

FY 2011

CONGRESSIONAL BUDGET JUSTIFICATION

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION LANGUAGE

For necessary expenses for the Occupational Safety and Health Administration, [~~\$558,620,000~~]~~\$573,096,000~~, including not to exceed [~~\$104,393,000~~]~~\$105,893,000~~ which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("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 of Labor 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 \$200,000 per fiscal year of training institute course tuition 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, [~~2010~~]~~2011~~, 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 (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;

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(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 [\$10,750,000]\$11,000,000 shall be available for Susan Harwood training grants. (*Department of Labor Appropriations Act, 2010.*)

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ANALYSIS OF APPROPRIATION LANGUAGE

Language Provision

" ... including not to exceed \$105,893,000 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 \$200,000 per fiscal year of Training Institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education."

" ... the Secretary of Labor is authorized, during the fiscal year ending September 30, 2010, 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:"

Explanation

This appropriation language establishes an overall limit on 50 percent matching grants to States for approved occupational safety and health compliance programs. The language ensures that 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.

This language authorizes the retention of up to \$200,000 per year in tuition payments made by the private sector for safety and health training courses offered by OSHA. The retained funds are to be utilized to augment the direct appropriations approved for training and education.

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.

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| AMOUNTS AVAILABLE FOR OBLIGATION | | | | | | | | |
|---|----------------------------|----------------|-------------------------|---------------|----------------------------|----------------|----------------------------|----------------|
| (Dollars in Thousands) | | | | | | | | |
| | FY 2009 Enacted | | Recovery Act | | FY 2010 Enacted | | FY 2011 Request | |
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| A. Appropriation | 2,147 | 513,042 | 0 | 0 | 2,335 | 558,620 | 2,360 | 573,096 |
| Offsetting Collections From: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reimbursements | 7 | 1,685 | 0 | 0 | 7 | 1,845 | 7 | 1,845 |
| Allocation FTE | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 |
| Non-Expenditure Transfers from DM | 0 | 0 | 56 | 12,996 | 0 | 0 | 0 | 0 |
| <i>Subtotal</i> | <i>2,155</i> | <i>514,727</i> | <i>56</i> | <i>12,996</i> | <i>2,343</i> | <i>560,465</i> | <i>2,368</i> | <i>574,941</i> |
| B. Gross Budget Authority | 2,155 | 514,727 | 56 | 12,996 | 2,343 | 560,465 | 2,368 | 574,941 |
| Offsetting Collections deduction: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reimbursements | -7 | -1,685 | 0 | 0 | -7 | -1,845 | -7 | -1,845 |
| Allocation FTE | -1 | 0 | 0 | 0 | -1 | 0 | -1 | 0 |
| Non-Expenditure Transfers from DM | 0 | 0 | -56 | -12,996 | 0 | 0 | 0 | 0 |
| C. Budget Authority Before Committee | 2,147 | 513,042 | 0 | 0 | 2,335 | 558,620 | 2,360 | 573,096 |
| Offsetting Collections From: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reimbursement | 7 | 1,685 | 0 | 0 | 7 | 1,845 | 7 | 1,845 |
| Allocation FTE | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 |
| Non-Expenditure Transfers from DM | 0 | 0 | 56 | 12,996 | 0 | 0 | 0 | 0 |
| D. Total Budgetary Resources | 2,155 | 514,727 | 56 | 12,996 | 2,343 | 560,465 | 2,368 | 574,941 |
| Unobligated Balance Expiring | 0 | -10 | 0 | 0 | 0 | 0 | 0 | 0 |
| FTE Lapse | -117 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| E. Total, Estimated Obligations | 2,038 | 514,717 | 56 | 12,996 | 2,343 | 560,465 | 2,368 | 574,941 |

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

| | FY 2010 Enacted | FY 2011 Request | Net Change |
|------------------------------|--------------------|--------------------|------------|
| Budget Authority | | | |
| General Funds | 558,620 | 573,096 | +14,476 |
| Trust Funds | 0 | 0 | 0 |
| Total | 558,620 | 573,096 | +14,476 |
| Full Time Equivalents | | | |
| General Funds | 2,335 | 2,360 | +25 |
| Trust Funds | 0 | 0 | 0 |
| Total | 2,335 | 2,360 | +25 |

| Explanation of Change | FY 2010 Base | | Trust Funds | | FY 2011 Change General Funds | | Total | |
|--|--------------|----------------|-------------|----------|---------------------------------|--------------|----------|--------------|
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Increases: | | | | | | | | |
| A. Built-Ins: | | | | | | | | |
| To Provide For: | | | | | | | | |
| Costs of pay adjustments | 2,335 | 207,806 | 0 | 0 | 0 | 3,023 | 0 | 3,023 |
| Personnel benefits | 0 | 51,107 | 0 | 0 | 0 | 745 | 0 | 745 |
| Federal Employees Compensation Act (FECA) | 0 | 1,563 | 0 | 0 | 0 | 21 | 0 | 21 |
| Travel and transportation of persons | 0 | 11,499 | 0 | 0 | 0 | 0 | 0 | 0 |
| Transportation of things | 0 | 208 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rental payments to GSA | 0 | 23,942 | 0 | 0 | 0 | 337 | 0 | 337 |
| Communications, utilities, and miscellaneous charges | 0 | 3,413 | 0 | 0 | 0 | 0 | 0 | 0 |
| Printing and reproduction | 0 | 959 | 0 | 0 | 0 | 0 | 0 | 0 |
| Advisory and assistance services | 0 | 2,493 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other services | 0 | 75,406 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other government accounts (DHS Charges) | 0 | 1,046 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other purchases of goods and services from Government accounts | 0 | 3,826 | 0 | 0 | 0 | 0 | 0 | 0 |
| Operation and maintenance of equipment | 0 | 14,164 | 0 | 0 | 0 | 0 | 0 | 0 |
| Supplies and materials | 0 | 3,734 | 0 | 0 | 0 | 0 | 0 | 0 |
| Equipment | 0 | 7,003 | 0 | 0 | 0 | 0 | 0 | 0 |
| Training Grants | 0 | 10,750 | 0 | 0 | 0 | 0 | 0 | 0 |
| State Programs Grants | 0 | 104,393 | 0 | 0 | 0 | 0 | 0 | 0 |
| Built-Ins Subtotal | 2,335 | 523,312 | 0 | 0 | 0 | 4,126 | 0 | 4,126 |
| B. Program: | | | | | | | | |
| Increase for Training Grants | 0 | 0 | 0 | 0 | 0 | 250 | 0 | 250 |
| Increase in Compliance Assistance State Consultation | 0 | 0 | 0 | 0 | 0 | 1,000 | 0 | 1,000 |
| Redirection of FTE to Strengthen | 0 | 0 | 0 | 0 | 35 | 3,964 | 35 | 3,964 |

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| Explanation of Change | FY 2010 Base | | Trust Funds | | FY 2011 Change | | Total | |
|--|---------------|-----------------|-------------|----------|----------------|----------------|------------|----------------|
| | | | | | General Funds | | | |
| Enforcement and Refocused Federal Compliance Assistance | | | | | | | | |
| Strengthen Federal Enforcement | 0 | 0 | 0 | 0 | 25 | 3,750 | 25 | 3,750 |
| Strengthen State Programs | 0 | 0 | 0 | 0 | 0 | 1,500 | 0 | 1,500 |
| Strengthening OSHA's Regulatory Efforts | 0 | 0 | 0 | 0 | 0 | 4,000 | 0 | 4,000 |
| To improve training to identify misclassification of worker protection | 0 | 0 | 0 | 0 | 0 | 150 | 0 | 150 |
| Programs Subtotal | | | 0 | 0 | +60 | +14,614 | +60 | +14,614 |
| C. Financing: | | | | | | | | |
| Total Increase | +2,335 | +523,312 | 0 | 0 | +60 | +18,740 | +60 | +18,740 |
| Decreases: | | | | | | | | |
| A. Built-Ins: | | | | | | | | |
| To Provide For: | | | | | | | | |
| Working Capital Fund | 0 | 35,308 | 0 | 0 | 0 | -300 | 0 | -300 |
| Built-Ins Subtotal | 0 | 35,308 | 0 | 0 | 0 | -300 | 0 | -300 |
| B. Program: | | | | | | | | |
| Redirection of FTE to Strengthen Enforcement and Refocused Federal Compliance Assistance | 0 | 0 | 0 | 0 | -35 | -3,964 | -35 | -3,964 |
| Programs Subtotal | | | 0 | 0 | -35 | -3,964 | -35 | -3,964 |
| C. Financing: | | | | | | | | |
| Total Decrease | 0 | +35,308 | 0 | 0 | -35 | -4,264 | -35 | -4,264 |
| Total Change | +2,335 | +558,620 | 0 | 0 | +25 | +14,476 | +25 | +14,476 |

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

| | FY 2009 Enacted | | Recovery Act | | FY 2010 Enacted | | FY 2011 Request | |
|--|--------------------|----------------|-----------------|---------------|--------------------|----------------|--------------------|----------------|
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Safety and Health Standards | 79 | 17,204 | 6 | 1,795 | 103 | 19,569 | 103 | 23,756 |
| General Funds | 79 | 17,204 | 6 | 1,795 | 103 | 19,569 | 103 | 23,756 |
| Federal Enforcement | 1,500 | 197,946 | 48 | 8,059 | 1,692 | 223,399 | 1,752 | 233,445 |
| General Funds | 1,500 | 197,946 | 48 | 8,059 | 1,692 | 223,399 | 1,752 | 233,445 |
| State Programs | 0 | 92,593 | 0 | 1,525 | 0 | 104,393 | 0 | 105,893 |
| General Funds | 0 | 92,593 | 0 | 1,525 | 0 | 104,393 | 0 | 105,893 |
| Technical Support | 98 | 22,632 | 2 | 1,017 | 133 | 25,920 | 133 | 26,186 |
| General Funds | 98 | 22,632 | 2 | 1,017 | 133 | 25,920 | 133 | 26,186 |
| Compliance Assistance-Federal | 273 | 72,659 | 0 | 0 | 315 | 73,380 | 280 | 70,255 |
| General Funds | 273 | 72,659 | 0 | 0 | 315 | 73,380 | 280 | 70,255 |
| Compliance Assistance-State Consultations | 0 | 54,531 | 0 | 0 | 0 | 54,798 | 0 | 55,798 |
| General Funds | 0 | 54,531 | 0 | 0 | 0 | 54,798 | 0 | 55,798 |
| Compliance Assistance-Training Grants | 0 | 10,000 | 0 | 0 | 0 | 10,750 | 0 | 11,000 |
| General Funds | 0 | 10,000 | 0 | 0 | 0 | 10,750 | 0 | 11,000 |
| Safety and Health Statistics | 38 | 34,128 | 0 | 600 | 43 | 34,875 | 43 | 34,981 |
| General Funds | 38 | 34,128 | 0 | 600 | 43 | 34,875 | 43 | 34,981 |
| Executive Direction | 49 | 11,349 | 0 | 0 | 49 | 11,536 | 49 | 11,782 |
| General Funds | 49 | 11,349 | 0 | 0 | 49 | 11,536 | 49 | 11,782 |
| Total | 2,037 | 513,042 | 56 | 12,996 | 2,335 | 558,620 | 2,360 | 573,096 |
| General Funds | 2,037 | 513,042 | 56 | 12,996 | 2,335 | 558,620 | 2,360 | 573,096 |

NOTE: FY 2009 reflects actual FTE.

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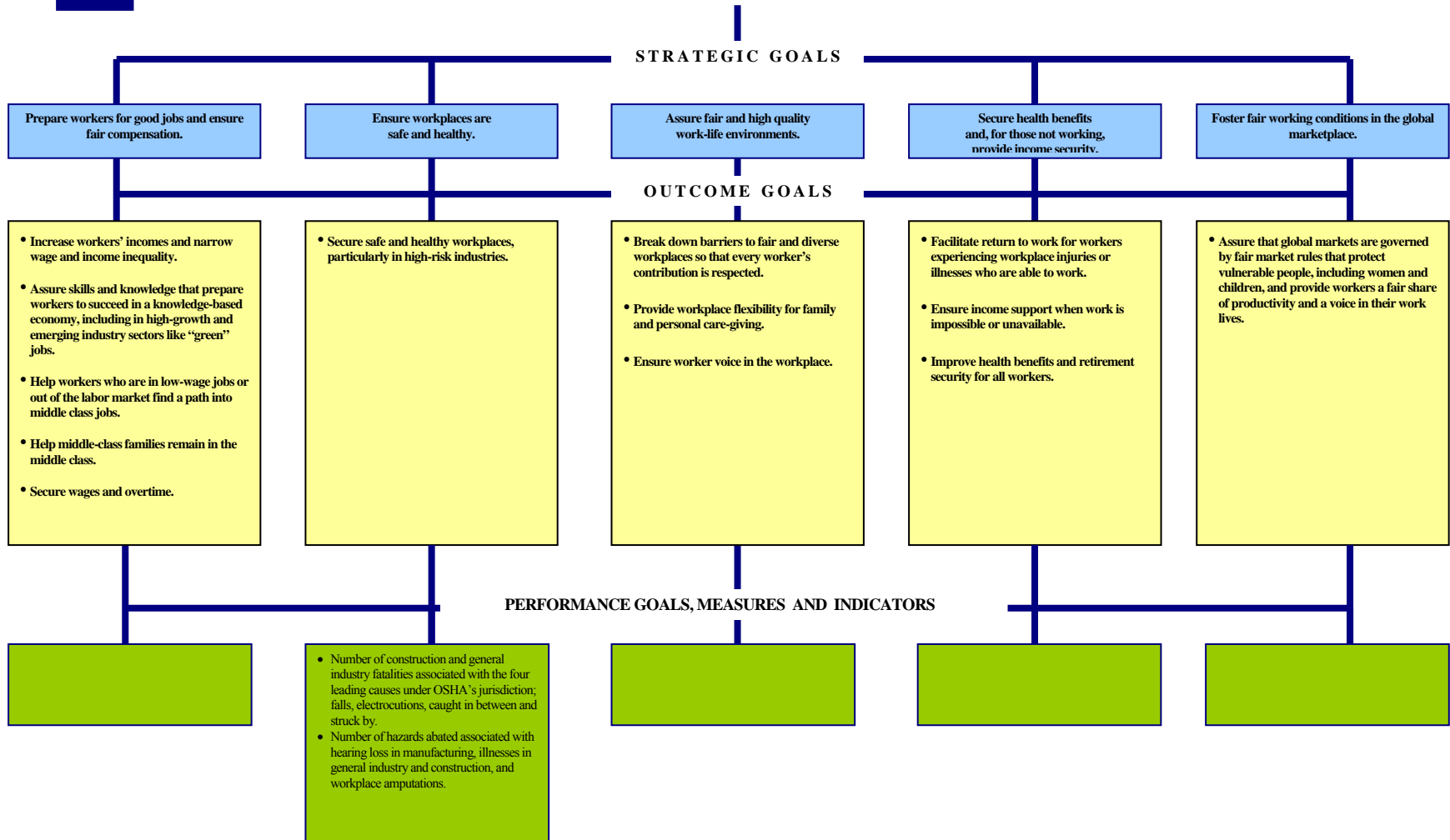
| BUDGET AUTHORITY BY OBJECT CLASS | | | | | | |
|---|---|----------------------------|-------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Change FY 11 Req. / FY 10 Enacted |
| | Full-Time Equivalent | | | | | |
| | Full-time Permanent | 2,037 | 0 | 2,335 | 2,360 | 25 |
| | Other | 0 | 56 | 0 | 0 | 0 |
| | Reimbursable | 1 | 0 | 7 | 7 | 0 |
| | Allocation | 0 | 0 | 1 | 1 | 0 |
| | Total Number of Full-time Permanent Positions | 2,038 | 56 | 2,343 | 2,368 | 25 |
| | Average ES Salary | 163,500 | 0 | 166,500 | 169,500 | 3000 |
| | Average GM/GS Grade | 11.6 | 11.7 | 11.6 | 11.6 | 0 |
| | Average GM/GS Salary | 84,500 | 124,063 | 87,500 | 91,100 | 3600 |
| 11.1 | Full-time permanent | 184,700 | 5,776 | 198,425 | 204,613 | 6188 |
| 11.3 | Other than full-time permanent | 1,875 | 0 | 3,413 | 1,940 | -1473 |
| 11.5 | Other personnel compensation | 5,387 | 466 | 5,968 | 6,119 | 151 |
| 11.9 | Total personnel compensation | 191,962 | 6,242 | 207,806 | 212,672 | 4866 |
| 12.1 | Civilian personnel benefits | 49,634 | 1,323 | 52,670 | 54,112 | 1442 |
| 21.0 | Travel and transportation of persons | 9,932 | 539 | 11,499 | 11,499 | 0 |
| 22.0 | Transportation of things | 204 | 0 | 208 | 208 | 0 |
| 23.1 | Rental payments to GSA | 22,016 | 0 | 23,942 | 24,415 | 473 |
| 23.3 | Communications, utilities, and miscellaneous charges | 3,394 | 0 | 3,413 | 3,413 | 0 |
| 24.0 | Printing and reproduction | 955 | 785 | 959 | 959 | 0 |
| 25.1 | Advisory and assistance services | 2,480 | 0 | 2,493 | 2,493 | 0 |
| 25.2 | Other services | 75,166 | 1,865 | 75,406 | 80,683 | 5277 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 32,858 | 0 | 40,180 | 40,300 | 120 |
| 25.7 | Operation and maintenance of equipment | 14,109 | 0 | 14,164 | 14,215 | 51 |
| 26.0 | Supplies and materials | 3,426 | 99 | 3,734 | 3,734 | 0 |
| 31.0 | Equipment | 4,313 | 618 | 7,003 | 7,500 | 497 |
| 41.0 | Grants, subsidies, and contributions | 102,593 | 1,525 | 115,143 | 116,893 | 1750 |
| | Total | 513,042 | 12,996 | 558,620 | 573,096 | 14,476 |
| | 1/Other Purchases of Goods and Services From Government Accounts | | | | | |
| | Services by Other Government Departments | 3,979 | 0 | 3,826 | 4,246 | 420 |
| | Working Capital Fund | 27,840 | 0 | 35,308 | 35,008 | -300 |
| | DHS Services | 1,039 | 0 | 1,046 | 1,046 | 0 |

NOTE: FY 2009 reflects actual FTE.

