. As part of the request for six additional instructors to support technical training for front line staff, OTI will focus on updating and developing new training courses to meet the ever-changing work environment for compliance officers and whistleblower investigators, and increase the number of course offerings to build back a better agency addressing newly hired CSHOs' training needs and changes in adult learning education. Training will address hazards in high-risk industries, such as fall protection, process safety management, combustible dust, oil and gas hazards, machine guarding, and confined spaces,

## COMPLIANCE ASSISTANCE - FEDERAL

which often employ workers from minority and marginalized communities. Whistleblower investigator training will focus on new laws and enforcement procedures.

The requested FTE and funds in FY 2022 also will enhance the current infrastructure that supports training the new compliance officers and whistleblower investigators provided in the FY 2021 appropriation for the agency. The agency will implement new instructional modalities that enhance learning delivery and retention, reduce dependence on centralized, in-person training programs and associated travel costs, and offer increased access to training opportunities. Examples of instructional modalities and their application to the OSHA workforce include:

- Augmented Reality (AR) and Virtual Reality (VR) training to enhance OSHA personnel training by providing realistic virtual hazardous workspaces, and afford application of hazard recognition techniques without physical exposure to hazards or requiring training to occur offsite at actual workplaces or labs.
- Gamification that uses e-learning modalities for practical application of the learning objectives, either individually or as part of a group.
- Synchronous Learning to enable the agency to provide education that occurs at the same time but not in the same place—that is, simultaneous, distributed learning that allows for real time dialogue and collaboration among students, for example, Adobe Connect.
- Learning Experience Platforms (LEP) to enhance individual learner’s interactions and engagement via greater personalization, content curation, and expanded breadth of content. This typically allows learners to access, curate, and share a wider variety of formal and informal content. Learners will be able to access and use publicly available quality content, and a wide variety of vetted massive open online courses (MOOCs) using a single platform, making a one-stop shop for training and education.

Requested funding will also support enhancements to the available classroom-training environment that enhance the delivery and retention of material for adult learners, including the acquisition of smart boards, modern audio/visual equipment to replace existing dated equipment, and other classroom training technology, software, and equipment. OSHA would also purchase training development and training delivery items, such as digital 3D photography equipment for use in AR/VR applications; graphic/animation equipment for AR/VR development and classroom delivery; and digital, interactive electronic flip charts for classroom and synchronous online training delivery.

In FY 2022, OSHA will continue efforts to reach employers and workers in small businesses and high-hazard industries through outreach activities and cooperative programs. The proposed addition of 45 new Compliance Assistance Specialists (CAS) will position the agency to amplify and expand its outreach through the creation of new relationships, including new alliances, with more strategically aligned organizations and those in emerging and expanding industry sectors. Increased staffing will also allow the agency to explore innovative methods for accessing and collaborating with hard-to-reach stakeholders such as women- and minority-owned small businesses and their employees.

## COMPLIANCE ASSISTANCE - FEDERAL

OSHA's CASs will continue to focus their outreach activities on organizations, employers, and workers in high hazard industries, including construction, grain handling, healthcare, oil and gas, and those that employ temporary workers. Additionally, OSHA will approach warehousing industry stakeholders about potential collaborative efforts to improve and develop new resources for this rapidly-growing industry sector. As part of its effort within the construction industry sector in particular, OSHA will expand its outreach effort on workplace suicide. The agency will engage representatives from healthcare constituencies to advance the safety and well-being of healthcare workers and the patients they serve, in particular to address workplace suicide prevention and related substance abuse issues.

CASs will also continue to conduct outreach in support of OSHA's national initiatives, including national campaigns related to safety and health programs (Safe + Sound), fall prevention, and heat illness, enforcement and regulatory initiatives, and other agency or cross-agency priority goals. CASs will also provide outreach in support of OSHA's regional and local emphasis programs targeting industries and hazards in specific parts of the country. OSHA will enhance its support of CASs and others providing outreach and compliance assistance by implementing suggestions and feedback gathered through a series of surveys conducted in FY 2021 to identify needed tools and resources to increase the reach and effectiveness of their outreach.

The Voluntary Protection Programs (VPP) recognize employers and workers in the private industry and federal agencies who have implemented effective safety and health management systems and maintain injury and illness rates below national Bureau of Labor Statistics averages for their respective industries. In VPP, management, labor, and OSHA work cooperatively and proactively to prevent fatalities, injuries, and illnesses through a system focused on: hazard prevention and control; worksite analysis; training; and management commitment and worker involvement.

In FY 2022, OSHA will continue efforts to improve and enhance the VPP program in three specific areas: 1) Continued participation in the Customer Experience (CX) initiative led by the Office of Management and Budget to determine the level of satisfaction of participants and applicants; 2) An exploration of potential changes to the Challenge Program to create a roadmap to VPP, and finally; 3) A continued review and assessment of the VPP Corporate program to determine if/how to best integrate to meet the needs of improving safety and health across large corporations.

In addition, during FY 2022, the agency will perform an assessment of the proposed VPP pilot program with the Department of Defense (DoD). The proposed pilot is designed to evaluate the use of Special Government Employee (SGE)-only teams to conduct evaluations of DoD sites, and will include online training for the VPP Evaluation Team members. OSHA will use data collection and analyses to evaluate the effectiveness of this proposed pilot to manage agency resources, to provide greater opportunities for SGEs, and to further enhance the program.

### **FY 2021**

In FY 2021, OTI will continue to develop new training courses for compliance officers and consultation personnel, and redesigning several existing courses in response to virtual training

## COMPLIANCE ASSISTANCE - FEDERAL

needs due to the COVID-19 pandemic. The agency will use distance-learning technologies to provide cost-effective information and training to field staff. Staff will have access to on-demand, online courses and short, how-to videos for supplemental training for field compliance staff. For example, OSHA's trenching class is incorporating an augmented reality training trench inspection application.

OTI will offer technical and advanced occupational safety and health courses to develop new and senior compliance officers and consultants. Training will be offered in such areas as fall protection, trenching and excavations, healthcare, grain handling, and communication towers machine guarding, respiratory protection, and industrial hygiene site evaluations.

The agency will continue to develop the whistleblower investigator training program in FY 2021. This program ensures Federal OSHA and State Plan whistleblower investigators have the necessary training and expertise to investigate complaints under the multiple statutes OSHA has the responsibility to administer. OSHA wants to make sure that every worker knows about their rights and what to do if they believe their safety and health is not being protected. Every worker must be protected and feel empowered to raise concerns when they feel their workplaces are unsafe. OSHA is working to develop and deliver environmental statute web based training to address training needs for the whistleblower investigation staff. OTI continues to will continue to train whistleblower investigators in investigation fundamentals, interviewing, legal concepts, and complaint resolutions.

OSHA will support the OTI Education Centers by providing curriculum materials needed to support the goals of the agency and the Department. OSHA's Outreach Training Program will continue to provide hazard awareness and control training to the Nation's workforce. This will reach at-risk industries and at-risk populations, including individuals with limited English proficiency. Course fees and tuition fund these two programs; only program oversight is funded through the federal budget.

In FY 2021, OSHA's operations, including its efforts to provide outreach and compliance assistance and manage its cooperative programs, were heavily impacted by the COVID-19 pandemic. In-person compliance assistance activities and on-site evaluations for VPP participants and applicants ceased for long stretches at a time as the pandemic surged in various areas of the country. In FY 2021, as the nation-wide vaccine roll-out increases and creates conditions that allow for partial return to in-person work, OSHA's field offices will slowly transition to more in-person outreach, compliance assistance, and cooperative program engagements. This will enable the agency to increase both the number of compliance assistance activities, and the number of participants in signature cooperative programs (i.e., Strategic Partnership Program, Alliance Program, and VPP) compared with those in FY 2020. However, it is unlikely that activities will return to pre-pandemic levels, as population infection rates rise and fall at different rates.

OSHA provides oversight, support, and on-site evaluations to approximately 20 percent of all VPP sites every year, in addition to review and thorough on-site evaluations for new sites seeking to participate in VPP. The backlog of reapprovals from FY 2020 and early FY 2021 will likely exceed the current capacity to provide on-site evaluations in a timely manner for existing

## COMPLIANCE ASSISTANCE - FEDERAL

VPP sites and for new sites seeking VPP entrance. OSHA anticipates that this backlog will have a significant ongoing impact on the completion of VPP new approvals during FY 2022 and potentially further.

In FY 2021, as a part of implementation of the VPP Recalibration Plan, the agency is launching a VPP Portal that was delayed by the pandemic. This portal will allow VPP candidates to submit electronic applications to become a VPP site. In FY 2020, OSHA invited qualified companies with mature safety and health management systems to apply using the new portal, and as the system is refined and any glitches are fixed, the system will be opened to the public in the second half of FY 2021.

While the new VPP online portal and other recalibration efforts streamline VPP processes and allow the agency to improve its efficiency, an increase in the number of VPP sites can only be supported through CAS engagement in the on-site evaluation process. The agency will also continue its Customer Experience (CX) efforts that began in FY 2020, continuing its survey of VPP participants and applicants. The survey will be used to identify areas where customer experience in the VPP process can be improved. OSHA will begin to offer Special Government Employee (SGE) courses online in FY 2021, to better allow SGE participation and improve training delivery.

In FY 2021, the agency continues to align the management of the Alliance Program with the updated directive issued in 2020, which has received positive feedback from Program participants. As was the case in FY 2020, OSHA's ongoing response to the COVID-19 pandemic continues to divert resources away from establishing new Alliances; however, the agency has used the interactions resulting from the pandemic with new organizations to build stakeholder relationships, and has continued to transition long-time alliance participants to Alliance Program Ambassadors.

While providing significant and ongoing outreach around the COVID-19 pandemic, OSHA has maintained its efforts to reach out to high-hazard industries, such as the construction, grain-handling, healthcare, and oil and gas extraction industries. In support of the agency's priority goal, OSHA is supporting the Trench Safety Stand-Down and Trench Safety Month sponsored by National Utility Contractors Association (NUCA) in June 2021. CASs are also participating, leading, and facilitating training and other events to support the Stand-Up for Grain Safety Week in April 2021, the National Safety Stand-Down to Prevent Falls in Construction in May 2021, and Safe + Sound Week in August 2021. Though the COVID-19 pandemic paused efforts, OSHA continues to engage with the Institute for Healthcare Improvement (IHI) and hopes to revisit this effort in late FY 2022. OSHA is also exploring more strategic outreach around workplace suicide prevention, a topic that the COVID-19 pandemic has made more visible. The agency is also administering three surveys to compliance assistance personnel in regional and area offices to gather their ideas and feedback about how the national office can improve and/or expand upon its existing efforts to provide timely and effective tools, services, and technology to support their work.

## COMPLIANCE ASSISTANCE - FEDERAL

### FY 2020

In FY 2020, OSHA educated over 1.3 million people through the outreach training and education centers, compliance assistance specialist outreach, and cooperative program partners. OTI continued to present courses for federal and state compliance personnel to investigate occupational safety and health complaints and evaluate hazards in emerging industries, which remained a priority for the agency. Newly hired compliance officers began a mandatory training program to ensure competency and professionalism in conducting safety and health inspections. OTI courses stressed hazard recognition and abatement as well as the application of OSHA standards, policies, and procedures. OTI also provided state consultation staff similar training focused on advising employers on hazard recognition and corrective actions to protect workers.

OSHA continued to implement and develop the whistleblower investigator mandatory training program. The agency also continued course offerings for supervisory and management staff in the areas of coaching and supervisory development.

The agency worked closely with the nationwide network of OTI Education Centers to provide occupational safety and health training courses to workers and employers. The OTI Education Centers conducted over 3,300 courses and trained over 40,000 students in FY 2020. Additionally, the Outreach Training Program trained over 1 million students in FY 2020 on the recognition, prevention, and control of occupational safety and health hazards through the 10- and 30-hour courses. In response to the COVID-19 pandemic, OSHA authorized the OTI Education Centers to conduct courses via video conferencing. The agency temporarily waived the 60-day notification requirement for Outreach trainers to conduct courses via video conferencing. This enabled the OTI Education Centers and the Outreach trainers to continue training activities during the COVID-19 pandemic. Despite the expanded access to training by video conferencing, these programs experienced an overall decrease in the number of students trained in FY 2020.

In FY 2020, the agency continued its implementation of recommendations from the VPP Recalibration Plan to ensure better responsiveness and customer care. This included ongoing improvements to the VPP database and using the updated system to cross-reference information with the regions to ensure integrity. In addition, the agency continued work on an online VPP portal to modernize the application process for companies that qualify for VPP. Development and testing of the new system continued throughout FY 2020. The agency published an update to the VPP Policies and Procedures Manual. OSHA also continued refinement of the new approval and reapproval processes and documentation to improve response times and data integrity, while having to make adjustments to the process in consideration of remote work due to COVID-19.

In FY 2020, OSHA issued a revised Alliance Program Directive to create a more flexible framework for the program, align Alliances more closely with OSHA's strategic priorities, and focus on information sharing and building stakeholder relationships. The program also created the Alliance Program Ambassador status, a mechanism for OSHA to maintain productive, cooperative relationships with long-time Alliance participants while reducing some of the administrative requirements associated with an Alliance. OSHA maintained its engagement with existing Alliances and worked with these and other stakeholders to disseminate timely and

## COMPLIANCE ASSISTANCE - FEDERAL

frequent information on workplace protections for the COVID-19 pandemic. However, as this work quickly became the focus for the agency, OSHA was able to focus an effort on engaging new Alliance Program participants.

Providing employers and workers with guidance and resources for preventing COVID-19 transmission was the central focus of OSHA's outreach efforts in FY 2020. Though the pandemic necessitated a transition to virtual, rather than in-person outreach, Compliance Assistance Specialists in OSHA's regional and area offices rose to the challenge, participating in virtual meetings, giving presentations and participating in panels at virtual events, staffing electronic exhibit booths, and offering stakeholders information and assistance via phone and email.

In addition to its substantial outreach effort related to the COVID-19 pandemic, the agency also continued its highly visible national and regional outreach campaigns in FY 2020. In many cases, this required the agency to shift dates, re-envision events, and integrate technology, significantly increasing the staff efforts related to planning and implementation. Where appropriate, OSHA also combined messaging. For example, as part of its COVID-19 outreach and Heat Illness Prevention Campaign, the agency developed and broadly disseminated new fact sheets on preventing heat illness while wearing cloth face coverings in hot and humid indoor and outdoor work settings. OSHA continued the Safe + Sound Campaign to raise awareness about the benefits of workplace safety and health programs, and held a largely virtual Safe + Sound Week in August 2020 to recognize the success of organizations that had implemented safety and health programs. OSHA also encouraged virtual participation in the 7<sup>th</sup> annual National Safety Stand-Down to Prevent Falls in Construction, which was moved from May to September and which continued to be an effective method for raising awareness of fall hazards in both construction and general industry workplaces.



## COMPLIANCE ASSISTANCE - FEDERAL

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Compliance Assistance-Federal</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
OSHA-ST-01op	Number of people trained by OSHA	1,058,728	1,371,943	1,209,920	1,519,000
OSHA-VPP-02op	New VPP approvals	80	49	16	16
OSHA-VPP-03op	VPP re-approvals	280	178	169	169
OSHA-CAF-01	New Strategic Partnerships	18	18	20	18
OSHA-CAF-02	New Alliances	24	12	12	24

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## COMPLIANCE ASSISTANCE - FEDERAL

### Workload Summary

In FY 2022, OSHA expects to educate more than 1.5 million people through the outreach training and education centers, compliance assistance specialist outreach, and cooperative program partners. In FY 2021, OSHA expects to educate just over 1.2 million people, a slight decrease from the FY 2020 result of more than 1.3 million. The decrease in FY 2021 is a result of reduced travel and training activity due to COVID-19 pandemic.

In FY 2022, OTI will continue to educate compliance and consultation staff and other federal employees through various instructional modalities including in-person courses, virtual courses, online courses, and webinars. OSHA will continue to support the OTI Education Centers Program and the Outreach Training Program by continuing course offerings needed to meet the goals of the agency and the Department, targeting high-risk industries and at-risk populations. These courses and programs will provide increased training opportunities for private sector and other government personnel. The OTI Education Centers and Outreach Training Programs are funded through revenues generated through course fees; only program oversight is funded through the Federal budget.

In FY 2021, the OSHA Training Institute (OTI) will continue to educate compliance and consultation staff and other federal employees through various instructional modalities including in-person courses, virtual courses, online courses, and webinars. OTI will deliver over 50 courses, including four of which were newly developed virtual courses. The delivery of these virtual courses was essential addressing the training needs of new compliance officers and consultants. Development of new training resources supported online training on industrial hygiene evaluation and machine guarding. OTI continued to support managerial and supervisor development by conducting the introductory course for OSHA managers.

In FY 2020, the OSHA Training Institute (OTI) educated 24,775 compliance and consultation staff and other federal employees through various instructional modalities including in-person courses, virtual courses, online courses, and webinars. OTI delivered over 75 courses, 13 of which were newly developed virtual courses. As a result of the pandemic, training through distance learning significantly increased as many in-person classes were cancelled. The delivery of these virtual courses was essential addressing the training needs of new compliance officers and consultants. Development of new training resources supported online training on industrial hygiene evaluation and machine guarding. OTI continued to support managerial and supervisor development by conducting the introductory course for OSHA managers.

In FY 2020, OSHA continued to document courses taught by the OSHA Training Institute (OTI) and use data from agency internal evaluation processes to make continuous improvements in course curriculum. In addition to instructor-led courses, OTI presents webinars and online training that support agency goals and priorities and meet the needs of OSHA staff. OTI leverages the agency's resources by increasing the participation of expert staff from the OSHA national and field offices. These subject matter experts have the specialized knowledge that is important to maintaining quality training course curricula and to providing the agency's perspective on safety and health issues.