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Secretary's Vision: "Good Jobs for Everyone"



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

| TOTAL BUDGETARY RESOURCES | | | | | | | | | | | | | |
|--|------------------------|--------------------------------|--------------------------------|----------------|-------------------------|------------------------|--------------------------------|--------------------------------|----------------|------------------------|--------------------------------|--------------------------------|----------------|
| FY 2009 - 2011 | | | | | | | | | | | | | |
| (Dollars in Thousands) | | | | | | | | | | | | | |
| | FY 2009 Enacted | | | | Recovery Act | FY 2010 Enacted | | | | FY 2011 Request | | | |
| | Activity Approp. | Other Approp. ^{1/} | Other Resrcs. ^{2/} | Total | | Activity Approp. | Other Approp. ^{1/} | Other Resrcs. ^{2/} | Total | Activity Approp. | Other Approp. ^{1/} | Other Resrcs. ^{2/} | Total |
| Occupational Safety and Health Administration | 513,042 | 0 | 1,685 | 514,727 | 12,996 | 558,620 | 0 | 1,845 | 560,465 | 573,096 | 0 | 1,845 | 574,941 |
| Safety and Health Standards | 17,204 | 544 | 0 | 17,748 | 1,795 | 19,569 | 574 | 0 | 20,143 | 23,756 | 691 | 0 | 24,447 |
| Federal Enforcement | 197,946 | 6,262 | 0 | 204,208 | 8,059 | 223,399 | 6,560 | 0 | 229,959 | 233,445 | 6,790 | 0 | 240,235 |
| State Programs | 92,593 | 265 | 0 | 92,858 | 1,525 | 104,393 | 284 | 0 | 104,677 | 105,893 | 293 | 0 | 106,186 |
| Technical Support | 22,632 | 716 | 785 | 24,133 | 1,017 | 25,920 | 761 | 860 | 27,541 | 26,186 | 762 | 860 | 27,808 |
| Compliance Assistance-Federal | 72,659 | 2,299 | 0 | 74,958 | 0 | 73,380 | 2,155 | 0 | 75,535 | 70,255 | 2,044 | 0 | 72,299 |
| Compliance Assistance-State Consultations | 54,531 | 155 | 0 | 54,686 | 0 | 54,798 | 149 | 0 | 54,947 | 55,798 | 154 | 0 | 55,952 |
| Compliance Assistance-Training Grants | 10,000 | 28 | 100 | 10,128 | 0 | 10,750 | 29 | 109 | 10,888 | 11,000 | 30 | 109 | 11,139 |
| Safety and Health Statistics | 34,128 | 1,080 | 800 | 36,008 | 600 | 34,875 | 1,024 | 876 | 36,775 | 34,981 | 1,018 | 876 | 36,875 |
| Sub Total | 501,693 | 11,349 | 1,685 | 514,727 | 12,996 | 547,084 | 11,536 | 1,845 | 560,465 | 561,314 | 11,782 | 1,845 | 574,941 |
| Executive Direction | 11,349 | -11,349 | 0 | 0 | 0 | 11,536 | -11,536 | 0 | 0 | 11,782 | -11,782 | 0 | 0 |
| Total | 513,042 | 0 | 1,685 | 514,727 | 12,996 | 558,620 | 0 | 1,845 | 560,465 | 573,096 | 0 | 1,845 | 574,941 |

^{1/} "Other Appropriation" is comprised of resources appropriated elsewhere, but for which the benefits accrue toward the operation of the budget activities. (Executive Direction and IT Crosscut)

^{2/} "Other Resources" include funds that are available for a budget activity, but not appropriated, such as reimbursements and fees.

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| SUMMARY OF PERFORMANCE | | | | |
|--|---------|--------|--------------------|-----------------|
| Each of OSHA's Budget Activities contribute to the following Outcome Goals in support of the Department's Strategic Vision of <i>Good Jobs for Everyone</i> : | | | | |
| <input type="checkbox"/> Securing safe and healthy workplaces, particularly in high-risk industries. <input type="checkbox"/> Ensure workers have a voice in the workplace *** ¹ | | | | |
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Agency Request |
| | Target | Result | Target | Target |
| Days away from work, restricted and transferred (DART) per 100 workers ² | 2.2 | 1.9 | ---- | ---- |
| Workplace fatalities per 100,000 workers for sectors covered by the OSH Act ³ | 1.57 | 1.27 | ---- | ----- |
| Number of construction fatalities associated with the four leading causes of workplace death under OSHA's jurisdiction – falls, electrocutions, caught in or between, and struck by ⁴ | ---- | ----- | Baseline 571 | 2% reduction |
| Number of general industry fatalities associated with the four leading causes of workplace death under OSHA's jurisdiction – falls, electrocutions, caught in or between, and struck by ⁵ | ---- | ----- | Baseline 743 | 2% reduction |
| Number of hazards abated associated with hearing loss in manufacturing ⁶ | ---- | ----- | Baseline 239 | 3% increase |
| Number of hazards abated associated with illnesses in general industry and construction ⁷ | ---- | ----- | Baseline 17,072 | 3% increase |
| Number of hazards abated associated with workplace amputations ⁸ | ---- | ----- | Baseline 8,901 | 3% increase |

¹ Performance measures for the outcome goal of voice in the workplace are in development.

² Days away from work (DAFW) per 100 workers was discontinued and replaced with the Days away from work, restricted and transferred (DART) per 100 workers measure in 2007. The 2007 BLS DART rate was 2.2. The 2008 BLS DART rate was 2.0. The agency estimates the 2009 result to be 1.9. The 2009 BLS DART rate will be available in October 2010.

³ Fatality result reflecting a three year average rate was discontinued and replaced in 2007 with a result reflecting a one year rate. The final workplace fatality rate in FY 2009 was 1.27.

⁴⁻⁵ The FY 2010 baseline results for the fatality measures represent a three year average from FY 2007-FY 2009. "Number" is used instead of "Rate" because there is not enough employment information available for the four leading causes of workplace deaths under OSHA's jurisdiction. FY 2011 results will be calculated using a three-year average (FY 2009 -2011).

⁶ Estimate of total violations of 1910.95B&C. The FY 2010 baseline result is drawn from FY 2009 data.

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NOTE: The DART and Workplace fatality rate performance measures have been dropped in FY 2010. OSHA is in the process of developing and finalizing performance measures that reflect the Secretary's outcome goals for "Safe and Secure Workplaces" and "Voice in the Workplace" for its Strategic Plan for FY 2011 – FY 2015.

Data Source: OSHA IMIS

⁷ Estimate of total violations associated with illnesses in general industry and construction. The FY 2010 baseline result is drawn from FY 2009 data.

⁸ Estimate of total violations associated with workplace amputations. The FY 2010 baseline result is drawn from FY 2009 data.

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SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Enforcement

Senate: The Committee recommends funding above the 2009 level be used to begin rebuilding enforcement capacity and increase the pace of standard setting at OSHA in fiscal year 2010.

Response: The agency has a very aggressive hiring plan – set-aside for a quarter of the Fiscal Year while the agency was under continuing resolutions – that will be used to hire the staff needed to reach the authorized FTE levels for both the standards and enforcement budget activities. OSHA expects to hire over 100 staff in FY 2010 that will be devoted to enforcement and standards activities. Furthermore, the agency has just released an ambitious regulatory agenda and work has begun on fulfilling that agenda.

House: The Committee fully supports the Administration's goal of rebuilding OSHA's enforcement staff and returning to the enforcement capacity that existed prior to cuts imposed during the last eight years. The Committee provides sufficient funding for OSHA to hire more than 150 new enforcement staff across the agency in fiscal year 2010 and intends to annualize these costs in future appropriations. The Committee also requests an updated report on OSHA's human capital strategy to be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act.

Response: OSHA is preparing a report on its human-capital strategy for the Committees on Appropriations.

State Plan States

Joint Explanatory Statement: The conference agreement includes bill language designating that grants to States 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 as proposed by the House. The Senate proposed that grants to States may be up to 55 percent of the costs of State occupational safety and health programs. The conferees strongly urge the Secretary not to permanently redistribute any of the additional State Plan grant funding provided under this appropriation for which a State is unable to provide its required match in fiscal year 2010 because of the pressures on State budgets. The Secretary is further urged to adopt past agency

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practice that would allow each State an opportunity next fiscal year to match and receive funding that is available but was not matched this fiscal year. The conferees believe that after every effort is made to allow State grant funds to be matched by States - consistent with past agency practice - any remaining funds that cannot be matched in fiscal year 2010 by States should be reprogrammed for Federal enforcement activities, consistent with section 516 of this Act. Utilizing maximum flexibility to respond to individual State issues related to the match requirement, or reprogramming for Federal enforcement, will meet the goal of increasing resources that can lead to improved workplace safety and health for America's workers.

Response: The Agency will follow the guidance of the conferees and utilize maximum flexibility to respond to individual challenges of State Plans related to matching funds.

Standards Setting

Senate: The Committee is concerned that OSHA's standard setting and enforcement capabilities have been diminished over the past several years, due in part to declining budgets. The number of employees covered by inspections has fallen from almost 2.1 million in fiscal year 2000 to 1.4 million in fiscal year 2008, a decline of almost one-third. Meanwhile, the pace of occupational safety and health standards setting at OSHA has essentially drawn to a halt, despite planned timetables announced in its regulatory agendas. The Committee recommends funding above the 2009 level be used to begin rebuilding enforcement capacity and increase the pace of standard setting at OSHA in fiscal year 2010.

Response: The agency's FY 2010 appropriation added 20 FTE to support safety and health standards development activity. The Agency is refocusing its regulatory efforts on current and emerging issues such as combustible dust and chemical and construction hazards. These enhancements will restore the agency's ability to carry out its responsibilities to update and set important standards and guidance for workplace safety and health hazards that put millions of workers at unnecessary risk each day.

Recordkeeping

Senate: Given that complete and accurate reporting of injuries and illnesses is part of the foundation of the OSHA program, the Committee continues to believe that OSHA needs to take steps to better understand the completeness of employer-provided data.

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Specifically, the Committee directs OSHA to continue oversight and enforcement of its recordkeeping standard to ensure complete and accurate recording and reporting by employers. Within the Committee recommendation, \$1,000,000 is available to continue a recordkeeping enforcement initiative on injury and illness recording. This funding will support staff, training, and the continuation of a recordkeeping enforcement unit called for in the 2009 bill. The Committee intends for this effort to enable OSHA to review the completeness and accuracy of individual employers' injury and illness records and determine whether there are employer policies or practices in place that cause incomplete reporting of injuries and illnesses by employees. The Committee expects OSHA to keep it updated of its actions in this area.

Response: The agency will use the resources that Congress has identified for enforcement of the agency's recordkeeping rule in FY 2010. The agency has a new recordkeeping National Emphasis Program in place and has also made violations of the agency's recordkeeping rule part of its Severe Violator Enforcement Program (SVEP). OSHA will keep the Senate apprised of the results of its recordkeeping National Emphasis Program, particularly with regard to citations of the agency's recordkeeping rule from the discovery of employer policies and practices that cause incomplete reporting of injuries and illnesses.

Musculoskeletal Disorders

House: According to the Bureau of Labor Statistics, musculoskeletal disorders (MSDs) are the largest single source of workplace injuries and illnesses, accounting for almost 30 percent of lost workday cases. To improve awareness of employers and employees about this serious problem, the Committee encourages OSHA to consider recording MSDs in a separate column on its injury recordkeeping form. The Committee believes that more accurate recording of MSD injuries in the workplace is necessary to track whether OSHA is making progress on this issue.

Response: OSHA plans to issue a final rule in FY 2010 that will lead to the collection of information on MSDs in a separate column on the agency's recordkeeping form.

Senate: The Committee encourages OSHA to consider collecting information on MSDs in a separate column on its injury recordkeeping form.

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Response: OSHA plans to issue a rule that will lead to the collection of information on MSDs in a separate column on the agency's recordkeeping form.

Pandemic Protection for Healthcare Workers

House: The recent experience with the 2009 outbreak of the novel H1N1 virus has identified significant deficiencies in efforts to protect healthcare workers in the event of a pandemic. Currently there is no comprehensive OSHA standard to protect healthcare workers from pandemic influenza or airborne infectious diseases. OSHA and the Centers for Disease Control and Prevention guidelines recommending the use of certified respirators and other control measures to protect healthcare workers from pandemic influenza and the H1N1 virus have not been followed by many State and local health departments and healthcare facilities. The Committee notes that in May 2009, the State of California adopted a comprehensive standard on aerosol transmissible diseases to protect healthcare workers, emergency responders and other workers from infectious agents. The Committee urges OSHA to move expeditiously to develop and adopt a similar standard so that all healthcare and other workers will be protected from airborne infectious diseases, including pandemic flu and the novel H1N1 virus.

Response: OSHA plans to issue a final rule in FY 2010 on respiratory fit-testing, which will be of benefit to both healthcare workers and the public at large for protection from airborne infectious diseases. Furthermore, the agency has begun preliminary work on a timeline and potential strategy for an infectious diseases rule.

Susan Harwood Training Grants:

House: The bill includes \$10,000,000 for the OSHA Susan Harwood Training Grant Program to support worker safety and health training programs, which is the same as the fiscal year 2009 funding level and the budget request. This year the bill removes the requirement that \$3,144,000 be directed to the continuation of the existing Institutional Competency Building grants. However, the Committee believes that these longer-term grants that build safety and health competency, as well as train workers to understand the requirements of OSHA regulations and standards, should be the focus of OSHA's safety and health training program. The Committee expects the agency to devote the majority of the \$10,000,000 for Susan Harwood grants to support these types of training programs.

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Response: OSHA has begun to shift its focus away from shorter grants towards longer-term worker training grants that will support the Secretary's outcome goals of securing safe and healthy workplaces and providing a stronger voice to workers.

Senate: The Committee bill discontinues language included in last year's bill that directed \$3,144,000 to the continuation of the existing Institutional Competency Building grants. However, the Committee believes that longer-term grants that build safety and health competency and train workers to recognize hazards and appropriate control measures, understand their rights and the requirements of OSHA regulations and standards should be the focus of OSHA's safety and health training program. The committee expects OSHA to devote the majority of the \$11,000,000 available for these types of training programs.

Response: OSHA has begun to shift its focus away from shorter grants towards longer-term worker training grants that will support the Secretary's outcome goals of securing safe and healthy workplaces and providing a stronger voice to workers. OSHA will use all of the money appropriated to the Susan Harwood Training Grants Program to issue an estimated 43 grants in FY 2010.

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AUTHORIZING STATUTES

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

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

| APPROPRIATION HISTORY | | | | | |
|------------------------------|---|----------------------------|-----------------------------|-----------------------|------------|
| (Dollars in Thousands) | | | | | |
| | Budget Estimates to Congress | House Allowance | Senate Allowance | Appropriations | FTE |
| 2001....1/ | 425,983 | 381,620 | 425,983 | 425,386 | 2,370 |
| 2002....2/ | 425,835 | 435,307 | 450,262 | 443,897 | 2,300 |
| 2003....3/ | 448,705 | 0 | 469,604 | 450,310 | 2,260 |
| 2004....4/ | 450,008 | 450,008 | 463,324 | 457,540 | 2,220 |
| 2005....5/ | 461,599 | 461,599 | 468,645 | 464,156 | 2,200 |
| 2006....6/ | 466,981 | 477,199 | 477,491 | 472,427 | 2,165 |
| 2007 | 483,667 | 0 | 0 | 486,925 | 2,165 |
| 2008....7/ | 490,277 | 486,000 | 486,000 | 486,000 | 2,118 |
| 2009....8/9/ | 501,674 | 0 | 507,160 | 513,042 | 2,147 |
| 2010 | 563,620 | 554,620 | 561,620 | 558,620 | 2,335 |
| 2011 | 573,096 | 0 | 0 | 0 | 2,360 |

1/ Reflects a \$597 reduction pursuant to P.L. 106-554.

2/ Reflects a \$754 reduction pursuant to P.L. 107-116 and 107-206 and a supplemental funding of \$1,000 from the Emergency Response Fund.

3/ Reflects a \$2,946 reduction pursuant to P.L. 108-07.

4/ Reflects a \$3,246 reduction pursuant to P.L. 108-199.

5/ Reflects a \$3,953 reduction pursuant to P.L. 108-447.

6/ Reflects a \$4,722 reduction pursuant to P.L. 109-149.

7/ Reflects an \$8,641 reduction pursuant to P.L. 110-161.

8/ Excludes \$12,995 for Recovery Act funding pursuant to P.L. 111-5.

9/ This bill was only reported out of Subcommittee and was not passed by the Full House.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

OVERVIEW

Introduction

The Occupational Safety and Health Administration (OSHA) was established by the Occupational Safety and Health Act of 1970 (Public Law 91-596). OSHA's mission is to assure, so far as possible, that every working man and woman in the American workplace has safe and healthy working conditions. OSHA ensures the safety and health of America's workers by setting and enforcing workplace safety and health standards; providing training, outreach, and education; and encouraging continuous improvement in workplace safety and health. Through these efforts, OSHA aims to reduce the number of worker illnesses, injuries, and fatalities and contribute to the broader goals of promoting economic recovery and the competitiveness of our nation's workers.

In FY 2011, OSHA is requesting \$573,096,000 and 2,360 FTE, an increase of \$14,476,000 above the FY 2010 enacted budget. The FY 2011 request strengthens OSHA's commitment to the agency's mission by expanding OSHA's enforcement and regulatory capabilities, continuing the momentum initiated in the FY 2010 Budget. Reinvigorating the agency's enforcement efforts and increasing OSHA's presence in the workplace will ensure safe and healthy working conditions for our nation's workers. In addition, the agency's budget request represents a commitment to the Secretary's vision of ***good jobs for everyone*** – jobs that can support a family, jobs that are secure, jobs that are sustainable for a 21st century economy and jobs that are safe. Specifically, OSHA will support the Secretary's outcome performance goals of ***securing safe and healthy workplaces, wages and overtime, particularly in high-risk workplaces*** and providing a ***voice in the workplace*** for workers. OSHA will also support the Secretary's high priority goals to: ***Create a model return-to-work program that continues to reduce lost production day rates by one percent per year and reduce injury and illness rates by at least four percent per year in FY 2010 and FY 2011***; and ***Reduce by two percent per year the number of fatalities associated with the four leading causes of workplace death – falls, electrocution, caught in between, and struck by.***

Critical to achieving the Secretary's strategic vision and goals is sustaining and building on the increase OSHA received in the FY 2010 budget. Without the increased resources for enforcement and standards, the agency cannot make progress on its fundamental responsibility of ensuring safe workplaces, protecting workers in high-hazard occupations and addressing the problems of vulnerable workers, including Hispanic and non-English speaking workers. Although there has been a downward trend in reported injuries, illnesses and fatalities, the numbers are still far too high – especially in construction, and particularly for Hispanic workers. For example:

- The construction industry accounts for 9 percent of private-sector employment but 21 percent of private sector fatalities.
- Occupational fatality, injury, and illness rates among Hispanic and other hard-to-reach workers remain alarmingly high. In 2008, 774 Hispanic or Latino workers were fatally injured at work.

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- The American Recovery and Reinvestment Act (Recovery Act) is also increasing the amount of work in the manufacturing and construction sectors. In FY 2010, OSHA expects to conduct 3,000 federal inspections of worksites funded through Recovery Act resources.

With additional resources and new innovative strategies to assure worker protections, OSHA plans to reduce by 2% per year the number of fatalities associated with the four leading causes of workplace death that fall under OSHA's jurisdiction – falls, electrocution, caught in or between, and struck-by in both construction and general industry.

Key challenges facing the agency include replenishment of the compliance safety and health officer (CSHO) ranks, training the new CSHOs, addressing the construction sector with its greater exposures to more hazardous conditions for workers, and the shift in workplace demographics from the Northeast to the South and Midwest.

OSHA will also support the Secretary's goal to give workers *a voice in the workplace* by enforcing the Whistleblower Protection Program, under which the agency administers 17 employee protection statutes that protect workers who participate in the workplace safety and health process or engage in numerous other statutorily protected work-related activities. Security against retaliation provides workers with a clear avenue to file complaints with OSHA. OSHA will also support workers' voice in the workplace by promoting employee involvement in safety and health management programs through numerous activities.

In FY 2011, OSHA is also committed to the Labor Department's strategic framework for the reform of worker-protection programs through improved evaluation, innovation, and implementation. The agency will target the most egregious and persistent violators through its Severe Violator Enforcement Program (SVEP) and regulate to eliminate or reduce the hazards with the broadest and most serious consequences based on strong science by issuing or moving forward on a number of important standards, including Cranes and Derricks, Silica, and Combustible Dust. By adding a column for recording musculoskeletal disorders on employers' recordkeeping logs, OSHA will increase protections for the most vulnerable populations while assuring broad-based compliance. In addition, OSHA will hold stakeholder meetings to determine how best to develop employer health and safety programs that will shift the burden of compliance to the employer or other regulated entity, rather than relying exclusively on enforcement interventions, and emphasize corporate-wide enforcement to leverage resources and accomplish broad compliance through a revision of its Corporate-Wide Settlement Agreement Directive. Finally, the agency will review and restructure its penalty procedures to ensure that penalties imposed are consistent with the seriousness of the violation and act as effective deterrents to violators.

In FY 2010, the agency will significantly enhance enforcement by increasing the number of CSHOs and regulatory staff to meet growing workload requirements and restore past reductions. OSHA will also develop new strategies to adapt to the challenges raised by changes in worker demographics, new workplace technologies, and emerging and serious hazards. The increased enforcement staff will enable OSHA to more effectively implement its key enforcement programs, including the Severe Violators Enforcement Program, Site Specific Targeting

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Program, National and Local Emphasis Programs and increased use of corporate-wide settlement agreements. With a replenished and reinvigorated enforcement staff, the agency can better direct its resources to have the greatest impact on improving safety and health conditions. OSHA will also increase its whistleblower investigator staff to more effectively meet its responsibilities for enforcing the growing number of anti-discrimination laws and protect workers who raise their voices in the workplace against violation of those laws.

In FY 2011 a major shift will be made to refocus the agency towards vigorous enforcement strategies with changes to outreach, training and cooperative and compliance assistance programs. The FY 2011 budget proposal will increase enforcement activity by redirecting 35 FTE to enforcement from Federal Compliance Assistance. This will be accomplished by significantly reducing resources devoted to activities related to Voluntary Protection Programs and Alliance Programs while working with stakeholders to identify alternative sources of funding in order to promote the objectives and maintain the value of these programs. As part of this refocus, OSHA will redirect resources toward reaching out to the most hazardous workplaces and industries, eliminating or reducing exposure to prevalent workplace hazards, and enhancing outreach and education for small businesses and workers who are hardest to reach and most at risk.

The agency's FY 2010 appropriation also added 20 FTE to support safety and health standards development activity. Increased staffing is key to reverse the decline in the agency's ability to develop robust standards, regulations, and guidance that address significant and newly emerging workplace risks. The agency's regulatory impact has been weakened over the last decade by staff and funding reductions. Refocusing the agency's regulatory efforts on current and emerging issues such as combustible dust, chemical and construction hazards will significantly enhance worker protections. To build on the additional Federal FTE planned for FY 2010, OSHA is requesting \$4,000,000 in FY 2011 for essential contractual support to provide specialized expertise for the technical and scientific analyses that must be developed to meet the statutory and legal requirements for OSHA's rulemakings. These enhancements will restore the agency's ability to carry out its responsibilities to update and set important standards and guidance for workplace safety and health hazards that put millions of workers at unnecessary risk each day.

OSHA has a strong outreach, education and technical assistance program. In FY 2009, OSHA:

- Conducted 31,674 consultations with employees.
- Trained 8,829 students through the OSHA Training Institute.
- Awarded 43 Susan Harwood Worker Training Grants.

The agency plans to build on these successes in its FY 2011 budget proposal by broadening its strategies for outreach and education for hard-to-reach workers, including Hispanics and other immigrant workers. Workers in this group tend to work in the high-hazard industries with high-risk workplace operations. Outreach and education will focus on non-English speaking and disadvantaged workers facing the greatest risk of injury and death on the job.

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To bolster outreach to workers, the agency is proposing a \$250,000 increase to the Susan Harwood Training Grant Program to provide innovative training that targets high hazards and immigrant workers. OSHA's FY 2011 request also includes a \$1,000,000 increase for its On-site Consultation Program. As the agency steps up its enforcement efforts, this increase will support the growing demand for on-site consultation services that help small businesses meet their responsibility to provide safe workplaces.

The Department's FY 2011 budget includes a multi-agency Misclassification Initiative to strengthen and coordinate Federal and State efforts to enforce statutory prohibitions, identify, and deter misclassification of employees as independent contractors. OSHA's budget request includes \$150,000 to modify the training curriculum for agency compliance officers to enable them to better identify potential employee misclassifications.

Cost Model

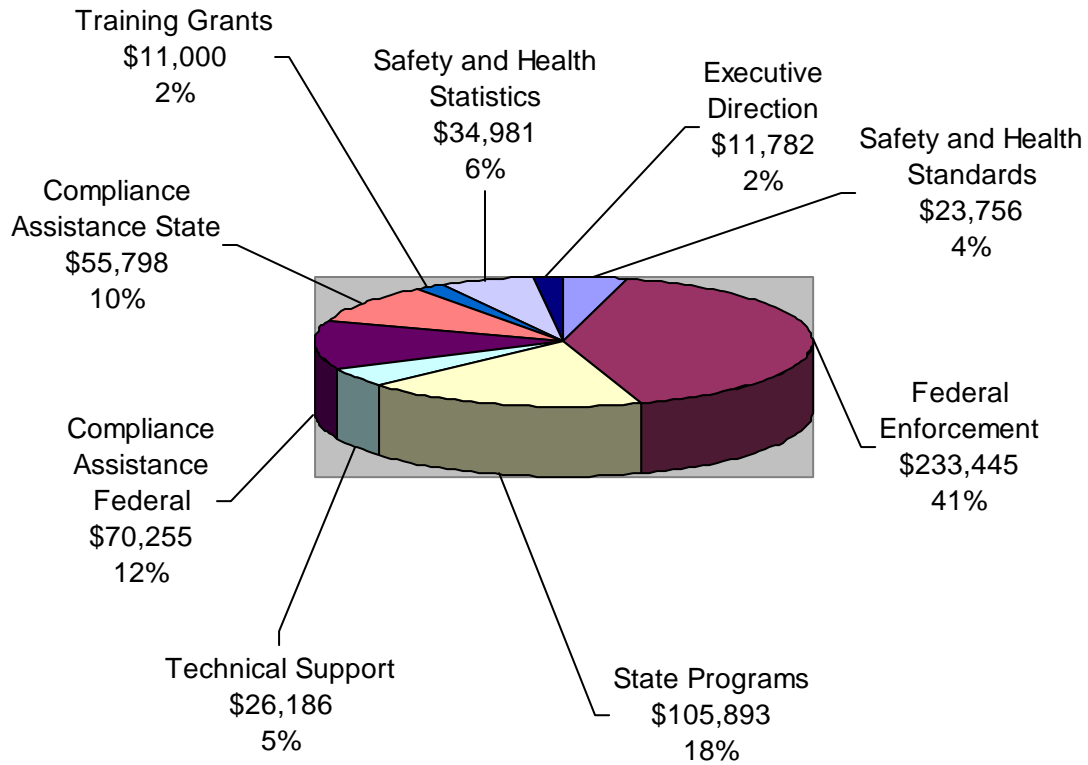
OSHA's FY 2011 budget requests a total appropriation of \$573,096,000 and 2,360 FTE, an increase of \$14,476,000 over the FY 2010 Enacted Level. This level of funding will enable OSHA to carry out its core mission of assuring safe and healthy working conditions for America's workers.

The FY 2011 request includes program increases for:

- Standards and Guidance Development -- \$4,000,000
- Federal Enforcement --\$7,714,000 which includes a shift from Federal Compliance Assistance of -- \$3,964,000
- State Programs -- \$1,500,000
- Compliance Assistance State Consultation -- \$1,000,000
- To improve training to identify misclassification of workers -- \$150,000
- Training Grants -- \$250,000

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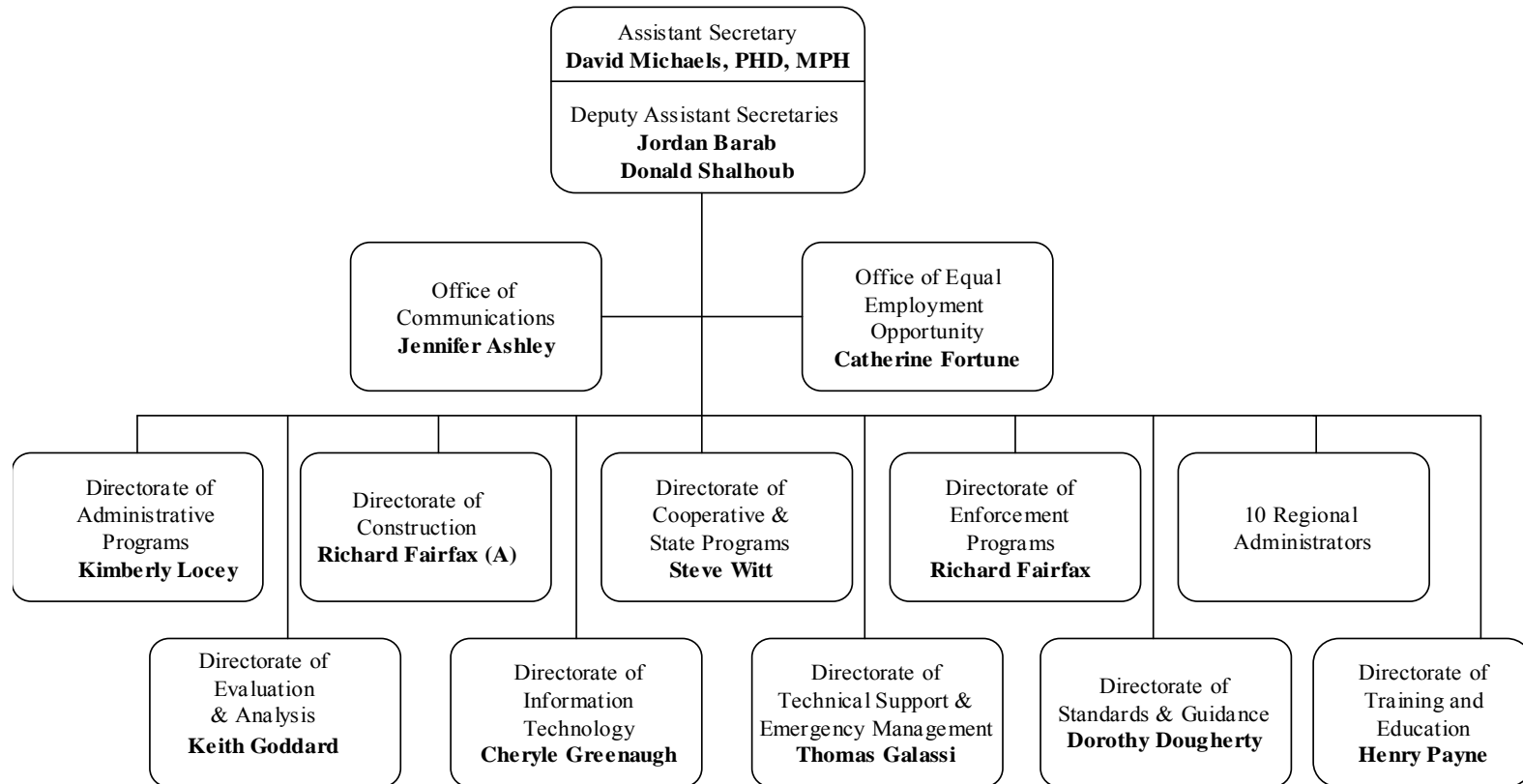
FY 2011 Budget Request by Budget Activity Total OSHA Budget Request \$573,096,000 (Dollars in Thousands)



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

ORGANIZATION CHART

Occupational Safety and Health Administration



December 2009

SAFETY AND HEALTH STANDARDS

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 17,204 | 1,795 | 19,569 | 23,756 | 4,187 |
| FTE | 79 | 6 | 103 | 103 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 83.