## COMPLIANCE ASSISTANCE - FEDERAL

In FY 2022, the agency will continue working with the OTI Education Centers and the Outreach trainers to expand access and improve these training programs. This include developing new courses and revising curriculum for the OTI Education Centers. Additionally, OSHA will issue a request for proposal in FY 2022 to reauthorize existing OTI Education Centers and accept applications for new organizations. In FY 2021, OSHA is redeveloping the confined space course for the OTI Education Centers, expanding it to include information from the construction industry. OSHA also permanently authorized the OTI Education Centers to deliver courses via video conferencing in addition to in-person courses. The agency continues to temporarily waive Outreach trainers' 60-day advance notification requirement to conduct Outreach classes via video conferencing during the ongoing pandemic.

In FY 2020, the OTI Education Centers Program and the Outreach Training Program continued course offerings that targeted high-risk industries and at-risk populations. In particular, OSHA plans to develop and provided the OTI Education Centers a hazardous materials course and a fall protection course. These courses and programs will provide increased training opportunities for private-sector and other government personnel.

The COVID-19 pandemic greatly impacted OSHA's compliance assistance and outreach activities in FY 2020 and FY 2021, as the agency now works to implement the January 21, 2021 Executive Order on Protecting Worker Safety and pursues robust outreach to both employers and workers on updated guidance and best practices, as well as OSHA's COVID-19 National Emphasis Program. These impacts will most certainly be felt into FY 2022; however, the proposed addition of 45 Compliance Assistance Specialist (CAS) positions in FY 2022 will better position the agency to expand its compliance assistance and outreach activities to high-hazard industries and small- and medium-sized businesses, including women- and minority-owned businesses. The agency will also work with worker based organizations to better engage stakeholders, and focus outreach and compliance assistance to vulnerable workers, especially minority, low-income, low-literacy, and non-English speaking populations. As additional CASs are hired and as they begin to engage with stakeholders throughout FY2022, the agency will return to its previous levels of activity and sign 24 new Alliances and 19 new Strategic Partnerships in FY 2022. In FY 2021, OSHA expects to sign 12 new Alliances the same number it expects to sign in FY 2020.

OSHA projects 169 VPP reapprovals and 16 new approvals for FY 2022, which is the same level as FY 2021. The flat targets for FY 2021 and FY 2022 reflect a growing backlog of new approvals and reapprovals that will be prioritized for completion in FY 2022, which expectation of an increase in FY 2023 and beyond. In FY 2020, OSHA approved 49 new VPP sites and reapproved 178 VPP, which was below its target because of the impact of COVID-19. New approvals decreased by 30 percent (49) and re-approvals by 39 percent (178) compared to FY 2019 results and significantly less than expected. Some worksites continue to be closed or are restricting outside persons. In addition, many VPP participants are restricting travel of their Special Government Employees (SGEs) that normally assist during on-site evaluations. Because VPP does on-site evaluations for roughly 20 percent of its participant members each year, this has created a backlog of reapprovals and a queue of new approvals for FY 2021 in addition to the target goals initially proposed. An increase in staff will make a significant difference in managing this backlog.

## COMPLIANCE ASSISTANCE - FEDERAL

The Consolidated Appropriations Act of 2021 provides that “not less than \$3,500,000 shall be for Voluntary Protection Programs.” The FY 2021 Explanatory Statement directs OSHA to include annual expenditures on VPP for each year since Fiscal Year 2015 as well as planned expenditures in Fiscal Year 2022 in the FY 2022 Congressional Justification.

While VPP is funded from the Federal Compliance Assistance budget activity, OSHA does not specifically track VPP activities in the agency’s accounting system or timekeeping system. However, based on full time staff assigned to work on VPP, and any travel associated with the Program, the below are expenditures for FY 2015 to FY 2020. FY 2020 expenses are lower due to reduced travel and VPP activity during the pandemic. OSHA anticipates similar costs for FY 2021 with the continuation of the pandemic. However, the agency expects an increase in FY 2022 as travel returns to normal levels.

<b>VPP Annual Expenditures: FY 2015-FY 2021</b>	
<b>Fiscal Year</b>	<b>Total Costs (\$000)</b>
2015	\$6,856,950
2016	\$6,546,712
2017	\$6,187,132
2018	\$6,251,766
2019	\$6,921,371
2020	\$4,497,905
2021	TBD
2022	TBD

## COMPLIANCE ASSISTANCE - FEDERAL

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	23,958	24,145	27,821	3,676
11.3	Other than full-time permanent	85	85	85	0
11.5	Other personnel compensation	613	613	613	0
11.9	<b>Total personnel compensation</b>	<b>24,656</b>	<b>24,843</b>	<b>28,519</b>	<b>3,676</b>
12.1	Civilian personnel benefits	8,493	9,251	10,927	1,676
13.0	Benefits for former personnel	38	38	38	0
21.0	Travel and transportation of persons	1,352	352	607	255
22.0	Transportation of things	2	2	2	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	10,547	8,876	8,876	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	735	735	735	0
24.0	Printing and reproduction	205	205	205	0
25.1	Advisory and assistance services	22	22	22	0
25.2	Other services from non-Federal sources	2,298	1,598	4,649	3,051
25.3	Other goods and services from Federal sources 1/	25,570	28,347	30,357	2,010
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	158	158	158	0
26.0	Supplies and materials	92	491	542	51
31.0	Equipment	291	291	516	225
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	22	22	22	0
	<b>Total</b>	<b>74,481</b>	<b>75,231</b>	<b>86,175</b>	<b>10,944</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	23,425	24,518	24,518	0
	DHS Services	629	629	629	0
	Services by Other Government Departments	1,516	3,200	5,210	2,010

# COMPLIANCE ASSISTANCE - FEDERAL

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$698
Personnel benefits	376
Federal Employees' Compensation Act (FECA)	229
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$1,303**

**Net Program** **\$9,641**

**Direct FTE** **51**

	Estimate	FTE
<b>Base</b>	<b>\$76,534</b>	<b>208</b>
<b>Program Increase</b>	<b>\$9,641</b>	<b>51</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>61,500</b>	<b>61,500</b>	<b>63,500</b>	<b>2,000</b>
FTE	0	0	0	0

### **Introduction**

The Occupational Safety and Health Administration’s (OSHA) On-Site Consultation Program provides no-cost, confidential occupational safety and health assistance to small and medium-sized employers. Consultants from state agencies or universities work with employers to identify and correct serious safety and health hazards, implement and improve safety and health programs, and provide advice for compliance with OSHA standards. This service, which is offered in all states, the District of Columbia, and several territories, gives priority to employers in high-risk industries, and works directly with those employers to improve workplace safety and health in their small businesses. OSHA distributes funding to Consultation programs as authorized by Section 21(d) of the Occupational Safety and Health Act of 1970 (OSH Act). The program is separate from, and independent of, OSHA enforcement programs.

By strategically scheduling consultation visits and outreach efforts in high-risk areas, the On-Site Consultation Program can leverage other resources and efforts in order to have the greatest effect on overall compliance. With more employers in compliance, more workers are protected as evidenced by workplace injuries, fatalities, and illnesses declining, as do costs associated with lost productivity and workers’ compensation claims. The Consultation Program supports America’s long-term competitiveness by enabling small businesses, including women- and minority-owned small businesses, to access key services that will protect workers, reduce expenses, and position small businesses to take advantage of new opportunities and markets as the economy continues to improve. The On-Site Consultation Program encourages companies to voluntarily adopt recommended hazard reduction strategies, and implement structured safety and health management systems to achieve superior safety and health performance.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2017	\$59,500	0
2018	\$59,500	0
2019	\$59,500	0
2020	\$61,500	0
2021	\$61,500	0

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

### FY 2022

In FY 2022, OSHA is requesting \$63,500,000 for Compliance Assistance-State Consultation, which includes a program increase of \$2,000,000 for the On-Site Consultation Program to provide free and confidential occupational safety and health services to small, women, and minority-owned businesses nationwide with priority given to high-hazard worksites. Through On-Site Consultation, OSHA is able to work with businesses to promote best practices and improve workplace safety and health for American workers, especially vulnerable workers and those in underserved communities. OSHA will distribute program funds to consultation programs as authorized by Section 21(d) of the OSH Act, and monitor the effective and efficient use of these funds.

The budget increase in FY 2022 will provide funding for On-Site Consultation Programs to hire 18 new consultants. OSHA estimates that the 18 additional consultants hired will conduct 450 visits in FY 2022 for a total of 20,139 visits performed by all Consultation programs.

The On-Site Consultation programs will continue to promote the Safety and Health Achievement Recognition Program (SHARP) to small businesses in FY 2022. SHARP recognizes small business employers who operate an exemplary safety and health program. Worksites that have been accepted by OSHA into SHARP are models for worksite safety and health and are exempt from OSHA programmed inspections while in SHARP. OSHA will continue to promote, monitor, and refine, as appropriate, SHARP policies in FY 2022.