Introduction

The development of occupational safety and health standards and guidance is a key component to achieving the goals of the Department to *secure good jobs for everyone* through *securing safe and healthy workplaces, particularly in high risk industries*, and of the Occupational Safety and Health (OSH) Act. These regulatory (standards) and non-regulatory (guidance) activities address a wide variety of occupational safety and health hazards, and cover a broad range of workplace settings in construction, general industry, and maritime. As envisioned by Congress in adopting the OSH Act, occupational safety and health standards provide employers and employees with a blueprint to follow when establishing safe and healthful working conditions in an establishment. When these standards are promulgated, updated as appropriate, and enforced, they form the basis for improved working conditions and reductions in workplace-related fatalities, illnesses and injuries.

The standard setting process is complex, and because it carries with it the force of law, it involves many different steps and stages of review. OSHA's rules must be accompanied by analyses that clearly establish the risk of the hazard being addressed, offer proof that the new standard will reduce that risk, and ensure that the proposed requirements are technologically and economically feasible. OSHA must also meet the legal and administrative requirements under the OSH Act, other applicable legislation passed by Congress, and Executive Orders. Many of these analyses require sophisticated technical research efforts and information collection from the public and affected industries in order to produce the best regulatory decision-making. OSHA's scientific analyses in support of rules must also be peer reviewed, and a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel must be conducted when the proposed standard has the potential to significantly impact small businesses. All OSHA standards must also conform to requirements under the Data Quality Act. Once finalized, OSHA standards become: (1) obligatory safety and health requirements for employers and employees; (2) the basis for Federal enforcement actions; (3) a minimum level of effectiveness for state occupational safety and health standards; and (4) a point of reference for compliance assistance and outreach efforts to reduce workplace fatalities, injuries, and illnesses.

These regulatory activities are complemented by the development of non-regulatory guidance products. These products also cover a wide variety of occupational safety and health hazards. Guidance products allow the agency to inform the public about new or emerging safety and health issues more expeditiously than does the formal rulemaking process, enabling OSHA to suggest measures that employers and employees can implement to address new safety and health issues. Guidance products support the goals of the Department to *secure good jobs for everyone* through *securing safe and healthy workplaces, particularly in high risk industries* and to *provide workers a more effective voice in the workplace*.

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In both its regulatory and non-regulatory efforts, the agency uses a scientific, common sense, and plain language approach to ensure that safety and health hazards are effectively addressed and that steps to improved workplace safety and health are easily understood in American workplaces.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 16,462 | 83 |
| 2007 | 16,892 | 83 |
| 2008 | 16,597 | 78 |
| 2009 | 17,204 | 83 |
| 2010 | 19,569 | 103 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$23,756,000 and 103 FTE for this budget activity, an increase of \$4,187,000 over the FY 2010 enacted level. The increase will address the need for additional contract resources to support highly technical and specialized public health and safety rulemaking activities, including the proposed regulations outlined in the agency's ambitious regulatory agenda.

The current regulatory agenda commits OSHA to developing or updating a series of regulations that are of great importance in reducing exposure to hazards associated with work-related injuries, illnesses and deaths. Producing these standards involves grappling with complex scientific, technological and economic issues. OSHA must be able to achieve progress on these commitments in a regulatory environment that involves extensive requirements for completing the rulemaking process.

The pace of OSHA's regulatory work will receive a significant boost from the increase of 20 FTE for standards activity that was provided in the FY 2010 appropriation. This will enable the agency to expand its regulatory program to better address safety and health threats to workers in today's workplaces. However, accelerating the pace of rulemaking requires a concomitant increase in contract funds to complement those additional positions by providing specialized expertise for the technical and scientific analyses that must be developed to meet the statutory and legal requirements for OSHA's rulemakings.

OSHA must meet substantial requirements in order to issue new or revised standards to protect worker health and safety. The agency must conduct analyses that estimate the risk of the hazard being addressed, prove that the new standard will reduce that risk, and demonstrate the proposed rules are technologically and economically feasible. OSHA must also meet the legal and administrative requirements under the OSH Act, other relevant legislation passed by Congress,

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and Executive Orders. Many of these analyses require sophisticated, highly technical research efforts. The request for an additional \$4,000,000 in contract resources in FY 2011 will support the analyses necessary for the agency to fulfill a more aggressive and multifaceted regulatory agenda. The failure to significantly enhance OSHA's regulatory contract budget will present a significant bottleneck in progress on these regulatory projects.

In recent years, Congress has raised concerns about OSHA's lack of progress on items on its regulatory agenda such as silica, beryllium, and diacetyl, and has expressed a desire to see them completed in a timely fashion. In addition, Congress has focused attention on new regulatory items such as combustible dust. Substantial work has been conducted on these hazards, and OSHA expects to issue proposed rules for beryllium, combustible dust, and emergency response and preparedness in FY 2011. These items are broad in scope, technically complex, and require substantial resources to conduct research, including site visits to adequately understand and characterize the various workplaces and employees that might be affected and to develop the necessary risk and economic analyses. Furthermore, making progress towards a final silica rule will require significant contract support in FY 2011.

In addition to continuing work on regulatory agenda items, OSHA will develop non-regulatory guidance products. More than 25 of these are in development at any given time and address a wide range of occupational safety and health topics. They vary from short guidance products such as Quick Cards, which give employers and employees brief information about a specific topic, to more comprehensive documents that cover a topic in detail and provide extensive guidance. OSHA anticipates publication of at least ten guidance products to provide information on a variety of occupational safety and health topics. Although these do not have the same administrative and legal burdens that accompany regulatory activity, Congress and OMB have significantly increased the evidentiary requirements of these guidance documents.

To ensure that its reporting burden is minimized, the agency must also address obligations under the Paperwork Reduction Act. OSHA has approximately 100 information collection packages for its existing regulatory requirements that must be reviewed and resubmitted for approval at least once every three years. Each fiscal year, approximately 30-35 reviews are completed. Completing each review entails re-evaluating and quantifying the burden associated with its requirements, soliciting public input, and obtaining clearance from the Office of Management and Budget to continue enforcing the requirements.

FY 2010

In FY 2010, OSHA will make full and efficient use of the increased resources for standards and guidance development. The agency's current regulatory agenda involves complex scientific issues and covers a wide breadth of subject matter. OSHA must be able to meet its commitments in an increasingly complex regulatory environment that involves extensive new requirements for completing the rulemaking process. Enhancing the agency's regulatory capability requires additional staff to acquire the requisite expertise, respond to rapidly emerging hazards in workplace safety and health, and address hazards on a more proactive basis. The agency is ready to hire skilled staff to carry out the agency's regulatory agenda.

SAFETY AND HEALTH STANDARDS

With the staff increase provided in the FY 2010 appropriation, OSHA will expand its capability to examine its regulatory approach in light of new data, information, and approaches available in workplaces, other agencies, and other countries. Of particular interest is the vastly expanded information available on chemicals through programs in other US agencies as well as in other countries. These include such new sources as occupational exposure scenarios that manufacturers will be required to develop to comply with European chemical initiatives, and compilations of data on chemicals assembled by the Environmental Protection Agency. OSHA will explore how these information sources can affect its own approaches to regulation, and whether there are ways to use these data to achieve further protections in American workplaces. Alternatives to the longstanding hazard-by-hazard approach to rulemaking will also be explored, including such avenues as control banding, which may encourage employers to identify and implement appropriate control measures in their workplaces. Efforts will be made internationally to help to ensure that countries identify and exchange best practices in all aspects of occupational safety and health.

OSHA has a number of items in various stages of development on its regulatory agenda. Some of these items are nearing completion. For example, in FY 2010, OSHA expects to issue final rules for Electric Power Generation, Transmission and Distribution, General Working Conditions in Shipyards, and tracking of musculoskeletal disorders. The agency also expects to take final action on a respirator fit testing rulemaking, and issue a final rule dealing with a court-ordered remand for a provision of the hexavalent chromium standard.

Congress has focused attention on new regulatory items such as combustible dust and airborne infectious disease. These items are likely to be broad in scope, technically complex and require substantial resources to conduct research, including conducting site visits to adequately understand and characterize the various workplaces and employees that might be affected and to develop the necessary risk and economic analyses to support those rulemaking efforts.

FY 2009

In FY 2009, OSHA worked on a variety of regulatory and guidance activities. Items on the regulatory agenda varied from extensive rules, such as beryllium, to relatively small projects, which involved corrections or adjustments to existing regulatory requirements.

In FY 2009, OSHA issued Notices of Proposed Rulemaking (NPRM) for cranes and derricks, a new fit-testing method for the respiratory protection standard, hazard communication (globally harmonized system), and acetylene. The agency also issued final rules for vertical tandem lifts, clarification of a remedy for violation of requirements to provide personal protective equipment and training, acetylene, and a consensus-standard update to address Personal Protective Equipment (PPE).

OSHA completed a SBREFA panel review for Diacetyl and initiated a peer review for Silica.

Twelve guidance products were issued in FY 2009, addressing: silica exposures in construction (two products), pandemic influenza (two products), ethylene oxide, combustible dust,

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nanotechnology, process safety management (two products), assigned protection factors, shipyard safety, and barge safety.

SAFETY AND HEALTH STANDARDS

| WORKLOAD SUMMARY | | | | |
|------------------------------------|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Safety and Health Standards | | | | |
| Notices of Proposed Rulemaking | 3 | 4 (r) | 4 | 4 |
| Final rules | 4 | 4 (r) | 5 | 4 |
| Guidance/Informational Materials | 7 | 12 (r) | 13 | 14 |
| SBREFA Reviews | 1 | 1 (r) | 1 | 2 |

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

SAFETY AND HEALTH STANDARDS

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|---|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 11.1 | Full-time permanent | 8,010 | 599 | 9,467 | 9,600 | 133 |
| 11.5 | Other personnel compensation | 200 | 0 | 264 | 268 | 4 |
| 11.9 | Total personnel compensation | 8,210 | 599 | 9,731 | 9,868 | 137 |
| 12.1 | Civilian personnel benefits | 2,060 | 156 | 2,361 | 2,394 | 33 |
| 21.0 | Travel and transportation of persons | 217 | 0 | 218 | 218 | 0 |
| 22.0 | Transportation of things | 6 | 0 | 6 | 6 | 0 |
| 23.1 | Rental payments to GSA | 1,012 | 0 | 1,221 | 1,238 | 17 |
| 23.3 | Communications, utilities, and miscellaneous charges | 58 | 0 | 58 | 58 | 0 |
| 24.0 | Printing and reproduction | 383 | 450 | 385 | 385 | 0 |
| 25.1 | Advisory and assistance services | 1,204 | 0 | 1,210 | 1,210 | 0 |
| 25.2 | Other services | 1,003 | 590 | 1,009 | 5,009 | 4,000 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 2,704 | 0 | 3,022 | 3,022 | 0 |
| 25.7 | Operation and maintenance of equipment | 226 | 0 | 227 | 227 | 0 |
| 26.0 | Supplies and materials | 70 | 0 | 70 | 70 | 0 |
| 31.0 | Equipment | 51 | 0 | 51 | 51 | 0 |
| | Total | 17,204 | 1,795 | 19,569 | 23,756 | 4,187 |
| 1/Other Purchases of Goods and Services From Government Accounts | | | | | | |
| | Services by Other Government Departments | 859 | 0 | 863 | 863 | 0 |
| | Working Capital Fund | 1,845 | 0 | 2,159 | 2,159 | 0 |

SAFETY AND HEALTH STANDARDS

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$137

Personnel benefits 33

Rental payments to GSA 17

Built-Ins Subtotal 187

Net Program 4,000

| | Estimate | FTE |
|-------------------------|-----------------|------------|
| Base | 19,756 | 103 |
| Program Increase | 4,000 | 0 |

FEDERAL ENFORCEMENT

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 197,946 | 8,059 | 223,399 | 233,445 | 10,046 |
| FTE | 1,500 | 48 | 1,692 | 1,752 | 60 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 1,557.

Introduction

This activity reflects the authority vested in OSHA by Congress to enforce Federal workplace standards under the Occupational Safety and Health (OSH) Act of 1970. Compliance with the OSH Act is obtained, in part, by the physical inspection of worksites and facilities, and by encouraging cooperation between employers and employees to ensure safe and healthy workplaces. Inspections are carried out in order to investigate:

- **Worksite accidents** that result in one or more fatalities or the hospitalization of three or more workers;
- Claims of **imminent danger**, on an expedited basis;
- Employee **complaints alleging serious workplace hazards**, also on an expedited basis;
- **High-hazard workplaces**; and
- **Complaints of discriminatory actions taken** against employees for exercising rights afforded them under the OSH Act and 16 other **whistleblower statutes** under OSHA's jurisdiction.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2006 | 172,575 | 1,542 |
| 2007 | 176,973 | 1,542 |
| 2008 | 182,135 | 1,537 |
| 2009 | 197,946 | 1,557 |
| 2010 | 223,399 | 1,692 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$233,445,000 and 1,752 FTE for the Federal Enforcement activity, an increase of \$10,046,000 and 60 FTE over the FY 2010 enacted level.

In FY 2011, OSHA will continue its intensified commitment and emphasis on the enforcement of occupational safety and health standards and regulations as an effective deterrent to employers who put their workers' lives at risk. The agency plans to build on the momentum of the FY 2010 increase and ongoing efforts to achieve further declines in workplace fatalities and total recordable injuries and lost workday case rates. In FY 2011, OSHA will:

FEDERAL ENFORCEMENT

- Conduct *a total* of 42,250 federal inspections.
- Conduct 33,250 *safety* inspections;
- Conduct 9,000 *health* inspections.
- Be able to conduct 2,650 inspections as the *result of new compliance safety and health officers (CSHOs)*, hired and trained during FY 2009 and FY 2010.

OSHA will continue to direct enforcement resources toward those workplaces and hazards where they can potentially have the most impact, in support of the Secretary's high priority and outcome goal of securing safe and healthy workplaces, particularly in high-risk industries. The agency will continue the Site Specific Targeting (SST) Program, its well-established programmed inspection plan for non-construction worksites with 40 or more employees. Designed to better identify worksites for inspection, the SST is based on data received from the prior year's OSHA Data Initiative (ODI) survey.

National and Local Emphasis Programs will be heavily relied upon to direct OSHA's enforcement resources in FY 2011. There are approximately 140 Local Emphasis Programs (LEPs) nationwide. LEPs are developed by regional and area offices to address specific hazards in their geographic locations. The agency also has National Emphasis Programs (NEPs) addressing trenching hazards, shipbreaking, amputations, crystalline silica, lead, combustible dust, process safety management (PSM) in oil refineries, PSM-covered chemical facilities, food flavoring containing diacetyl, and recordkeeping. NEPs in primary metals, high-hazard industries, and hexavalent chromium are under development. These NEPs support both the Secretary's outcome goal of securing safe and secure workplaces, and the performance outcome of reducing fatalities associated with the four leading causes of fatalities in general industry and construction by 2%.

- The **High Hazard Industries NEP** will be a pilot for inspecting facilities in selected industries that have injury and illness and fatality rates that are considerably higher than the national average. The goal is to reduce injuries and illnesses and fatalities in the selected industries while maximizing the agency's inspection resources. This NEP will directly support the Secretary's outcome goal of *securing safe and healthy workplaces, particularly in high-risk industries*.
- The **Primary Metals NEP** outlines policies and procedures for identifying and reducing or eliminating employee exposures in facilities under the primary metals industries industrial classification. This NEP will be fully functional in FY 2011. OSHA inspection history indicates individuals employed in the primary metal industries are exposed to serious safety and health hazards on a daily basis. Previous inspections of primary metal establishments have resulted in citations for overexposures to a wide variety of health hazards, including chemical exposures in foundry operations, and physical stresses such as noise and heat. Chemical exposures found in these facilities include carbon monoxide, lead, silica, metal dusts and fumes, and various other substances. The primary metals NEP heightens health and safety awareness within the industry to harmful chemical and physical hazards.

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- The **Hexavalent Chromium NEP** will direct Area Offices toward industries where exposures are likely, including those that perform welding on stainless steel, plus electroplating shops and painting contractors. These NEPs will all demonstrate the Department's focus on improved implementation.

The agency's new **Severe Violator Enforcement Program (SVEP)**, currently under development, is intended to focus increased enforcement attention on severe violators by concentrating resources on employers who have demonstrated indifference to their OSH Act obligations. The SVEP will target the most egregious and persistent violators who have willful, repeated, or failure-to-abate violations in one or more of the following circumstances: (1) fatality or catastrophe situations; (2) industry operations or processes that OSHA has found to be the most severe occupational hazards — identified as High-Profile Hazards; or, (3) any record-keeping violation based on deficiencies that underreport hazards, injuries and illnesses in the workplace. The SVEP actions, consisting of more inspections, public notification, and other measures are intended to increase attention on the correction of the hazards or recordkeeping deficiencies found in these workplaces, and where appropriate, in other worksites of the same employer where similar hazards and deficiencies are deemed potentially to be present. The SVEP will be a well-established program in FY 2011, focused on dealing with severe violators of the OSH Act, and will be instrumental in achieving the Secretary's outcome goal of *securing safe and healthy workplaces*. It will also be critical to meeting the Department's strategic goals and strategies for evaluating enforcement programs.

OSHA will continue to make increased use of **Corporate-Wide Settlement Agreements (CSAs)** in FY 2011. CSAs address safety and/or health hazards that exist at more than one location of a given employer. A revised CSA directive, implemented in FY 2010, will extend use of these agreements to smaller multi-site employers and to lower penalty cases. To the extent employers are willing to enter into these agreements, broader use of CSAs are advantageous to the agency and an effective use of its resources because employers' compliance and abatement efforts would expand to entire corporations rather than one establishment at a time. Emphasizing corporate-wide or enterprise-wide enforcement, such as this expanded use of CSAs, for leveraging limited resources to accomplish the broadest possible compliance will be critical for meeting the Department's strategic principle of innovation for its enforcement programs.

In FY 2011, OSHA will continue to focus efforts on improving safety and health in the federal sector. OSHA will conduct its inspection activity in federal workplaces through the **Federal Agency Targeting Inspection Program (FEDTARG)**. This is a nationwide targeting program that uses programmed inspections to focus on specific federal agency worksites that experience a high number of lost time cases. FEDTARG is intended for those workplaces staffed by federal employees or by contractors whose work is supervised on a day-to-day basis by federal agency personnel, and supports the Secretary's outcome goal of securing safe and healthy workplaces.

- The **POWER Initiative** will be in place in FY 2011. This initiative will replace the Safety, Health, and Return-to-Employment (SHARE) Initiative, which was launched in 2004 with the purpose of reducing occupational injuries, illnesses, and fatalities in the federal government. The POWER initiative will also be a government-wide program

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aimed at improving safety and health in the federal sector. In FY 2011, a new evaluation protocol of program elements for federal agencies will also be in effect. OSHA's comprehensive assessment of federal agency safety and health programs will directly support the Department's new focus on evaluation, and also innovation and improved implementation.

OSHA is responsible for the administration of **whistleblower provisions of the OSH Act** and 16 other statutes, which protect employees who report violations of various trucking, airline, nuclear power, pipeline, environmental, rail, consumer product and securities laws – giving them a *voice in the workplace*.

- In FY 2011, the agency will conduct 2,378 investigations of complaints of discriminatory actions under these 17 federal statutes.

As the agency continues to be assigned responsibilities for enforcing a growing number of anti-discrimination provisions, the workload carried by each investigator has increased tremendously, and backlogs have grown. The addition of 25 investigators in FY 2010 will likely ease some of this burden and increase the number of investigations completed within statutorily allowed timeframes. This potential for improved performance will help the agency meet the Secretary's goal of giving workers a voice in the workplace against punitive actions for bringing attention to violations of workplace laws.

FY 2010

In FY 2010, OSHA plans to conduct approximately 38,700 non-Recovery Act safety and health inspections, of which 30,200 will be safety inspections and 8,500 health inspections. Included in the total will be 23,400 construction inspections. An additional 550 non-Recovery Act inspections will take place in the federal sector, while 2,150 non-Recovery Act discrimination investigations will be conducted.

As part of the agency's commitment to intensify its enforcement efforts, OSHA is poised to launch the SVEP. The program is designed to take strong measures aimed at those employers who fail to meet their obligations under the OSH Act. OSHA is also revising its CSA policy, which when put into place, will result in more efficient use of the agency's limited resources.

OSHA continues to use worksite-specific injury and illness data to develop inspection-emphasis programs that address industries with high-hazard workplaces and the most significant types of workplace injuries and causes of illnesses. Emphasis programs have been established on the national, regional, and local levels. For example, OSHA's NEP for chemical plants, which is process safety management-based, applies to more than 20,000 facilities nationwide. It aims to reduce or eliminate the workplace hazards associated with the catastrophic release of highly hazardous chemicals. Additionally, the NEP for food flavorings containing diacetyl recently went into effect. Its purpose is to identify and reduce or eliminate hazards associated with exposures to flavoring chemicals in facilities that manufacture food flavorings containing diacetyl. Additional NEPs under development in FY 2010 include primary metals, high hazard industries, and hexavalent chromium. In addition to these NEPs, the agency has more than 140

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LEPs in place nationwide, addressing hazards and industries that are relevant in particular geographic areas. In FY 2010, approximately 26,068 emphasis-related inspections will be conducted by the agency.

FY 2009

In FY 2009, OSHA worked to further reduce workplace fatalities and injuries and illnesses by directing enforcement resources toward those industries and hazards where they can potentially have the most impact. By applying industry and establishment size class criteria, OSHA focused its data collection toward establishments that were most likely to be experiencing elevated rates and numbers of occupational injuries and illnesses. The SST program is one approach that allows the most effective use of OSHA's limited enforcement resources.

In FY 2009, OSHA provided strong, fair and effective enforcement as an appropriate response to employers who failed to meet their safety and health responsibilities. The agency continued to build on the recent steady declines in total recordable injuries and lost workday case rates. The agency's highly-trained compliance officers conducted 39,004 Federal compliance inspections, including 33,221 safety and 5,783 health inspections. Approximately 61% of the inspections occurred in the construction industry. OSHA also conducted 467 inspections in the Federal sector, as well as 1,876 discrimination investigations.

Recovery Act Update

The agency continues to focus its efforts on employers directly involved in infrastructure work and green energy projects, and on the support industries that provide materials and services to these projects. OSHA has enhanced its enforcement resources with the additional funding received under the Recovery Act. The agency has established hiring plans for FY 2010, including FTE supported through the Recovery Act, to address the need for additional experienced safety and health compliance officers (CSHOs) and whistleblower investigators.

OSHA is closely tracking the number of inspections conducted on worksites directly or indirectly related to the Recovery Act. As of December 21, 2009, 1,545 Recovery Act inspections have been conducted. In FY 2010, approximately 34 percent of those inspections have resulted in the issuance of violations, with an average of 3.4 violations cited per initial inspection.

FEDERAL ENFORCEMENT

| WORKLOAD SUMMARY | | | | |
|---------------------------------------|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Federal Enforcement | | | | |
| Federal Compliance Inspections | | | | |
| Safety Inspections | 29,692 | 33,221 (r) | 30,200 | 33,250 |
| Health Inspections | 8,383 | 5,783 (r) | 8,500 | 9,000 |
| Recovery Act Inspections | 525 | 1,545 (r) | 3,000 | |
| Total⁹ | 38,600 | 40,549 | 41,700 | 42,250 |
| Federal Agency Inspections | 550 | 467 (r) | 550 | 545 |
| Discrimination Investigations | 2,050 | 1,876 (r) | 2,150 | 2,378 |
| Site Specific Targeting (SST) | 3,000 | 2,243 (r) | 3,000 | 2,973 |
| Silica Inspections | 900 | 1,275 (r) | 900 | 891 |
| Lead Inspections | 325 | 562 (r) | 325 | 322 |
| Amputation Inspections | 2,000 | 3,664 (r) | 2,000 | 1,980 |
| Hexavalent Chromium | -- | | 50 | 50 |
| Construction Inspections | 23,000 | 23,935 (r) | 23,400 | 23,189 |
| Shipbuilding/Repair | 185 | 195 (r) | 185 | 183 |
| Refinery Inspections | 30 | 35 (r) | 30 | 30 |
| Chemical Plant Inspections | 400 | 4 (r) | 400 | 396 |
| Recordkeeping Inspections | 330 | 227 (r) | 330 | 327 |
| Flavoring Inspections | -- | (r) | 50 | 50 |
| Primary Metals Inspections | -- | (r) | 50 | 50 |

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

⁹ The FY 2009 Result and FY 2010 Target differ from the numbers reported in the President's Budget Appendix, which do not include Recovery Act inspection data. Amounts will be updated in the President's Budget Errata.

FEDERAL ENFORCEMENT

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|---|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 11.1 | Full-time permanent | 123,719 | 4,977 | 134,085 | 141,502 | 7,417 |
| 11.3 | Other than full-time permanent | 1,875 | 0 | 3,413 | 1,940 | -1,473 |
| 11.5 | Other personnel compensation | 3,632 | 466 | 4,048 | 4,264 | 216 |
| 11.9 | Total personnel compensation | 129,226 | 5,443 | 141,546 | 147,706 | 6,160 |
| 12.1 | Civilian personnel benefits | 33,619 | 1,115 | 36,123 | 37,891 | 1,768 |
| 21.0 | Travel and transportation of persons | 7,288 | 539 | 8,834 | 8,834 | 0 |
| 22.0 | Transportation of things | 115 | 0 | 116 | 116 | 0 |
| 23.1 | Rental payments to GSA | 6,120 | 0 | 7,677 | 8,279 | 602 |
| 23.3 | Communications, utilities, and miscellaneous charges | 1,372 | 0 | 1,380 | 1,380 | 0 |
| 24.0 | Printing and reproduction | 34 | 0 | 34 | 34 | 0 |
| 25.1 | Advisory and assistance services | 251 | 0 | 252 | 252 | 0 |
| 25.2 | Other services | 2,020 | 245 | 1,771 | 2,077 | 306 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 10,920 | 0 | 15,801 | 16,463 | 662 |
| 25.7 | Operation and maintenance of equipment | 3,530 | 0 | 3,533 | 3,584 | 51 |
| 26.0 | Supplies and materials | 1,146 | 99 | 1,443 | 1,443 | 0 |
| 31.0 | Equipment | 2,305 | 618 | 4,889 | 5,386 | 497 |
| | Total | 197,946 | 8,059 | 223,399 | 233,445 | 10,046 |
| 1/Other Purchases of Goods and Services From Government Accounts | | | | | | |
| | Services by Other Government Departments | 190 | 0 | 20 | 440 | 420 |
| | Working Capital Fund | 10,292 | 0 | 15,341 | 15,583 | 242 |
| | DHS Services | 438 | 0 | 440 | 440 | 0 |

FEDERAL ENFORCEMENT

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|---|--------------|
| Costs of pay adjustments | \$2,008 |
| Personnel benefits | 501 |
| Federal Employees Compensation Act (FECA) | 14 |
| Rental payments to GSA | 109 |
| Working Capital Fund | -300 |
| Built-Ins Subtotal | 2,332 |

| | |
|--------------------|--------------|
| Net Program | 7,714 |
| Direct FTE | 60 |

| | Estimate | FTE |
|-------------------------|-----------------|--------------|
| Base | 225,731 | 1,692 |
| Program Increase | 7,714 | 60 |

STATE PROGRAMS

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 92,593 | 1,525 | 104,393 | 105,893 | 1,500 |
| FTE | 0 | 0 | 0 | 0 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 0.

Introduction

This activity supports states that have assumed responsibility for administering their own occupational safety and health programs under State Plans approved and monitored by OSHA. With responsibility for state occupational safety and health programs, states contribute to the Secretary's goal of *providing safe and secure jobs for everyone* through the reduction of illnesses, injuries, and fatalities, particularly in high-risk industries. Section 23(g) of the Occupational Safety and Health (OSH) Act of 1970 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 the Federal programs. In addition, State Programs conduct a wide range of outreach, compliance assistance, and cooperative programs, and conduct extensive training programs for employers and employees. All 27 State Plans extend coverage to the public sector and provide enforcement and consultative services to state, local and municipal governments and school districts. Five State Plans are limited in scope to public employees. Private-sector consultation is provided in all of the State Plan States either through participation in the separately funded Section 21(d) program or, by three states, directly under their State Plans.

Funding Mechanism

OSHA provides grants to approved State Plan States to administer their own safety and health programs through a funding factor that considers the number of workers covered by the program and the hazardousness of a state's industries.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 91,093 | 0 |
| 2007 | 91,093 | 0 |
| 2008 | 89,502 | 0 |
| 2009 | 92,593 | 0 |
| 2010 | 104,393 | 0 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

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FY 2011

OSHA requests \$105,893,000 for State Plan Programs; an increase of \$1,500,000 over the FY 2010 enacted level.

In FY 2011, OSHA's State Plan Partners will continue to promulgate standards and conduct inspections and compliance assistance activities as part of a comprehensive commitment to securing safe and healthy workplaces, particularly in high risk industries. Increased funding, provided to the states in the FY 2010 appropriation, will have a more demonstrable impact during FY 2011 as states are able to utilize newly-trained compliance officers to conduct inspections. During its second year of operation, Illinois will continue to expand implementation of its State Plan, approved in 2009 as one of five public-sector plans, and will increase its level of enforcement activity. OSHA will work with the State Plans on using increased resources efficiently, ensure that Federal and State initiatives are consistent, and include an increased emphasis on enforcement directed at high-hazard establishments. In an effort to increase consistency across OSHA programs, State Plans will be encouraged to participate more in the development of national policy with the expectation that they will then adopt those policies. States are being asked to reevaluate their resource allocations among enforcement and outreach programs with the goal of focusing more on enforcement. It is anticipated that State outreach activities and participation in cooperative programs will remain level in FY 2011. OSHA will also work with the States to address any performance or structural problems identified as a result of the special baseline evaluations conducted in FY 2010, and will involve the State Plans in the development of revised monitoring procedures that provide for more meaningful oversight.

Since the State Plans have not received regular cost-of-living adjustments over the past ten years, funding increases from the FY 2010 budget will allow State Plans to increase their number of compliance officers and fill other staff positions that have remained vacant over the years. Inspection activity is expected to increase above the FY 2010 level, although the lag time needed for hiring and training of new staff may limit the level of the increase. Those States that were unable to match the increased funding available to them in FY 2010 will be given one further opportunity to match those funds in FY 2011.

FY 2010

The FY 2010 appropriation provided the first significant increase in State Plan funding in many years and enabled the State Plan States to begin rebuilding their programs by hiring staff devoted to compliance inspections and other workload. OSHA will work with its State Plan partners on using increased resources efficiently, and ensuring that individual State Partner's strategic and annual performance plans track OSHA program initiatives by including an increased emphasis on enforcement directed at high-hazard establishments. These efforts are consistent with the national goal of reducing workplace fatalities associated with the four leading causes of fatalities in construction and general industry by 2 percent. States will continue their outreach and training activities in FY 2010, and continue participation in cooperative programs. It is expected that the State Plans will use some of their increased funding to renew resources that have been depleted in recent years, including the training of staff. OSHA will conduct a baseline special evaluation of each State Plan to better assess the current performance of each State Plan and

STATE PROGRAMS

identify any structural or performance issues of concern. The findings from these evaluations will help the States improve their processes and provide the basis for a revision of OSHA's system for monitoring its State Plans. OSHA will also work with the State Plans to prepare for the transition from the current Integrated Management Information System (IMIS) to the new OSHA Information System (OIS) to ensure continuity of available data. As a result of current economic conditions, several States may not be able to match their share of the FY 2010 increase. Unmatched funds will be redistributed on a one-year basis to other State Plans that are able to provide the required match in funding.