OSHA extended the National Construction SHARP Pilot Program (NCSP) in FY 2019 for an additional five-year period to conclude in FY 2025, when it will be evaluated for effectiveness. This pilot is designed for construction (non-fixed) worksites. In FY 2022, OSHA will continue to assist On-Site Consultation programs with developing implementation plans to participate in the construction SHARP pilot.

In FY 2022, OSHA plans to hold an in-person On-Site Consultation Training Conference to provide required training to the consultation program managers. OSHA will continue to monitor the current health conditions and CDC guidance, and will pivot to holding a virtual conference if necessary.

In FY 2022, the Consultation programs will support OSHA initiatives by conducting visits to smaller businesses in industries identified by OSHA. The agency developed policy and a Process Safety Management (PSM) Instructions and Evaluation Worksheet to equip On-Site Consultation programs with resources to assist small business employers with establishing effective PSM programs, as required by the PSM standard, 29 CFR 1910.119. In FY 2022, OSHA will monitor and review the use of the PSM worksheet by the programs.

In FY 2019, OSHA launched an effort to update the Standard Element Paragraphs (STEPs) for On-Site Consultation programs in collaboration with OSHA Information System (OIS) staff. The effort is aimed at safeguarding the quality of consultation services by ensuring the language used by consultants to describe hazards is consistent with the language used to describe hazards and violations in other contexts. In FY 2022, OSHA will continue to work with the Solicitor of



## COMPLIANCE ASSISTANCE – STATE CONSULTATION

Labor to provide updated STEPs to the On-Site Consultation programs. The agency will continue to work with the established workgroup to facilitate the process.

In FY 2022, OSHA will prepare to validate and pilot test the revised Safety and Health Program Assessment Worksheet (OSHA Form 33), and the Attributes Reference Guide (ARG) using current On-Site Consultation program consultants. The worksheet is the primary tool used by On-Site Consultation program consultants to evaluate workplace safety and health programs. The revised OSHA Form 33 requires validation to verify its effectiveness before the worksheet can be disseminated for use by On-Site Consultation programs.

The agency will continue outreach efforts to educate and collaborate with Small Business Development Center (SBDC) state and regional directors by providing them relevant occupational safety and health information for dissemination. This outreach is designed to educate SBDC consultants so they can share information about OSHA On-Site Consultation services to their clients.

### **FY 2021**

In FY 2021, the agency will hold a virtual On-Site Consultation Training Conference that will allow OSHA to expand participation to the Consultation program consultants in addition to the Consultation Program Managers who typically attend the in-person conferences.

In FY 2021, OSHA issued significant revisions to the Consultation Policies and Procedures Manual (CPPM). The CPPM outlines the overall policy framework for administering and managing the On-Site Consultation Program, provides the criteria and requirements for participating in SHARP, and outlines the requirements of the monitoring and evaluation system for the Consultation programs.

Consultation programs are continuing to provide outreach and visits related to COVID-19 to small employers, particularly those in minority, vulnerable and underserved communities. In FY 2021, OSHA also updated the temporary policies it issued in FY 2020 to enable Consultation programs to continue providing services to small businesses during the pandemic. OSHA also held an information webinar for the Consultation programs on best practices for conducting virtual visits during the pandemic, and will hold a formal training session on virtual visits in May 2021.

In support of the Agency Priority Goal (APG), consultants continued to identify trenching hazards at worksites and provide training to employees on trenching hazards. Through the first half of FY 2021, consultants identified and abated 94 trenching hazards at small business worksites.

OSHA will continue to develop policy and a Process Safety Management (PSM) Instructions and Evaluation Worksheet to equip On-Site Consultation programs with resources to assist small business employers with establishing effective PSM programs, as required by the PSM standard, 29 CFR 1910.119. In FY 2021, OSHA will continue to work with stakeholders to address their review comments in preparation for disseminating the worksheet for use by the programs.

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

### **FY 2020**

In FY 2020, OSHA received an increase of \$2,000,000 for Compliance Assistance-State Consultation for a total Enacted Level of \$61,500,000. The increase enabled the On-Site Consultation Program to support an additional 20 new consultants.

However, the COVID-19 pandemic that began in March 2020 significantly limited the ability of consultants to conduct on-site activities. Many state governments prohibited consultants from going on-site, and many employers were hesitant to allow consultants onto their premises. In response to the pandemic, OSHA issues a series of policies to enable Consultation programs to continue to provide services to small businesses. For example, OSHA issued a policy in April 2020 to allow Consultation programs to conduct virtual visits when they are not permitted to go to the employer's worksite. In FY 2020, consultants conducted 1,179 virtual visits and 2,421 visits related to COVID-19. Consultants also conducted 6,677 compliance assistance activities related to COVID-19.

In FY 2020, OSHA worked with On-Site Consultation programs to identify subject matter experts with the technical expertise to design the validation and reliability studies for the revised Safety and Health Program Assessment Worksheet (OSHA Form 33), and the Attributes Reference Guide (ARG). The worksheet is the primary tool used by consultants to evaluate workplace safety and health programs. All revisions require validation to verify the effectiveness of the worksheet before it can be disseminated for use by On-Site Consultation programs.

In FY 2020, in conjunction with the Agency Priority Goal (APG), consultants identified and abated 315 trenching hazards at worksites and provided training to employees on trenching hazards. In addition, On-Site Consultation supported OSHA's outreach initiatives by conducting 7,651 visits: Residential Construction (552 visits), Oil and Gas (77 visits), Temporary Workers (7 visits), Heat Illness (676 visits) Telecommunication Towers (23 visits), Agriculture (348 visits), Healthcare (170 visits), Grain Handling (243 visits), Construction (5,555 visits), and Trenching and Excavation (741 visits).

The agency continued outreach efforts to educate and collaborate with Small Business Development Center (SBDC) state and regional directors by providing them relevant occupational safety and health information for dissemination. This outreach is designed to educate SBDC consultants so they can share information about OSHA's On-Site Consultation services. In FY 2020, OSHA provided a webinar for SBDCs and other small business organizations on helping small businesses adopt to COVID-19. OSHA also solicited and received extensive comments from SBDCs on OSHA's plans to revise its Small Business Handbook.

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Compliance Assistance-State Consultations</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
<b>Consultation Visits</b>					
OSHA- Consultations- 01	Initial Visits	23,072	15,420	15,175	17,521
OSHA Consultations- 02	Training and Assistance	1,447	1,035	1,047	1,208
OSHA- Consultations- 03	Follow-up Visits	1,843	1,208	1,221	1,410
<b>Total</b>		<b>26,362</b>	<b>17,663</b>	<b>17,443</b>	<b>20,139</b>
<b>Recognition &amp; Exemption</b>					
OSHA- SHARP-01	SHARP Sites	1,322	1,180	1,210	1,250
<b>21(d) Agreements</b>					
OSHA-21d- 01	Plan States	26	26	26	26

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
OSHA-21d- 02	Non-plan States	27	27	27	27

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

### Workload Summary

In FY 2020, the On-Site Consultation Program conducted 17,663 visits, including 15,420 initial visits, 1,035 training and assistance visits, and 1,208 follow-up visits. The number of visits was below projected levels because of the impact of COVID-19 on the ability to travel and the number of business that were open for business. OSHA issued a series of polices in FY 2020 to enable Consultation programs to continue to provide services to small businesses.

OSHA projects that On-Site Consultation Programs will conduct 17,443 visits in FY 2021, which is a slight drop in visits from FY 2020 due to the impact of COVID. The agency projects 20,139 visits in FY 2022 as the impact of COVID declines and more consultants are hired with the requested program increase. Due to the time required for a newly hired On-Site Consultation consultant to become fully trained and perform at full capacity, the impact of the increased funding for FY 2022 will be greater in FY 2023.

The On-Site Consultation Program continues to promote SHARP to small businesses. In FY 2021, the number of SHARP sites is projected to increase by 30, bringing the estimated total to 1,210. In FY 2022, the number of SHARP sites is projected to increase by 40, bringing the estimated total to 1,250.

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.1	Civilian personnel benefits	0	0	0	0
25.2	Other services from non-Federal sources	0	0	0	0
25.3	Other goods and services from Federal sources 1/	0	0	0	0
41.0	Grants, subsidies, and contributions	61,500	61,500	63,500	2,000
	<b>Total</b>	<b>61,500</b>	<b>61,500</b>	<b>63,500</b>	<b>2,000</b>

# COMPLIANCE ASSISTANCE – STATE CONSULTATION

## CHANGES IN FY 2022

(Dollars in Thousands)

**Activity Changes**

**Built-In**

To Provide For:

Costs of pay adjustments	\$0
Other services from non-Federal sources	0
Other goods and services from Federal sources	0
Grants, subsidies, and contributions	0

**Built-Ins Subtotal** **\$0**

**Net Program** **\$2,000**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$61,500</b>	<b>0</b>
<b>Program Increase</b>	<b>\$2,000</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>





## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>11,537</b>	<b>11,787</b>	<b>13,787</b>	<b>2,000</b>
FTE	0	0	0	0

### **Introduction**

This budget activity supports the Susan Harwood Training Grant Program, which provides grant awards to non-profit organizations to provide direct and train-the-trainer training and education to underserved and vulnerable workers regarding safety and health hazards in the workplace and their workplace rights. This program greatly enhances the agency’s efforts to develop and provide valuable and accurate information about hazards in the workplace and improve the safety environment for at-risk workers in variety of high-hazards industries. OSHA targets this training to workers in small businesses and other hard-to-reach workers, including young, low literacy, limited English speaking, immigrant, minority, and domestic workers among other underserved worker populations.