FY 2009

In FY 2009, State Plans continued to conduct enforcement inspections and compliance assistance activities as part of a comprehensive commitment to protecting workers. OSHA worked with its State Plan partners to support the implementation of individual state strategic, annual and biennial performance plans, which contributed to the national goal of reducing workplace injuries, illnesses and fatalities. States used both enforcement and compliance assistance strategies to achieve their strategic goals.

States continued their outreach and training in FY 2009 and focused these efforts on immigrant and non-English speaking workers. In addition to enforcement and compliance assistance activities, States continued to document changes to their programs in a transparent manner through State and Federal website postings and electronic submissions. The States were also encouraged to focus their resources on enforcement activity, to participate in national emphasis programs, and to work toward greater consistency with the Federal program.

Recovery Act Update

State Plans were offered a total of \$3,750,000 under the Recovery Act. Seven states accepted a total of \$1,525,489 under separate 23(g) grant agreements which run from July 2009 through September 2010. States were required to match the funding and use the money to conduct Recovery Act-related enforcement inspections. Staff hired by the seven State Plans under the authority of the Recovery Act agreements will subsequently become permanent compliance staff using the increase provided in the FY 2010 appropriation. Experienced staffs have been assigned to the inspection of Recovery Act-funded construction projects and high-hazard manufacturing support industries. As of September 30, 2009, states had completed 191 Recovery Act-related inspections.

STATE PROGRAMS

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION STATE PLAN STATES - 23(G) OPERATIONAL GRANTS FY 2011 BUDGET ESTIMATE (with FY 2009 and FY 2010)

| STATE PLAN | FY 2009 Actual | FY 2010 Estimate | FY 2011 Estimate |
|----------------------|---------------------|----------------------|----------------------|
| Alaska | \$1,393,500 | \$1,571,500 | \$1,594,500 |
| Arizona | \$1,813,000 | \$2,044,000 | \$2,073,000 |
| California | \$23,013,900 | \$25,944,900 | \$26,318,900 |
| Connecticut (PEO) | \$614,000 | \$692,000 | \$702,000 |
| Hawaii | \$1,686,400 | \$1,901,400 | \$1,928,400 |
| Illinois (PEO) | \$1,500,000 | \$1,691,000 | \$1,715,000 |
| Indiana | \$2,188,000 | \$2,467,000 | \$2,502,000 |
| Iowa | \$1,608,900 | \$1,813,900 | \$1,839,900 |
| Kentucky | \$3,308,600 | \$3,730,600 | \$3,784,600 |
| Maryland | \$3,916,600 | \$4,415,600 | \$4,478,600 |
| Michigan | \$9,893,100 | \$11,154,100 | \$11,314,100 |
| Minnesota | \$3,900,300 | \$4,397,300 | \$4,460,300 |
| Nevada | \$1,132,400 | \$1,276,400 | \$1,294,400 |
| New Jersey (PEO) | \$1,895,800 | \$2,137,800 | \$2,168,800 |
| New Mexico | \$828,000 | \$934,000 | \$947,000 |
| New York (PEO) | \$3,163,000 | \$3,566,000 | \$3,617,000 |
| North Carolina | \$5,180,700 | \$5,840,700 | \$5,924,700 |
| Oregon | \$5,105,700 | \$5,756,700 | \$5,839,700 |
| Puerto Rico | \$2,438,800 | \$2,749,800 | \$2,789,800 |
| South Carolina | \$1,765,000 | \$1,990,000 | \$2,019,000 |
| Tennessee | \$3,278,900 | \$3,696,900 | \$3,749,900 |
| Utah | \$1,300,200 | \$1,466,200 | \$1,487,200 |
| Vermont | \$725,800 | \$817,800 | \$829,800 |
| Virgin Islands (PEO) | \$201,000 | \$227,000 | \$230,000 |
| Virginia | \$3,319,800 | \$3,742,800 | \$3,796,800 |
| Washington | \$6,901,600 | \$7,781,600 | \$7,893,600 |
| Wyoming | \$520,000 | \$586,000 | \$594,000 |
| Total | \$92,593,000 | \$104,393,000 | \$105,893,000 |

STATE PROGRAMS

| WORKLOAD SUMMARY | | | | |
|--------------------------------------|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| State Programs | | | | |
| State Enforcement Inspections | | | | |
| Safety | 44,800 | 48,002 (r) | 49,500 | 52,000 |
| Health | 11,500 | 13,014 (r) | 13,500 | 14,000 |
| Recovery Act | 500 | 191 (r) | 800 | -- |
| Total | 56,800 | 61,207 | 63,800 | 66,000 |
| Consultation Visits | | | | |
| Private Sector (KY, PR, WA) | | 3,153 (r) | 3,100 | 3,100 |
| Public Sector | | 1,587 (r) | 1,500 | 1,500 |
| Total | | 4,740 | 4,600 | 4,600 |
| Number of Operational Grants | 27 | 27 (r) | 27 | 27 |
| Cooperative Programs | 420 | 420 (r) | 420 | 414 |
| Outreach/Training Participants | 280,000 | 280,000 (r) | 275,000 | 271,500 |
| Voluntary Protection Program | 450 | 665 (r) | 665 | 665 |

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

STATE PROGRAMS

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|--------------------------------------|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 41.0 | Grants, subsidies, and contributions | 92,593 | 1,525 | 104,393 | 105,893 | 1,500 |
| | Total | 92,593 | 1,525 | 104,393 | 105,893 | 1,500 |
| | | | | | | |

STATE PROGRAMS

CHANGES IN FY 2011

(Dollars in Thousands)

| | | |
|---------------------------|-----------------|--------------|
| Activity Changes | | |
| Built-In | | |
| To Provide For: | | |
| Built-Ins Subtotal | | \$0 |
| | | |
| Net Program | | 1,500 |
| | Estimate | FTE |
| Base | 104,393 | 0 |
| Program Increase | 1,500 | 0 |

TECHNICAL SUPPORT

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 22,632 | 1,017 | 25,920 | 26,186 | 266 |
| FTE | 98 | 2 | 133 | 133 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 105.

Introduction

This activity provides specialized technical services and support for OSHA. Major component functions are: (1) technical expertise and advice with respect to general industry, maritime and construction issues; (2) structural engineering assistance to investigate and determine causes of major catastrophes at worksites involving injuries and fatalities; (3) emergency preparedness, response, and management; (4) variance determinations and laboratory accreditation; (5) chemical analysis, equipment calibration and repair; (6) maintenance of dockets including electronic comments, and technical and scientific databases; (7) literature searches to support rulemaking, compliance activities and to respond to public safety and health information requests; (8) OSHA's Compliance Safety and Health Officer (CSHO) Medical Program; and (9) construction outreach services to all major stakeholders from industry associations, labor unions, and other governmental agencies.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 21,435 | 105 |
| 2007 | 22,392 | 105 |
| 2008 | 21,681 | 97 |
| 2009 | 22,632 | 105 |
| 2010 | 25,920 | 133 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$26,186,000 and 133 FTE for the Technical Support activity, an increase of \$266,000 over the FY 2010 enacted level.

Technical activities support the agency and its core mission of protecting the safety and health of workers and carrying out the Secretary's vision of good jobs for everyone, which includes securing safe and healthy workplaces. Recent examples are: continued technical and medical support to compliance safety and health officers; the development, implementation and evaluation of training and outreach related to H1N1 and pandemic influenza; laboratory and field support for combustible dust and food flavorings including diacetyl; researching green jobs and

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their impact on emerging workplace safety and health hazards; and development of Web 2.0 applications for worker health and safety.

In FY 2011, the agency will continue to focus on the areas of: emergency management, including pandemic influenza planning and skilled responder preparation; supporting OSHA's field staff with laboratory, equipment, and medical and technical resources; and continued development of worker safety and health information tools and resources using Web 2.0 applications. Continued work will ensure OSHA and its stakeholders stay ahead of critical workplace issues, ranging from hazards that disproportionately affect underserved and hard-to-reach workers to emerging technologies involving green industries.

Emergency management encompasses planning and preparation for responding to actual emergencies. The Federal government is engaged in planning efforts related to 15 vastly different emergency situations that would put response and recovery workers in hazardous situations. Since emergency planning is relatively new to OSHA, the agency needs to build the expertise of its internal staff and support their continued technical development.

Many challenges were anticipated and addressed during preparation for a pandemic influenza outbreak, but others were revealed when H1N1 became a reality in the Spring of 2009. Planning for the protection of public- and private-sector workers is fundamental to maintaining workplace productivity and functionality. In FY 2011, technical support will be focused on high-risk (e.g., health care workers) and medium-risk (e.g., significant interaction with people) workgroups identified as needing guidance to allow for fact-based decisions on recommendations for engineering, administrative, and personal protection requirements. This effort, which requires close coordination across many government organizations and communication channels, will continue to be developed between OSHA and other groups such as the Centers for Disease Control, the Department of Homeland Security, and the Transportation Security Administration.

Maintaining a cadre of professionals who have the technical skills to respond in the field and to address worker safety and health issues that may arise in disasters is part of the agency's mission. OSHA's field staff, supported by its Specialized and Regional Response Teams, are the agency's front line in response to a disaster. In 2011, OSHA will continue to invest in its emergency preparedness and response capabilities by: providing training and on-line resources to its staff, improving the use of information sharing resources, and addressing the collection of safety and health data. This skilled team can provide tailored worker safety and health expertise to employers from the private sector, and local, state and Federal governments involved in responses to and recovery from major disasters.

OSHA will begin to apply Web 2.0 technology and assess its effectiveness in both information development and dissemination. This activity will include tools — such as wikis, blogs, and Twitter — to enhance collaboration with stakeholders, and as a means of raising awareness of workplace hazards and how to mitigate them. In partnership with industry, organized labor, and other Federal agencies, OSHA will continue to develop technical products and tools to meet the goals of the Department of Labor's Strategic Plan. The agency will manage and maintain its existing electronic safety and health software systems and develop new electronic and hardcopy

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products. These include web pages, e-tools, Safety and Health Information Bulletins (SHIBs), and technical assistance documents on special topics.

Underserved and hard-to-reach workers have little or no voice in the workplace, are often in low-wage jobs with few or no benefits, and have little or no access to safety and health programs. OSHA recognizes the challenges of reaching these worker populations and is developing strategies and tools designed specifically to reach them. OSHA will use resources in FY 2011 to develop strong and effective networks with community-based organizations, non-profit clinical networks, unions and interfaith organizations. These networks will increase awareness and provide occupational safety and health outreach materials and services to high-risk, low-wage workers who have been traditionally underserved.

In 2011, OSHA's Salt Lake Technical Center (SLTC) anticipates an increase in both compliance activity and industrial hygiene inspections. The laboratory will be prepared to analyze approximately 19,950 industrial hygiene samples. Additionally, the SLTC professional staff will continue to conduct in-depth investigations to develop or validate sampling and analytical methods to assess worker exposure to silica, beryllium, food flavorings, and others as priorities shift. Staff will also support the identification of unknown hazardous substances, determination of the explosiveness of dusts, investigate causality of material failures, and model chemical exposures. OSHA's Health Response Team (HRT), a group of highly qualified health, safety and engineering professionals with vast training and experience, and OSHA's team of occupational physicians and nurses will provide expert assistance to OSHA's enforcement and compliance assistance staff, and be available to provide support to other federal agencies on myriad chemical, physical, and biological hazards. The Cincinnati Technical Center (CTC) will continue to procure, calibrate and repair equipment and purchase and distribute expendable supplies used by field staff.

OSHA will also continue to provide important technical support to the agency's enforcement efforts in the construction industry, as the agency works to reduce fatalities, injuries and illnesses among construction workers.

FY 2010

An effective emergency response is the most critical resource available to assist communities during times of crisis. While several Federal agencies work to protect the public during disasters, OSHA is the primary federal agency that focuses on the protection of response and recovery workers. In FY 2010, OSHA will be involved in emergency preparedness and response. Increased demands for coordination and management of OSHA's emergency response efforts start with local and state response efforts and move all the way up to the Homeland Security Council's Integrated Planning System. Field capability via Specialized Response Teams, available to provide agent-specific worker safety and health expertise, will also be supported in FY 2010.

OSHA anticipates completing and releasing its "Planning for a Severe Pandemic" electronic tool (Pandemic eTool) during the third quarter of FY 2010. The Pandemic eTool is an interactive, web-based tool designed to help a user implement OSHA's existing written pandemic planning

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guidance. It includes easy-to-understand modules on exposure risk assessment, effective workplace controls, risk communication, and training. An employer is able to evaluate the risk associated with the jobs in his/her workplace, identify the types of workplace controls he/she should be prepared to implement during a pandemic, and review information about how to communicate risk and train workers. Workers can use the same modules to evaluate the risk associated with their jobs, understand the types of controls that should be used to protect them, and review the types of risk messaging and training they should be receiving from their employer. Once released, the eTool will be enhanced with real world examples and best practices.

In FY 2010, the SLTC will continue to support field inspections by analyzing approximately 17,000 industrial hygiene samples collected by compliance officers at its accredited laboratory. Additionally, professional staff at this facility will conduct in-depth investigations to: develop new sampling and analytical methods for worker exposure assessment; identify unknown hazardous substances; determine explosiveness of aerosols; investigate causality of material failures; and model chemical exposures. OSHA's HRT will assist OSHA and other Federal agencies in assessing the source and extent of exposure to chemical, biological, physical energy, and ergonomic hazards, and determines the feasibility of appropriate administrative and engineering controls and personal protective equipment. In FY 2010, the HRT will provide expert assistance to OSHA's enforcement and compliance assistance staff, and provide support to other federal agencies on myriad chemical, physical, and biological hazards. The CTC will continue to procure, calibrate and repair equipment and purchase and distribute expendable supplies used by field staff.

FY 2009

In FY 2009, OSHA's Technical Support activity continued to fulfill an important role in the areas of homeland security, emergency response, and disaster preparedness, as the agency worked to protect the safety and health of those involved in response and recovery efforts. As the coordinating agency for the National Response Framework's Worker Health and Safety Support Annex (Annex), OSHA participated in the planning and execution of a Principals Level Exercise (PLE) to test the Nation's response capabilities related to hurricanes. In support of national preparedness, OSHA worked with Federal, state and local entities to incorporate employee safety and health in planning and other preparedness activities. The agency also focused on vulnerable populations and worker safety and health issues that arose from natural disasters and pandemic flu.

In partnership with industry representatives and other Federal agencies, OSHA continued to develop products and technical resources, such as e-tools and SHIBs. These resources for workplace safety and health information are utilized by both employers and employees. For example, SHIBs are an effective product that OSHA uses to inform its staff and the public of significant occupational safety and health issues concerning hazard recognition, evaluation, and control in the workplace and during emergency response activity. In FY 2009, the agency also enhanced the use of its on-line resources related to the projects financed by the American Recovery and Reinvestment Act by developing a portal page that organizes information around appropriate industries and operations.

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There was continued effort on strategic priorities and emerging occupational safety and health issues such as exposure to diacetyl and other flavoring agents. The agency maintained existing electronic safety and health software systems and developed new electronic and hardcopy products. Projects were selected based on the agency's performance goals, industry requests and OSHA National and Local Emphasis Projects. OSHA developed technologies such as distance learning, web-based and interactive technical assistance tools, and explored new social networking tools to support compliance assistance efforts and expanded training opportunities for employers and workers. Emphasis was placed on outreach to populations of special concern, such as younger and older workers and immigrant employers and employees. OSHA continued to lead and coordinate the Federal Network for Young Worker Health and Safety, an interagency network.

In FY 2009, the SLTC analyzed approximately 15,700 industrial hygiene samples collected by compliance officers. In addition, OSHA's Health Response Team provided expert assistance to OSHA's enforcement and compliance assistance staff, and provided support to other federal agencies on chemical, physical, and biological hazards. The CTC continued to calibrate and repair equipment used by field staff.

TECHNICAL SUPPORT

| WORKLOAD SUMMARY | | | | |
|----------------------------------|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Technical Support | | | | |
| Chemical samples analyzed | 16,500 | 15,700 (r) | 17,000 | 19,950 |
| Average turnaround (days in lab) | 13 | 13 (r) | 13 | 13 |
| Equipment units calibrated | 12,000 | 10,625 (r) | 15,000 | 15,000 |
| Average turnaround (days) | 49 | 29 (r) | 28 | 28 |
| Equipment units repaired | 2,650 | 3,520 (r) | 3,800 | 3,800 |
| Average turnaround (days) | 55 | 47 (r) | 45 | 45 |
| E-tools | 39 | 39 (r) | 39 | 39 |
| Expert Advisors | 11 | 11 (r) | 11 | 11 |
| Safety & Health Topics Pages | 158 | 158 (r) | 158 | 158 |

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

TECHNICAL SUPPORT

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|---|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 11.1 | Full-time permanent | 10,660 | 200 | 12,618 | 12,795 | 177 |
| 11.5 | Other personnel compensation | 395 | 0 | 462 | 468 | 6 |
| 11.9 | Total personnel compensation | 11,055 | 200 | 13,080 | 13,263 | 183 |
| 12.1 | Civilian personnel benefits | 2,658 | 52 | 3,155 | 3,199 | 44 |
| 21.0 | Travel and transportation of persons | 393 | 0 | 407 | 407 | 0 |
| 22.0 | Transportation of things | 24 | 0 | 24 | 24 | 0 |
| 23.1 | Rental payments to GSA | 2,689 | 0 | 2,752 | 2,791 | 39 |
| 23.3 | Communications, utilities, and miscellaneous charges | 184 | 0 | 186 | 186 | 0 |
| 24.0 | Printing and reproduction | 75 | 335 | 75 | 75 | 0 |
| 25.1 | Advisory and assistance services | 313 | 0 | 315 | 315 | 0 |
| 25.2 | Other services | 1,315 | 430 | 1,457 | 1,457 | 0 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 1,868 | 0 | 2,304 | 2,304 | 0 |
| 25.7 | Operation and maintenance of equipment | 654 | 0 | 658 | 658 | 0 |
| 26.0 | Supplies and materials | 749 | 0 | 753 | 753 | 0 |
| 31.0 | Equipment | 655 | 0 | 754 | 754 | 0 |
| | Total | 22,632 | 1,017 | 25,920 | 26,186 | 266 |
| 1/Other Purchases of Goods and Services From Government Accounts | | | | | | |
| | Services by Other Government Departments | 243 | 0 | 244 | 244 | 0 |
| | Working Capital Fund | 1,487 | 0 | 1,921 | 1,921 | 0 |
| | DHS Services | 138 | 0 | 139 | 139 | 0 |

TECHNICAL SUPPORT

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$183

Personnel benefits 44

Rental payments to GSA 39

Built-Ins Subtotal 266

| | Estimate | FTE |
|-------------|-----------------|------------|
| Base | 26,186 | 133 |

COMPLIANCE ASSISTANCE - FEDERAL

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 72,659 | 0 | 73,380 | 70,255 | -3,125 |
| FTE | 273 | 0 | 315 | 280 | -35 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 315.

Introduction

This activity reflects the cooperative-program authority vested in OSHA by the Congress through a variety of employer- and employee-assistance activities. These include: (1) providing general outreach activities; (2) developing compliance assistance materials to provide hazard and industry-specific guidance for methods of complying with OSHA regulations; (3) providing leadership to assist Federal agencies in establishing and maintaining effective occupational safety and health programs; (4) providing training through the OSHA Training Institute (OTI) to increase the technical safety and health competence of Federal, state and private-sector employers, employees and their representatives; (5) administering the OSHA Training Institute Education Centers program; (6) administering the Outreach Training Program; (7) providing assistance and programs to address the needs of small businesses; and (8) providing opportunities to work cooperatively with employers, trade associations, universities, unions, and professional organizations to address workplace safety and health issues through the Strategic Partnership Program (OSPP).

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 72,545 | 348 |
| 2007 | 72,659 | 348 |
| 2008 | 71,389 | 324 |
| 2009 | 72,659 | 315 |
| 2010 | 73,380 | 315 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$70,255,000 and 280 FTE for its Federal Compliance Assistance Activity in FY 2011, a decrease of \$3,125,000 and 35 FTE from the FY 2010 enacted level. The request shifts the 35 FTE to the Federal Enforcement budget activity.

In FY 2011, OSHA will strategically utilize outreach, training, education, and cooperative program activities to support the Secretary's vision of *good jobs for everyone* by securing safe and healthful workplaces and enhancing workers' voice in the workplace. OSHA's Federal Compliance Assistance activity will complement the agency's enforcement and standards activities, and reach out to diverse workforces, including Hispanic and non-English-speaking

COMPLIANCE ASSISTANCE - FEDERAL

workers. This will include new and updated OSHA publications and web-based products, many of which will be available in Spanish and other languages.

OSHA is proposing to significantly reduce direct federal funding of the agency's Voluntary Protection Program (VPP) while working closely with the agency's stakeholders both to identify and secure alternative non-federal forms of funding. Consistent with this change, OSHA proposes to shift 35 FTE from support of VPP and Alliance programs to enforcement activities. The VPP program in the past has been successful in promoting best practices and corporate safety and health programs, primarily in high performing large businesses. Rather than devote resources to mostly large companies that voluntarily meet and exceed OSHA's requirements, OSHA is looking to sharpen its focus on businesses that continue to violate the law and put workers' lives at risk, as well as on protecting hard-to-reach populations. These include workers employed in jobs that do not have fixed worksites for lengthy periods of time, as well as recent immigrants facing language barriers. The redirection of resources will enable OSHA to increase its efforts to provide useful information to them about the hazards they face and their rights under the Occupational Safety and Health Act.

Staff resources will also provide improved oversight of OSHA state plans and state consultation programs that provide health and safety services for small businesses. OSHA also intends to reorganize its Strategic Partnership and Alliance Programs to focus compliance assistance resources toward high hazard industries, at-risk workers and emerging workplace issues, supporting the agency's reinvigorated enforcement and regulatory activity. These changes will enable OSHA to better meet the Department's outcome goals to *secure safe and healthy workplaces* and *enhance workers' voice in the workplace* – both important elements of the Secretary's vision of good jobs for everyone.

The OSHA Strategic Partnership Program will focus on maintaining existing partnerships with employers, employees, non-profit associations and other organizations to address critical safety and health issues. OSHA expects to maintain the program's rate of 50 partnerships per year, with 12 renewals of existing partnerships.

OSHA will continue to develop products to reach non-English speaking workers and small businesses. The agency is focusing on maintaining and enhancing educational materials available on the OSHA website and issuing web-based training and information. Publications and easy-to-use reference materials, such as fact sheets and QuickCards, are being developed and disseminated.

The OSHA Training Institute (OTI) will also continue to provide occupational safety and health training, primarily for Federal and State compliance safety and health officers and State consultants, but also for other government-agency and private-sector personnel. This training will be delivered by conducting basic, intermediate, and advanced instructor-led courses, blended courses (web-based pre-course activity followed by an instructor-led class), webinars, and webcasts. OTI anticipates an increase in the number of training courses to accommodate the expected increase in newly-hired federal and state compliance personnel.

COMPLIANCE ASSISTANCE - FEDERAL

As part of a Departmental initiative to strengthen and coordinate Federal and State efforts to identify and deter misclassification of employees as independent contractors and to coordinate enforcement of statutory prohibitions, OSHA is requesting an increase of \$150,000 in FY 2011 to modify the training curriculum for agency CSHOs. OSHA will modify existing courses to enable CSHOs to better identify potential employee misclassification and to share that information with the Department's Wage and Hour Division.

The agency will continue to document courses taught by OTI and use data from its internal evaluation processes to make continuous improvements in course curriculum. OTI will strive to present courses, webinars, and webcasts that support agency goals and priorities and that meet the needs of OSHA staff.

OSHA will also continue to support the OTI Education Centers Program by expanding the Outreach Training Program to meet the goals of the agency and the Department by addressing the needs of specific high-risk industries and at-risk populations. These courses, seminars and programs will include training offered in Spanish, and will provide increased training opportunities for private sector and other governmental personnel.

FY 2010

In FY 2010, the OSHA Strategic Partnership Program (OSPP) will focus on maintaining existing partnerships with employers, employees, non-profit associations and other organizations to address critical safety and health issues. OSHA expects to maintain 50 partnerships per year, with approximately 15 renewals of existing partnerships. The agency will also provide approval for 390 VPP participants.

OSHA will continue its support for the agency's cooperative programs in FY 2010 and implement directions to improve the consistent operations and administration of the VPP as part of its ongoing response to the GAO report, "OSHA's Voluntary Protection Programs: Improved Oversight and Controls Would Better Ensure Program Quality." These efforts include improved processes for obtaining Medical Access Orders (MAOs) and the elimination of the VPP Modified Application Process (MAP) field pilot. OSHA will continue to review the effectiveness of the VPP and Alliance Program as well as their roles in helping the agency to promote the safety and health of American workers.

In FY 2010, OTI will continue to offer safety and health education and training programs that support the Secretary's vision and agency and Departmental goals. Due to the anticipated hiring of more than 100 new compliance positions and attrition among existing compliance officers, OTI will focus on offering the core competency training courses for newly hired compliance officers in FY 2010. The curriculum at OTI will continue to be updated to ensure that it meets identified compliance safety and health officer (CSHO) job-specific competencies. In addition, OTI will continue to focus on presenting webinars and webcasts that support agency goals and priorities and that meet the needs of OSHA staff, particularly OSHA senior staff. The schedule of training courses will also be adjusted as necessary to accommodate any training needs of compliance staff who are meeting new challenges presented by Recovery Act work. In addition,

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the agency will continue to document courses taught by OTI and use data from its internal evaluation process to make continuous improvements in course curriculum.

OSHA will also continue to support the OTI Education Centers Program by providing new courses and seminars as necessary to meet agency and Departmental goals and priorities and by expanding the Outreach Training Program through the development of programs that address the needs of specific high-hazard industries or target at-risk populations.

FY 2009

In FY 2009, OTI, the OTI Education Centers, the Outreach Training Program, and the Resource Loan Service continued to be the primary resources for occupational safety and health training and education courses, programs, and training materials. In FY 2009, the agency continued implementation of strategies that increased the number of training opportunities and access to safety and health training programs for both agency staff and the public sector at large. In addition, improvements in the use of electronic media for reporting and evaluating program performance were identified and are being implemented in FY 2010.

In FY 2009, OTI helped to maintain a high level of professionalism in agency personnel by developing and providing training courses and programs on new standards and National Emphasis Programs, training 8,829 students, including compliance staff doing Recovery Act work. OTI added extra courses for training newly hired compliance staff and for succession planning. To meet the goal of highly trained CSHOs, OSHA continued implementation in FY 2009 of a new competency-based training program for new and experienced compliance personnel. This program is designed to provide more comprehensive training for compliance personnel to better equip them to apply technical information and skills in their work.

The OSHA Training Institute's Education Centers presented OTI courses and seminars, including training offered in Spanish, which provided increased opportunities for occupational safety and health training for private-sector and other governmental personnel. In FY 2009, they presented 2,381 courses and seminars, training 30,575 students. OSHA expanded the course offering for the Education Centers by developing and providing the course "OSHA Construction Industry Requirements: Awareness of Major Hazards and Prevention Strategies." This course, supporting the American Recovery and Reinvestment Act of 2009, was developed for private-sector employers and government-contracting officers.

OSHA continued to expand the Outreach Training Program that provides training to workers on the basics of occupational safety and health hazard recognition and avoidance. In FY 2009, 754,696 students were trained in 49,068 courses. Outreach Training Programs are now available for the Construction Industry, General Industry, Maritime Industry, Disaster Site Workers, and Supervisors in the Electrical Transmission and Distribution Industry. During FY 2009, OSHA took numerous steps to maintain and improve the integrity of this continuously fast growing worker training program.

The Resource Loan Center lends a collection of training video and book titles covering more than 100 occupational safety and health subjects to Outreach Program trainers, OSHA federal,

COMPLIANCE ASSISTANCE - FEDERAL

state and consultation personnel, and various OSHA Cooperative Program participants. In FY 2009, the Resource Loan Center lent 5,444 training materials, which helped to train an estimated 23,137 students.

In FY 2009, OSHA used the VPP, the OSPP, and the OSHA Challenge Program Pilot to foster and recognize the development and implementation of effective and exemplary workplace safety and health management systems that emphasized worker involvement and hazard analysis and control. During FY 2009, there were 163 new VPP sites and 214 VPP sites that were re-approved. There were also 46 new Strategic Partnership agreements during FY 2009.

In FY 2009, OSHA began its review of how the VPP and other cooperative programs could best support OSHA's mission, as well as the allocation of OSHA's resources among enforcement, rulemaking, cooperative programs, and the Agency's other activities. GAO released its report "OSHA's Voluntary Protection Programs: Improved Oversight and Controls Would Better Ensure Program Quality", which further focused OSHA efforts. The agency identified to GAO the actions it has taken or will take to address GAO's recommendations for improving the programs. This included the agency's commitment to perform an evaluation of OSHA's cooperative programs, including VPP and Alliances. Further, the agency implemented specific actions to improve the consistent operations and administration of the VPP, including enhanced OSHA oversight following fatalities/significant events, and procedures to follow when VPP sites no longer meet program requirements.

OSHA also continued to administer the Alliance Program in FY 2009 to develop compliance assistance tools and resources and share information with workers and employers to help prevent injuries, illnesses and fatalities in the workplace. During FY 2009, there were 63 new Alliance agreements.

COMPLIANCE ASSISTANCE - FEDERAL

| WORKLOAD SUMMARY | | | | |
|--------------------------------------|----------------|----------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Compliance Assistance-Federal | | | | |
| Number of Person's Trained: | | | | |
| Federal | 4,850 | 5,529 (r) | 5,800 | 5,793 |
| State | 2,775 | 3,246 (r) | 3,400 | 3,358 |
| Private Sector | 175 | 54 (r) | 200 | 199 |
| Total | 7,800 | 8,829 | 9,400 | 9,350 |
| Resource Center Lending: | | | | |
| Items lent | 7,000 | 5,444 (r) | 5,100 | 5,088 |
| Number of persons trained | 32,000 | 23,137 (r) | 20,400 | 20,310 |
| Total | 39,000 | 28,581 | 25,500 | 25,398 |
| Education Centers: | | | | |
| Number of persons trained | 29,500 | 30,575 (r) | 30,500 | 30,310 |
| Total | 29,500 | 30,575 | 30,500 | 30,310 |
| Outreach Training Program | | | | |
| Number trained | 560,000 | 754,696 (r) | 733,605 | 733,605 |
| Total | 560,000 | 754,696 | 733,605 | 733,605 |
| Strategic Partnerships & Alliances | 170 | 105 (r) | 95 | 70 |

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

COMPLIANCE ASSISTANCE - FEDERAL

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|---|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 11.1 | Full-time permanent | 30,318 | 0 | 29,713 | 27,911 | -1,802 |
| 11.5 | Other personnel compensation | 789 | 0 | 805 | 725 | -80 |
| 11.9 | Total personnel compensation | 31,107 | 0 | 30,518 | 28,636 | -1,882 |
| 12.1 | Civilian personnel benefits | 8,525 | 0 | 8,132 | 7,669 | -463 |
| 21.0 | Travel and transportation of persons | 1,818 | 0 | 1,823 | 1,823 | 0 |
| 22.0 | Transportation of things | 48 | 0 | 48 | 48 | 0 |
| 23.1 | Rental payments to GSA | 10,544 | 0 | 10,594 | 10,385 | -209 |
| 23.3 | Communications, utilities, and miscellaneous charges | 848 | 0 | 852 | 852 | 0 |
| 24.0 | Printing and reproduction | 142 | 0 | 143 | 143 | 0 |
| 25.1 | Advisory and assistance services | 319 | 0 | 321 | 321 | 0 |
| 25.2 | Other services | 2,129 | 0 | 2,141 | 2,112 | -29 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 13,579 | 0 | 15,195 | 14,653 | -542 |
| 25.7 | Operation and maintenance of equipment | 1,955 | 0 | 1,960 | 1,960 | 0 |
| 26.0 | Supplies and materials | 851 | 0 | 855 | 855 | 0 |
| 31.0 | Equipment | 794 | 0 | 798 | 798 | 0 |
| | Total | 72,659 | 0 | 73,380 | 70,255 | -3,125 |
| 1/Other Purchases of Goods and Services From Government Accounts | | | | | | |
| | Services by Other Government Departments | 2,301 | 0 | 2,309 | 2,309 | 0 |
| | Working Capital Fund | 10,815 | 0 | 12,421 | 11,879 | -542 |
| | DHS Services | 463 | 0 | 465 | 465 | 0 |

COMPLIANCE ASSISTANCE - FEDERAL

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--------------------------|-------|
| Costs of pay adjustments | \$427 |
|--------------------------|-------|

| | |
|--------------------|-----|
| Personnel benefits | 107 |
|--------------------|-----|

| | |
|---|---|
| Federal Employees Compensation Act (FECA) | 7 |
|---|---|

| | |
|------------------------|-----|
| Rental payments to GSA | 148 |
|------------------------|-----|

| | |
|---------------------------|------------|
| Built-Ins Subtotal | 689 |
|---------------------------|------------|

| | |
|--------------------|---------------|
| Net Program | -3,814 |
|--------------------|---------------|

| | |
|-------------------|------------|
| Direct FTE | -35 |
|-------------------|------------|

| | Estimate | FTE |
|-------------------------|---------------|------------|
| Base | 74,069 | 315 |
| Program Increase | 150 | 0 |
| Program Decrease | -3,964 | -35 |

COMPLIANCE ASSISTANCE – STATE CONSULTATION

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 54,531 | 0 | 54,798 | 55,798 | 1,000 |
| FTE | 0 | 0 | 0 | 0 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 0.