Since its establishment in 1978, the Susan Harwood Grant Program has trained millions of vulnerable workers about their workplace rights and how to prevent, avoid, and control safety and health hazards in their high-hazard workplaces. Grants awarded under this program leverage OSHA’s resources, through the assistance of qualifying non-profit organizations, to reach workers who have limited or no access to quality occupational safety and health training, a key factor to secure safer and healthier workplaces. This is accomplished by grantees through their network of regional and local community stakeholders who have connections with the at-risk worker populations to provide this important training. These grants help fulfill the promise of the OSH Act for every worker in this country, no matter what job they do, what language they speak, their ethnicity or the color of their skin.

OSHA reaches these at-risk workers through three types of training grants: Targeted Topic, Training and Educational Materials Development, and Capacity Building Developmental. Targeted Topic grants provide training on specific industry hazards to which vulnerable workers are exposed. Grantees often provide training in other languages in addition to English. Training also covers areas of special attention, such as new, emerging, or novel hazards. Training and Educational Materials Development grants expand the breadth of high quality training materials available on OSHA’s website for workers and employers to use to conduct hazard awareness and prevention training. Capacity Building Developmental grants enable non-profit organizations to grow and build their own ability to provide and sustain occupational safety and health training to at-risk and vulnerable worker populations. At the conclusion of this multi-year training grant program, grantees have developed their own capacity to deliver occupational safety and health training, which will remain in effect and prosperous after the grant ends. The grant’s legacy provides the organizations the foundation to become self-sufficient and continue providing at-risk worker populations safety and health training.

# COMPLIANCE ASSISTANCE – TRAINING GRANTS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$10,537	0
2018	\$10,537	0
2019	\$10,537	0
2020	\$11,537	0
2021	\$11,787	0

## FY 2022

For FY 2022, OSHA requests \$13,787,000 to build and expand the Susan Harwood Training Grant Program and increase access to occupational safety and health training to vulnerable worker populations. At the request level, OSHA estimates awarding 85 grants at the maximum award amounts and estimates training 65,000 workers in FY 2023. This request will cover emerging hazards in a post-pandemic economy, such as an increase in workplace heat hazards in the face of global climate change. Other training topics will include infectious disease prevention in the workplace, fall prevention, excavation and trenching hazard prevention, personal protective equipment, and chemical hazards.

The agency will leverage the training and knowledge of non-profit organizations, such as employee unions, community and faith-based organizations, and academic institutions to target grant funding to new and emerging workplace hazards. To better meet the needs of underserved communities, OSHA will continue encourage organizations to partner in providing training and collaborate in building the institutional capacity of partner organizations to continue training activities into the future. These partnerships assist smaller organizations in growing their ability to develop their own institutional training capacity and infrastructure, another legacy of the program. Target audiences will include vulnerable workers in small businesses, limited English proficiency, low-literate, minority, youth, and hard-to-reach workers in high hazard and high fatality industries. Target industries range from healthcare, agriculture, meatpacking, warehousing, construction, and manufacturing.

In FY 2022, Targeted Topic grants will support the development and deliver quality safety and health training for workers and employers at worksites across the country covering a variety of topic areas. Training and Educational Materials Development grants will broaden the variety of training materials available for public consumption on OSHA’s website. Capacity Building Developmental grants will continue to lay the foundation for non-profit organizations to expand their ability to become self-sufficient in providing relevant and quality occupational safety and health training to regional and local at-risk worker populations. Many of the training programs will offer train-the-trainer programs which will further leverage the impact of the grants beyond the scope and time of the original grants.

## FY 2021

In FY 2021, OSHA will continue to leverage the Susan Harwood Training Grant Program to provide training to at-risk workers in high-hazard and high-fatality rate industries who have little

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

to no access to quality safety and health training. Targeted Topic and Training and Educational Materials Development grants focus on a number of traditional workplace hazards and vulnerable worker populations. New topics include hazards facing domestic workers and infectious disease pandemic preparedness. In FY 2021, OSHA estimates it will award 78 grants in the areas of Targeted Topic, Training and Educational Materials Development, and Capacity Building. The agency estimates these grants will be used to train approximately 58,000 workers in FY 2022. OSHA will publish the FY 2021 funding opportunity announcements no later than June 30, 2021.

### **FY 2020**

In FY 2020, OSHA awarded a total of 90 Susan Harwood Training Grants, consisting of 44 Targeted Topic grants, 31 Capacity Building Developmental grants, and 15 Training and Educational Materials Development grants. OSHA estimates that 58,000 students will be trained in FY 2021. Nineteen of the grants focused on developing and training for workers hazard awareness and control of COVID-19. OSHA also awarded grants to train at-risk and vulnerable workers in hazards associated with chemical hazards, confined spaces, excavation and trenching, fall prevention and protection, hazards in healthcare, lockout/tagout, machine guarding and amputation protection, noise hazards and hearing conservation, hazards associated with oil and gas production, personal protective equipment, residential construction hazards, warehousing hazards, agricultural hazards, safety and health for women and youth, and silica hazards.

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Compliance Assistance-Training Grants</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
OSHA- Grants-01	Number of Harwood Grant trainees	32,924	32,924	58,000	58,000
OSHA- Grants-20	Targeted Training Grants	44	44	39	53
OSHA Grants 21	Capacity Building Grants	31	31	34	25

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

### Workload Summary

At the request level, OSHA estimates 85 grants, including 53 Targeted Topic, 25 Capacity Building Developmental, and 7 Training Materials, will be awarded in FY 2022, resulting in an estimated 65,000 workers trained in FY 2023. In FY 2021, a total of 78 grants, including 39 Targeted Topic, 34 Capacity Building, and 5 Training Materials, were awarded and are expected to provide training to 58,000 workers. A total of 90 grants, including 44 Targeted Topic, 31 Capacity Building, and 15 Training Materials, were awarded in FY 2020 and are expected to provide training to 58,000 workers and employers in FY 2021. The estimated number of participants is based on the information submitted by grantees in their applications. It is difficult to predict the number of participants because of yearly variations in the organizations receiving grants and the training programs they intend to provide. Despite efforts to expand training via video conferencing during the COVID-19 pandemic, OSHA has observed an overall decrease in the number of workers trained since the onset of the pandemic.

FY 2019 grantees conducted training activities in FY 2020 and trained 32,924 students. Grantees trained workers in a range of topics in construction and general industries. The topics included respirable crystalline silica hazards, cranes and hoist hazards, fall prevention, excavation hazards, warehouse, and loading dock hazards. To aid these grantees in conducting training during the COVID-19 pandemic, OSHA immediately authorized grantees to conduct training via video conferencing. Grantees provided training in English, Chinese, Nepali, Spanish, Portuguese, Karen, Mandarin, Haitian Kreyol, Hmong, American Sign Language, Polish, Burmese, Karenni, and Vietnamese.

OSHA is seeking to build a stronger training grant program to address the emerging hazards in the post-pandemic workplace in such areas as heat hazards. The funding will strengthen and expand access to the Targeted Topic and Capacity Building Developmental grant program for new and follow-on grants. These will enable non-profit organizations to institutionalize their workplace safety and health capacity and build a permanent and long-lasting ability to provide occupational safety and health training to at-risk vulnerable workers. OSHA will also expand the reach and scope of the grants to provide outreach and training to more underserved populations, such as immigrant communities, low-wage workers, and high-fatality industries. OSHA will also post grantee-developed training materials on its website to expand access to quality presentations and training resources.

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.1	Civilian personnel benefits	0	0	0	0
41.0	Grants, subsidies, and contributions	11,537	11,787	13,787	2,000
	<b>Total</b>	<b>11,537</b>	<b>11,787</b>	<b>13,787</b>	<b>2,000</b>

# COMPLIANCE ASSISTANCE – TRAINING GRANTS

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments \$0

Grants, subsidies, and contributions 0

State Administration Workload 0

**Built-Ins Subtotal \$0**

**Net Program \$2,000**

**Direct FTE 0**

	Estimate	FTE
<b>Base</b>	<b>\$11,787</b>	<b>0</b>
<b>Program Increase</b>	<b>\$2,000</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>





## SAFETY AND HEALTH STATISTICS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>32,900</b>	<b>32,900</b>	<b>39,479</b>	<b>6,579</b>
FTE	19	31	36	5

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 31.

### **Introduction**

The Safety and Health Statistics activity supports OSHA programs and stakeholders by providing information technology (IT) services and statistical analysis. The Department’s IT systems support the core functions of OSHA’s mission, allow agency personnel to better maintain collaborative relationships with stakeholders, and provide current information to employers and employees-impacting the safety and health of millions of workers each year. Improved IT systems enhance OSHA’s ability to support the agency’s mission, monitor activities, and measure successes. The Department maintains the following major OSHA-specific IT systems:

- OSHA.gov – the website that provides information to the public and OSHA stakeholders;
- Public-facing applications – a set of applications that provide for data exchange between OSHA and the public such as the Injury Tracking Application (ITA), which allows employers to report injury and illness information on an annual basis, as well as OSHA’s establishment search engine and the online whistleblower complaint form; and
- OSHA-internal applications – mission-critical systems that enable agency staff to perform day-to-day work to accomplish OSHA’s mission. This includes the OSHA Information System (OIS) that supports enforcement and Onsite Consultation activities for OSHA, 28 OSHA-approved state programs, and 54 state-run consultation projects; the Voluntary Protection Programs Automated Data System (VADS) and other applications that support cooperative programs and outreach activities; the State Plan Application; the Whistleblower Application that supports the Whistleblower program; and the applications that support OSHA’s lab systems.

This budget activity also supports the collection, maintenance, and analysis of inspection and statistical data that support all agency activities. This includes the implementation and collection of employers’ injury and illness data as required under 29 CFR Part 1904. OSHA uses the data collected to identify establishments with elevated rates and numbers of injuries and illnesses and targets these establishments for both enforcement and outreach interventions.

# SAFETY AND HEALTH STATISTICS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$32,900	38
2018	\$32,900	33
2019	\$32,900	33
2020	\$32,900	31
2021	\$32,900	31

## FY 2022

In FY 2022, OSHA is requesting \$39,479,000 and 36 FTE, including a program increase of \$2,514,000 and 5 FTE for Statistics to expand and modernize IT resiliency and cybersecurity response, as well as increase data transparency. OSHA is requesting program increase of \$3,765,000 for contract funds to target needed technology advancements for a modern compliance workforce, such as the implementation of electronic case file (ECF) processing, and acquisition of field equipment and technology that will allow the agency to develop and issue citations in the field without returning to the office for processing, shortening the time between hazard identification and abatement. OSHA IT programs and the requested resources are essential to supporting the agency's mission, which is as important now as it has ever been in OSHA's fifty year history.

In FY 2022, OSHA will work with the Office of the Chief Information Officer (OCIO) on a number of IT modernization projects. OSHA has been transitioning from a paper document of record (DOR) to electronic DOR through pilot programs in the Area Offices as well as administrative directives regarding the use of existing technology infrastructure. As part of the agency's effort to modernize field operations, OSHA and OCIO will initiate a project to replace OSHA's administrative case file processes with an ECF platform. An ECF platform will reduce human error within the current administrative processes, eliminate a number of manual steps within the case file process, and reduce the time from inspection to citation by 15 percent. Once implemented, OSHA anticipates case file quality will increase due to built-in checks and balances in the system while simultaneously reducing case file processing time through the use of automated features. OSHA anticipates this will be a multi-year project. Further, the agency will expand technology for front-line personnel, providing technology solutions such as mobile printers and greater mobile Wi-Fi accessibility to allow a greater percentage of case file processing to occur while on location.

OSHA will also add five FTE and work with OCIO to modernize the agency's ability to store data, retrieve it in the most applicable forms for operational use, and provide it in a user-friendly way to the public via the Department's data web portal. Using Application Program Interfaces (API), the agency will be able to tap into underlying data warehouses and review data across programs in a more dynamic manner. Greater access to data that cuts across OSHA programs will allow OSHA staff to be better prepared to interact with employers and employees by providing enhanced industry profiling across programmatic lines to identify and track trends in enforcement, whistleblower and compliance assistance activities. Easier access to data could provide insights into the types of violations inspectors might find at a facility, or enable a

## SAFETY AND HEALTH STATISTICS

compliance assistance specialist to provide best practices to abate the hazards most likely found at a worksite. In addition to internal process improvements to address FOIA requests, more dynamic public access to this data will also reduce OSHA's Freedom of Information Act (FOIA) workload, which is the highest among DOL agencies. Further, the increased staffing will allow OSHA to provide greater insights into where to target OSHA program resources and strategies. The analytics staff will use various techniques to evaluate workplace safety and health issues, including historical data, trends, leading and lagging indicators, and other types of data related to industries or emerging hazards.

This budget activity also supports statistical activities such as injury and illness data collection and the analysis of that data to assist enforcement and outreach efforts. These activities will enhance OSHA's efforts to strategically plan operations. In FY 2022, the agency will collect, process, and analyze establishment-specific occupational injury and illness data from more than 450,000 establishments nationwide. This gathered data, together with aggregate industry data from the Bureau of Labor Statistics and establishment characteristic data from outside vendors, will be used to identify employers for OSHA's programmed inspection and outreach interventions. Further, planned recordkeeping rulemaking would impact data collection related to OSHA Forms 300 and 301. Should that rulemaking proceed, OSHA would need to modify the ITA and that effort would impact OSHA's IT modernization priorities during FY 2022.

OSHA, in conjunction with OCIO, will also finalize several multi-year IT modernization projects during FY 2022. OSHA will complete the OSHA Information System (OIS) modernization project by shifting OIS into an AWS Cloud platform as well as finalize the transition of whistleblower data into OIS through the launch of the OIS Whistleblower Module. Moving OIS to the cloud significantly improves system reliability which should reduce downtime and help the agency perform its mission. The move also eliminates existing security risks and brings the system into full 508 compliance.

OSHA and OCIO will also finalize the modernization of the Laboratory Information Management System (LIMS) for the Salt Lake City and Cincinnati labs. During FY 2022, work will expand upon the core functionality launched in FY 2021, including integration of a virtual instrument engineering workbench into the lab network as well as a front-end web portal and online catalog for OSHA end users to track and order equipment. This modernized LIMS will decrease the potential for nonconformance with quality standards and that may adversely affect defensibility of OSHA citations. Once complete, the new LIMS and associated components will support daily operational tasks such as equipment calibration, equipment maintenance, inventory management, billing, order processing, and web based catalogs. This system replaces an in-house custom application that has hit its end of life and is not currently functioning the way the agency needs it to.

The agency will work closely with DOL's OCIO to ensure the modernization efforts are in line with the Department's IT strategic vision, objectives, and goals. Further, OSHA will continue to execute the strategic modernization road map developed in conjunction with OCIO.

## **SAFETY AND HEALTH STATISTICS**

### **FY 2021**

In FY 2021, OSHA will continue to modernize OIS as per the phased deployment strategy. OSHA deployed the core components of the Enforcement Module, which represents the largest and most complex module in OIS, used by over 3,500 users nationwide. OSHA reports system was also part of this modernization. The new reports systems allows users to track, manage and run statistical analysis on OSHA enforcement, compliance assistance and consultation business lines. In support of this module deployment, OSHA provided cost effective virtual training to over 3,500 users and developed recorded training, user guides, and job aids to minimize disruption to OSHA's mission while the users transitioned to using the refreshed Enforcement Module in OIS. The refreshed module contains significant enhancements which greatly improve user experience such as streamlined and more intuitive user work flows, elimination of redundant data entry, improved performance and addition of key features that allow greater standardization of establishment creation through the use of Google APIs. Additionally, OSHA plans to complete work for the Consultation module, which has approximately 600 users. The modernization of this system allows the consultation programs to better serve their customers and will allow a quicker turnaround time for them to provide their reports of hazards found to their customers. It also allows Federal OSHA to better monitor the progress of the projects out in the field and identify trends.

OSHA and OCIO also initiated work on a Whistleblower Module within OIS. OSHA completes more than 2,500 whistleblower investigations each year, and expanding OIS to encompass this workload will better enable OSHA to accurately collect data from whistleblower investigations and create an environment in which more of OSHA's front-line personnel will work primarily within a single IT application. Further, merging this program into OIS will achieve efficiencies of scale and effective use of resources within OSHA's IT infrastructure, resulting in long-term savings. This modernization project will also address gaps in OSHA's Whistleblower Application as identified by the 2010 GAP report (GAO-10-722).

In FY 2021, OSHA will deploy core functionality for a modernized Laboratory Information Management System (LIMS). The new LIMS will address and correct multiple operational inefficiencies that currently require the manual intervention and handling of analytical data, support documentation, calibration verifications, quality control processes, and data transfer. The new LIMS technology will put the lab in line with modern commercial labs.

In FY 2021, OSHA will enhance the agency's Learning Management System (LMS), which is transitioning from CourseMill to Blackboard. OSHA acquired licenses during FY 2020 and began work on configuring Blackboard to meet OSHA's LMS requirements. Additionally, OSHA, in conjunction with DOL OCIO, explored Augmented Reality as a training modality for compliance officers and consultation staff. OSHA launched an Augmented Reality trenching module as an enhanced training component for OSHA field staff.

OSHA will also work with OCIO to support and invest in the Administration's priorities of upgrading outdated applications and ensuring all agency systems are compliant with the Executive Order EO 13800, Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure. OSHA will also collaborate with external stakeholders to identify needed

## **SAFETY AND HEALTH STATISTICS**

improvements to existing systems. The agency's IT systems will be enhanced and modernized through an improved architecture of existing systems to leverage current technology, mitigate cybersecurity vulnerabilities, and enhance efficiency in collecting data on compliance assistance, outreach, and cooperative programs. These are vital systems that allow OSHA to provide assistance and work collaboratively with employers, employees, and other stakeholders.

This budget activity also supports statistical activities such as injury and illness data collection and the analysis of that data to assist enforcement and outreach efforts. These activities will enhance OSHA's efforts to strategically plan operations. In FY 2021, the agency has collected, processed, and will analyze establishment-specific occupational injury and illness data from more than 300,000 establishments nationwide. This gathered data, together with aggregate industry data from the Bureau of Labor Statistics and establishment characteristic data from outside vendors, will be used to identify employers for OSHA's programmed inspection and outreach interventions. OSHA will continue timely and public reporting on its website of fatalities that occur at workplaces, regardless if a citation is issued.

### **FY 2020**

In FY 2020, OSHA continued to modernize the public-facing applications and OSHA.gov. These upgrades are key to mitigating system-security vulnerabilities and reducing the risk of system outages and prolonged downtime. Additionally, information was updated on hazards and emerging risks that affect workplaces in order to improve worker safety, including information related to COVID-19.

In FY 2020, OSHA continued modernization efforts to redesign critical OSHA systems (OIS, OSHA.gov, WEBIMIS, and public-facing and internal web applications) to ensure secure and optimized systems. The agency utilized a phased deployment strategy to modernize core mission critical systems. This allowed OSHA to fulfill the mission and achieve strategic goals while minimizing impacts on day-to-day operations.

In FY 2020, OSHA initiated modernization of the laboratory systems in Salt Lake City and Cincinnati. OSHA evaluated the legacy systems and developed recommendations for a laboratory system design that will meet OSHA's current and future needs using commercially available systems and equipment. OSHA began development of a phased implementation plan for the new system, which will reside on the DOL network infrastructure rather than an isolated network.

In FY 2020, OSHA began modernization of a LMS. The impetus for this transition was to ensure OSHA's LMS is compliant with cybersecurity requirements. Blackboard is FedRAMP certified, which reduces risk.

This budget activity also supports statistical activities such as injury and illness data collection and the analysis of that data to assist enforcement and outreach efforts. These activities will enhance OSHA's efforts to strategically plan operations. In FY 2020, the agency collected, processed, and analyzed establishment-specific occupational injury and illness data for calendar years 2018 and 2019 from more than 280,000 establishments nationwide. This gathered data, together with aggregate industry data from the Bureau of Labor Statistics and establishment

## **SAFETY AND HEALTH STATISTICS**

characteristic data from outside vendors, will be used to identify employers for OSHA's programmed inspection and outreach interventions. OSHA will continue timely and public reporting on its website of fatalities that occur at workplaces, regardless if a citation is issued.

OSHA completed the tri-annual Authority to Operate (ATO) evaluations of significant IT systems. The ATO's are mandated independent third-party evaluations of government IT systems and the ability to protect Personal Identification Information (PII) stored or managed in the systems.

## SAFETY AND HEALTH STATISTICS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Safety and Health Statistics</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
<b>Web Usage (millions)</b>					
OSHA-SHS-02	Website User Sessions	51.79[e]	47.80	50.19	52.70
OSHA-SHS-04	Downloads (millions)	3.88[e]	3.70	3.85	4.04
OSHA-SHS-05	User Sessions	18.83[e]	27.70	29.08	30.53
OSHA-SHS-01	Number of page views on eTools (millions)	6.68[e]	6.70	7.04	7.39
OSHA-SHS-06	Web Site Page Views (millions)	137[e]	117	123	129

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

# SAFETY AND HEALTH STATISTICS

## Workload Summary

Work conducted under this budget activity includes the collection, maintenance, evaluation, and analysis of data to support all agency activities, particularly standards development, inspection targeting, technical support, enforcement activities, compliance assistance and cooperative programs, and program evaluation. This work is completed through the use of several distinct platforms and a number of applications. One critical application, the OSHA Information System (OIS), serves as the core case file management system for approximately 100,000 enforcement, consultation, and compliance assistance/cooperative program records each year with more than 3,500 federal and state users across the country.

In FY 2020, OSHA developed a pilot version of a cloud-based Customer Relationship Management (CRM) system to more effectively manage its stakeholder engagement and its relationships with individuals and organizations at the local, state and national levels as it promotes OSHA's workplace safety initiatives. The CRM also allows OSHA to improve its knowledge of its constituents and stakeholders, which has resulted in improved outreach of safety information and avoids duplication of efforts. The system is a cloud-based Software as a Service (SaaS) CRM product, which aligns with both the OCIO's Shared Services and the Federal Cloud-First initiatives.

OSHA, in conjunction with OCIO, continued to shift the public website (OSHA.gov) to a Drupal web content-management system that will modernize the website by increasing the reliability, security, and availability of the site while also mitigating cyber security vulnerabilities. In FY 2020 and FY 2021, OSHA worked with OCIO to continue to modernize and expand public-facing applications along with completing the modernization of OSHA.gov. The agency continued to convert and update information available on the OSHA's website to languages other than English to meet the needs of America's diverse workforce. Additionally, information was updated on hazards as risks emerged that affected workplaces and the safety and health of workers, including information related to COVID-19. OSHA had more than 47.8 million user sessions in FY 2020, and expects more than 50 million in FY 2021 and projects more than 52 million in FY 2022.

OSHA-specific systems are critical to OSHA's Compliance Assistance and Cooperative Program efforts, including the Consultation Program, Voluntary Protection Programs (VPP), Strategic Partnership Program, and the Alliance Program. OSHA and the programs worked together to develop compliance assistance tools and resources, share information with workers and employers, and educate workers and employers about their rights and responsibilities. The Alliance module in OIS allows the agency to capture information and data on more than 200 active Alliances. This data includes information on training materials developed, numbers of employees trained, and types of outreach activities conducted.

In FY 2021, OSHA will continue to modernize OIS as per the phased deployment strategy. OSHA deployed the core components of the Enforcement Module, which represents the largest and most complex module in OIS, used by over 3,500 users nationwide. The OIS reports system was also part of this modernization. The new reports systems allows users to track, manage and run statistical analysis on OSHA enforcement, compliance assistance and consultation business lines. This project will be finalized in FY 2022 when OSHA, in conjunction with OCIO, shifts



## **SAFETY AND HEALTH STATISTICS**

OIS into an Amazon Web Services Cloud platform as well as finalizes the transition of whistleblower data into OIS through the launch of the OIS Whistleblower Module.

OSHA and OCIO will also finalize the modernization of the LIMS for the Salt Lake City and Cincinnati labs after deploying core functionality for a modernized LIMS during FY 2021. During FY 2022, work will expand upon the core functionality, including integration of a virtual instrument engineering workbench into the lab network as well as a front-end web portal and online catalog for OSHA end users to track and order equipment.

## SAFETY AND HEALTH STATISTICS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	3,016	6,801	7,335	534
11.3	Other than full-time permanent	31	32	32	0
11.5	Other personnel compensation	100	100	100	0
11.9	<b>Total personnel compensation</b>	<b>3,147</b>	<b>6,933</b>	<b>7,467</b>	<b>534</b>
12.1	Civilian personnel benefits	950	2,352	2,577	225
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	37	37	42	5
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	955	0	0	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	24	24	24	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	7,423	3,705	3,705	0
25.3	Other goods and services from Federal sources 1/	12,687	6,482	6,532	50
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	7,111	12,801	18,566	5,765
26.0	Supplies and materials	14	14	14	0
31.0	Equipment	552	552	552	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>32,900</b>	<b>32,900</b>	<b>39,479</b>	<b>6,579</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	10,832	4,627	4,627	0
	DHS Services	292	292	292	0
	Services by Other Government Departments	1,563	1,563	1,613	50

# SAFETY AND HEALTH STATISTICS

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$197
Personnel benefits	101
Federal Employees' Compensation Act (FECA)	2
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$300**

**Net Program** **\$6,279**

**Direct FTE** **5**

	Estimate	FTE
<b>Base</b>	<b>\$33,200</b>	<b>31</b>
<b>Program Increase</b>	<b>\$6,279</b>	<b>5</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## EXECUTIVE DIRECTION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>9,496</b>	<b>9,496</b>	<b>9,631</b>	<b>135</b>
FTE	25	28	28	0

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 28.

### **Introduction**

The Executive Direction activity provides overall leadership, direction, and support for agency operations, and develops strategic and operating plans to carry out goals and priorities of the Administration. This activity includes leadership, management, and administrative coordination of policy, research, planning, evaluation, audit, budgeting, financial control, information technology, legislative liaison, Federal agency liaison, and performance management. Through this activity, OSHA national and regional leadership will support the Administration’s plan to “build back better” a stronger agency and reestablish OSHA’s leadership position in the national worker safety and health community. This activity will support OSHA’s continuing role in meeting the needs of vulnerable and underserved workers as a core element of promoting racial and economic equity; address new and emerging hazards; and restoring agency resources to levels that provide the necessary staff and expertise to support a sustainable and effective nationwide workplace safety and health program. The agency also utilizes the expertise of four advisory committees when developing policy and addressing emerging issues in occupational safety and health.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2017	\$10,050	40
2018	\$10,050	40
2019	\$10,050	34
2020	\$10,050	28
2021	\$10,050	28

### **FY 2022**

OSHA requests \$9,631,000 and 28 FTE for the Executive Direction activity, an increase of \$135,000 above the FY 2020 Revised Enacted Level. In FY 2022, one of OSHA’s key goals for the agency is to “build back better”. This includes a focus on building back agency capacity to meet the demands of a diverse and changing workforce in changing workplaces. The agency’s responsibilities have increased and evolved since it was established over 50 years ago – from additional whistleblower protection statutes; new hazards such as the COVID-19 virus; and

## EXECUTIVE DIRECTION

changes in workplace safety and health from a demographically changing workforce in terms of diversity, economics and geography.

To prepare for the next 50 years, the agency will focus on management training and succession planning to develop new diverse agency leadership that is ready to respond to emerging hazards. As part of its succession planning efforts, OSHA will work with the Department's Human Resources Center to fill leadership vacancies and increase the retention of staff. OSHA is committed to diversity and inclusion in all its programs and practices. The agency wants to ensure that its employee composition reflects the composition of the workplaces and nation it serves. OSHA's leadership is committed to revitalizing the agency's diversity and inclusion programs and succession planning efforts to help create pathways for diverse employees to rise to higher level positions in the agency. In addition, the agency places high priority on targeting its interventions to vulnerable, underserved populations. In terms of hiring, the agency is working with Office of the Assistant Secretary for Administration and Management (OASAM) to target recruitment to diverse organizations, such as Historically Black Colleges and Universities, National Council of Hispanic Employment Program Managers, Asian American Network, Blacks in Government and community events that represent multiple races and ethnicities. The agency also has a strong cadre of veterans in its workforce, and will continue to participate in hiring events for veterans and military spouses.

In FY 2022, OSHA will support three advisory committees – the National Advisory Committee on Occupational Safety and Health (NACOSH), Maritime Advisory Committee for Occupational Safety and Health (MACOSH), and Advisory Committee on Construction Safety and Health (ACCSH). OSHA also anticipates the reestablishment the Federal Advisory Council on Occupational Safety and Health (FACOSH) as a fourth advisory committee. All of OSHA's advisory committees consist of membership that has a balanced representation of workers and employers, and also include other qualified individuals such as government officials, safety and health professionals, and members of the public. The committee members will advise agency leadership on existing and emerging worker protection issues affecting agency policies and programs.

### **FY 2021**

OSHA will support the new Administration's priorities of reasserting OSHA's position as a leader within the national safety and health dialogue, and increase and enhance OSHA's enforcement presence; meet increased employer and worker requests for outreach, training and compliance assistance; and build a transformative agency that is pro-active and responsive to improving workplace safety and health in the country.

As part of OSHA's employee-recruitment efforts, the agency is dedicated to a diverse workforce that mirrors the breadth of ethnicities, languages, and physical capabilities of workers in workplaces across the nation. Relationships will continue to be cultivated with a wide variety of academic institutions, professional and trade groups, labor unions and community organizations to promote career opportunities within the agency. OSHA, in conjunction with the Department's human resources staff, participates in job fairs and conferences to address the increasing need for qualified candidates with bilingual language skills.

## EXECUTIVE DIRECTION

In FY 2021, OSHA will focus on revitalizing agency leadership training and development to ensure future success in meeting agency goals and priorities. The agency will provide cost effective leadership training to ensure OSHA's leaders not only support the agency's mission and operating plan goals, but help develop and support OSHA's front line staff.

Under the new administration, OSHA is committed to employee communication and engagement as demonstrated by its recent high employee engagement Federal Employee Viewpoint Survey (FEVS) score. The agency will continue to engage OSHA employees at all levels, building on the success of two well-attended agency town hall meetings, and continuing training efforts for succession and development. The agency will support training for all levels of personnel, particularly Compliance Safety and Health Officers (CSHOs) and Whistleblower Investigators, which is critical to rebuild agency staff, resources, and programs.

OSHA's FY 2021 Operating Plan presents a solid framework for strategic planning, self-evaluation, and reporting that is firmly rooted in established agency processes to allow for continuous improvement. OSHA tracks all Operating Plan outputs and measures, and discusses results with program offices at the National, Regional, and Area Office levels – and with the State Plans, as applicable. The discussions on the agency's Operating Plan provide valuable information for OSHA employees at all levels, which the agency uses not only to improve current performance and refine performance measurement, but also to develop the requirements, priorities, and strategies for subsequent Operating Plans.

### **FY 2020**

OSHA tracked all Operating Plan outputs and measures in the Measurement and Reporting System (MARS), and discussed results with program offices at the National, Regional, and Area Office levels, and the State Plans. The agency drafted a new Operating Plan, which focuses on helping employers achieve safety and health excellence, and addresses new strategies for reaching both employees and employers.

To meet the continuing challenges brought about by the COVID-19 pandemic, OSHA shifted to online tools and technologies to train personnel at all levels, including CSHOs, Whistleblower Investigators, technical staff, and managers. To address FEVS results, OSHA continued to identify innovative training opportunities for managers and employees at all levels with a focus on providing field operations with OSHA-specific courses to address how to implement the agency's mission and to stimulate staff with new challenges and opportunities for professional growth.

## EXECUTIVE DIRECTION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
	<b>FY 2020 Revised Enacted</b>		<b>FY 2021 Enacted</b>	<b>FY 2022 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Executive Direction</b>					
<b>Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
<b>Committee Meetings</b>					
OSHA- EXD-01	NACOSH meetings	2	1	2	4
OSHA- EXD-02	MACOSH meetings	2	1	2	2
OSHA- EXD-03	ACCSH meetings	2	1	1	2
OSHA- EXD-07	FACOSH meetings	--	--	--	2

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection



## EXECUTIVE DIRECTION

### **Workload Summary**

In FY 2022, OSHA will support four advisory committees – the National Advisory Committee on Occupational Safety and Health (NACOSH), Maritime Advisory Committee for Occupational Safety and Health (MACOSH), Advisory Committee on Construction Safety and Health (ACCSH), and the Federal Advisory Council on Occupational Safety and Health (FACOSH). All of OSHA's advisory committees consist of membership that has a balanced representation of workers and employers, and also include other qualified individuals such as government officials, safety and health professionals, and members of the public.

With input from the advisory committees, the new Administration will rebuild the agency and its leadership so it is ready to serve American workers and businesses for another 50 years. The agency will develop and train leaders to meet the continuing challenges brought about by emerging hazards such as COVID-19, new industries, changes in technologies, and shifting demographics. OSHA will also develop and train personnel at all levels, including CSHOs, Whistleblower Investigators, technical staff, and managers to meet these challenges to carry out the new Administration's policies, and make the most of strong FEVS results, with an eye for improving the results and furthering employee engagement.

## EXECUTIVE DIRECTION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2020 Revised Enacted</b>	<b>FY 2021 Revised Enacted</b>	<b>FY 2022 Request</b>	<b>Diff. FY22 Request / FY21 Revised Enacted</b>
11.1	Full-time permanent	2,963	2,990	3,076	86
11.3	Other than full-time permanent	46	46	46	0
11.5	Other personnel compensation	182	182	182	0
11.9	<b>Total personnel compensation</b>	<b>3,191</b>	<b>3,218</b>	<b>3,304</b>	<b>86</b>
12.1	Civilian personnel benefits	927	1,088	1,137	49
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	56	56	56	0
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	0	0	0	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	658	658	658	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	16	16	16	0
25.2	Other services from non-Federal sources	280	280	280	0
25.3	Other goods and services from Federal sources 1/	4,180	3,991	3,991	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	115	115	115	0
26.0	Supplies and materials	59	59	59	0
31.0	Equipment	14	15	15	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>9,496</b>	<b>9,496</b>	<b>9,631</b>	<b>135</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,779	2,399	2,399	0
	DHS Services	2	2	2	0
	Services by Other Government Departments	399	1,590	1,590	0

# EXECUTIVE DIRECTION

## CHANGES IN FY 2022

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$86
Personnel benefits	47
Federal Employees' Compensation Act (FECA)	2
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$135**

**Net Program** **\$0**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$9,631</b>	<b>28</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>