Introduction

This activity provides on-site consultative services for employers who request assistance in achieving voluntary employee protection. OSHA distributes funding to Consultation Projects as authorized by Section 21(d) of the Occupational Safety and Health Act of 1970. The On-Site Consultation Projects provide free and confidential assistance to small employers in high hazard industries in all states, with the goal of helping them reduce safety and health risks and achieve compliance with OSHA standards. The Consultation Projects encourage companies to voluntarily adopt recommended hazard reduction strategies, implement a structured safety and health management system, and use the system to achieve superior safety and health performance – thereby, securing safe and healthy workplaces, and giving employees at those workplaces a viable voice in their own safety and health.

Funding Mechanism

OSHA distributes grants to Consultation Projects through four performance criteria used to assess a project’s activity levels, success in reaching small businesses, visits in high-hazard industries, and success in leading to the correction of detected serious hazards. There is also a parity component to OSHA’s funding of consultation projects, which is used to level grant amounts depending on how long a consultation project has been funded by OSHA.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 53,357 | 0 |
| 2007 | 53,357 | 0 |
| 2008 | 52,425 | 0 |
| 2009 | 54,531 | 0 |
| 2010 | 54,798 | 0 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$55,798,000 for the On-site Consultation Program, an increase of \$1,000,000 from the FY 2010 enacted level.

In FY 2011, OSHA’s On-site Consultation Program will continue to provide free on-site safety

COMPLIANCE ASSISTANCE – STATE CONSULTATION

and health assistance to small business employers in furtherance of the Secretary's strategic goal of securing safe and healthy workplaces. Projects will conduct an estimated 32,200 on-site consultation reviews, and will provide assistance in support of the agency's areas of emphasis. The agency estimates an increased demand for consultation services in areas where federal enforcement will be implementing broad based initiatives (e.g. National Emphasis Programs and Special Emphasis Programs) and focused "sweeps" where rises in fatalities make them necessary. Some of these new enforcement special emphasis programs address more hazardous and complex worksites that will require more safety and health evaluations, thereby increasing the time and resources needed for consultation visits. Finally, the economic downturn and OSHA's potential revision of its penalty formula could result in more small employers seeking these services.

In addition, the increased OSHA enforcement presence, and inspections funded under the Recovery Act, will lead to an increased demand for on-site consultative services from small employers seeking assistance in establishing safety and health management programs. To meet this increased demand and provide technical and compliance assistance to small employers who want to achieve compliance with OSHA's regulations, the agency is requesting an increase of \$1,000,000 for this program in FY 2011.

The Safety and Health Achievement Recognition Program (SHARP), administered by the On-Site Consultation Program, recognizes small employers who operate exemplary safety and health management systems at their worksites. In FY 2011, OSHA anticipates a total of 784 SHARP sites.

In FY 2011, OSHA will continue to implement initiatives to ensure that the occupational safety and health issues of small employers are addressed. The agency will continue to strengthen its relationships with the Small Business Administration (SBA) and other national organizations that represent the interests and concerns of small business. OSHA will also increase its contacts with smaller business establishments through SBA-sponsored programs such as Regulatory Fairness hearings and through the agency's Small Business Forums. Other agency initiatives will focus on the development of publications and tools specifically tailored for small businesses and diverse workgroups; development of materials to better promote the On-Site Consultation Program; enhancement of the small business web site, including development of a new web page for small employers in construction; and ongoing collection and sharing of small business best practices. Additionally, OSHA will work with On-Site Consultation Projects to further improve program performance and support OSHA and State strategic goals in the reduction of injuries, illnesses and fatalities.

FY 2010

In FY 2010, OSHA will continue to promote state compliance assistance programs, including participation in SHARP, and provide further opportunities for employers working towards SHARP. On-Site Consultation Projects will continue to assist other OSHA outreach and training programs in support of the overarching goal of helping small businesses come into compliance with OSHA safety and health requirements.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

FY 2009

In FY 2009, OSHA worked with On-site Consultation Projects to further improve program performance and support OSHA and State strategic goals in the reduction of injuries, illnesses and fatalities. In FY 2009, On-site Consultation Projects performed 31,674 consultation visits.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

| WORKLOAD SUMMARY | | | | |
|--|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Compliance Assistance-State Consultations | | | | |
| Consultation Visits | | | | |
| Initial Visits | 26,360 | 26,405 (r) | 26,444 | 26,753 |
| Training and Assistance | 3,154 | 3,153 (r) | 3,242 | 3,304 |
| Follow-up | 2,386 | 2,116 (r) | 2,014 | 2,143 |
| Total | 31,900 | 31,674 | 31,700 | 32,200 |
| Recognition & Exemption | | | | |
| SHARP Sites | 575 | 896 (r) | 792 | 784 |
| State Recognition and Exemption | 355 | 600 (r) | 508 | 503 |
| Total | 930 | 1,496 | 1,300 | 1,287 |
| 21(d) Agreements | | | | |
| Plan States | 19 | 23 (r) | 24 | 24 |
| Non-plan States | 34 | 29 (r) | 28 | 28 |
| Total | 53 | 52 | 52 | 52 |
| Off-site Assistance | 1,500 | 3,822 (r) | 1,500 | 1,485 |

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

COMPLIANCE ASSISTANCE – STATE CONSULTATION

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|----------------|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 25.2 | Other services | 54,531 | 0 | 54,798 | 55,798 | 1,000 |
| | Total | 54,531 | 0 | 54,798 | 55,798 | 1,000 |
| | | | | | | |

COMPLIANCE ASSISTANCE – STATE CONSULTATION

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Built-Ins Subtotal

\$0

Net Program

1,000

Estimate

FTE

Base

54,798

0

Program Increase

1,000

0

COMPLIANCE ASSISTANCE – TRAINING GRANTS

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 10,000 | 0 | 10,750 | 11,000 | 250 |
| FTE | 0 | 0 | 0 | 0 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 0.

Introduction

This budget activity provides funding for the Susan Harwood Training Program, which provides targeted, competitive grant awards to train and educate workers on safety and health hazards in the workplace. These grants support the Secretary’s vision of *good jobs for everyone* by providing training to secure safe and healthy workplaces, particularly in high risk industries, and providing a stronger voice to workers through informing them of good safety and health practices.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 10,116 | 0 |
| 2007 | 10,116 | 0 |
| 2008 | 9,939 | 0 |
| 2009 | 10,000 | 0 |
| 2010 | 10,750 | 0 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

In FY 2011, \$11,000,000 is requested for the Susan Harwood Training Grants Program, an increase of \$250,000 above the FY 2010 enacted level. OSHA will use the increase to expand the scope and reach of grant funds by providing direct training and education on occupational safety and health topics and hazards to a more diverse worker population in high risk industries and industries that have been historically difficult for the agency to reach. Emphasis will be placed on hazards and industries associated with a disproportionately high incidence of worker injuries, illnesses and fatalities, and those identified as strategic targets to address the Secretary’s goals of securing safe and healthy workplaces and providing a strong voice to workers.

OSHA will focus on increasing the number of multi-year grants and improving outreach and training to underserved populations such as immigrants, non-English speaking workers, low literacy workers and low-wage workers. The increase will complement and support the agency’s enforcement and regulatory work by directing grant funding at new and emerging workplace hazards and in industries where safety and health issues remain problematic.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

FY 2010

Through the Susan Harwood Training Grants Program, OSHA makes training grant funds available to non-profit organizations to provide training and education for workers and employers on occupational safety and health topics selected by OSHA. OSHA will solicit applications for both Capacity Building (multi-year) Grants and for Targeted Training Grants. Emphasis will be placed on hazards and high-risk industries and at-risk populations, such as immigrant workers, non-English speaking workers and low-literacy workers identified as strategic targets in the agency's performance goals and that support the Secretary's vision. Approximately 46 grants will be awarded in FY 2010.

FY 2009

In FY 2009, OSHA awarded \$10,005,632 in Susan Harwood Training Grants. This included \$3,144,000 for renewing 13 Institutional Competency Building Grants and \$6,861,632 for awarding 30 new Targeted Training Grants. These grants addressed designated safety and health hazards in high-risk industries and at-risk populations identified by OSHA, such as immigrant workers, non-English speaking workers and low-literacy workers.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

| WORKLOAD SUMMARY | | | | |
|--|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Compliance Assistance-Training Grants | | | | |
| Targeted Training Grants | 42 | 43 (r) | 46 | 47 |

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

COMPLIANCE ASSISTANCE – TRAINING GRANTS

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|--------------------------------------|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 41.0 | Grants, subsidies, and contributions | 10,000 | 0 | 10,750 | 11,000 | 250 |
| | Total | 10,000 | 0 | 10,750 | 11,000 | 250 |
| | | | | | | |

COMPLIANCE ASSISTANCE – TRAINING GRANTS

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Built-Ins Subtotal

\$0

Net Program

250

| | Estimate | FTE |
|------------------|----------|-----|
| Base | 10,750 | 0 |
| Program Increase | 250 | 0 |

SAFETY AND HEALTH STATISTICS

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 34,128 | 600 | 34,875 | 34,981 | 106 |
| FTE | 38 | 0 | 43 | 43 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 38.

Introduction

This activity provides for the collection, maintenance, evaluation and analysis of inspection and statistical data that support all agency activities, particularly standards development, inspection targeting, technical support, enforcement activities, compliance assistance and program evaluation. OSHA continually seeks to use evaluation, innovation and improved implementation to strengthen its programs and meet the goals of the agency and the Department. OSHA's information technology (IT) infrastructure allows the agency to maintain and enhance its leadership in workplace safety and health by providing a reliable, well-managed network, data systems, web services, social networking opportunities for communicating important safety and health messages, and customer support. OSHA's Integrated Management Information System (IMIS) allows OSHA managers and employees – as well as State Plans, stakeholders, and citizens – to communicate across electronic lines internally and externally, get access to data, and document and store key safety and health documents. The IMIS houses agency inspection data and other workload and performance data, thereby enabling OSHA to evaluate and modify its programs and strategies to better secure safe and healthy workplaces. It also will serve as a key bridge to taking OSHA's data systems into the 21st Century with the implementation of the OSHA Information System (OIS), the agency's real-time data system that is nearing completion.

To align with the agency's current and future strategic objectives, OSHA is investing resources in the developmental final stages of the OIS, a modern information system. The OIS will bring a number of overarching benefits to the agency by more comprehensively automating its critical business processes, including enforcement and compliance assistance activities, and providing a more efficient means for users to get extensive data more quickly. The system will include integrated automation for OSHA's compliance assistance programs, which have not been fully incorporated in the existing data system for nearly 20 years, and will also automate emerging agency activities such as emergency response. The OIS system will provide OSHA with the methods to identify at-risk worker populations to more rapidly target appropriate interventions, while concurrently providing the tools to identify trends in occupational fatalities, injuries, and illnesses.

OSHA also maintains responsibility for the national injury and illness recordkeeping system and forms. OSHA regulations specify which cases are to be recorded by employers and ultimately included in the Bureau of Labor Statistics' Annual Occupational Safety and Health Survey. The agency updates guidance to both the public and private sectors for accurate reporting of injuries and illnesses while administering and maintaining the recordkeeping system.

SAFETY AND HEALTH STATISTICS

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2006 | 24,253 | 38 |
| 2007 | 32,274 | 38 |
| 2008 | 31,523 | 35 |
| 2009 | 34,128 | 38 |
| 2010 | 34,875 | 43 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$34,981,000 and 43 FTE for the Safety and Health Statistics activity, an increase of \$106,000 above the FY 2010 enacted level.

In FY 2011, OSHA will continue to focus on and implement IT solutions that promote and provide the Secretary's vision of *good jobs for everyone*, including the outcomes of securing safe and healthy workplaces and ensuring that workers have a strong voice in the workplace. This will be achieved through an information technology infrastructure, website, and systems that address such a goal, and by inviting the public to share information that aids in the reduction of workplace injuries, illnesses and fatalities.

In FY 2011, OSHA will strengthen its data capabilities by discontinuing the use of some of its existing system. This effort will involve implementing a process that will lead to strengthening the infrastructure that supports the OSHA Public website, intranet, and extranet.

In FY 2011, OSHA expects more than 142 million visitor sessions to its website, based on the previous five years of growth. OSHA is developing new tools to interact with the public, including use of Wikis, blogs, forums and other evolving social-networking technology. This also includes new ways to use the web to provide the public information and allow them to interact with the agency. Interactive resources are currently incorporated throughout the site to provide services to the public. The OSHA public website also provides access to over 500,000 pages of information, including agency standards, training material, publications, and information on compliance assistance and workplace hazards. In addition, the public web site provides access to data on more than 3.3 million agency inspections and 10.2 million penalties.

OSHA will support and implement the Department-wide enterprise applications, such as the Document Management/Records Management system that will establish the Department's first enterprise-wide electronic recordkeeping system (in compliance with National Archives and Records Administration requirements), enabling users and Records Managers to retain, schedule for archiving, and actually archive documents, while also allowing for identity and access management.

In FY 2011, OSHA will work to implement and enhance OSHA's and DOL's Target Enterprise Architecture framework, which will support mission critical applications and other business

SAFETY AND HEALTH STATISTICS

functions, provide effective tools to OSHA staff for data entry and retrieval, and enhance security. A strong IT capability, in alignment with the Enterprise Architecture and performance goals of the Strategic Plan, enables the agency to collect and provide data on OSHA interventions and workplace safety and health conditions, monitor agency programs, and communicate with both internal and external audiences.

To improve IT security in FY 2011, OSHA will finish the final stages of moving its mission-critical data systems to web-based platforms that will be accessible via the Internet and web-based technology. Working with the Department, OSHA will continue to implement and improve its cyber-security plan, and agency System Security Plans to meet new and ongoing security needs. These plans protect the agency's information technology and information management infrastructures by addressing security areas including authentication and encryption. Over the past year, additional requirements for implementing architecture standards, risks (viruses and cyber-attacks) and security assessments have been added. The FY 2011 request would allow OSHA to continue to meet these requirements.

OSHA will also continue to strengthen the protection of its Information Technology assets and data. The agency's computer security program is maintained and implemented in accordance with DOL and legislative mandates, such as the Federal Information Security Management Act (FISMA) and Title III of the E-Government Act. OSHA will continue to maintain an agency-wide computer security program to lower the likelihood of unintended or deliberate corruption of OSHA data, denial of service to agency assets, theft of agency assets, and the loss of public trust in OSHA. OSHA will continue to support the collection of data in response to requests from OMB and other Federal agencies while also demonstrating the goal of improving our technology infrastructure and correcting audit and/or independent assessment findings.

In FY 2011, OSHA plans to begin use of the OIS, the data system that will replace the IMIS. OIS will provide an innovative tool to enable OSHA to recognize trends in occupational injuries and illnesses affecting various worker populations and workplaces, such as immigrant workers and selected hazards. Much of the development to this point will provide improved implementation of methods and tools for the agency to better identify areas for reduction in fatalities, injuries, and illnesses. The OIS will enable OSHA's front-line workers to capture information electronically where it is collected, incorporate the information into OIS, and support rapid implementation of program changes, strategic changes, and policy changes. The information provided by this system will better position OSHA to pursue safe and secure workplaces, and to apply innovative strategies to address worker injuries, illnesses and fatalities using the full range of agency programs.

OSHA will also continue to collect establishment-specific injury and illness data through its OSHA Data Initiative (ODI) to efficiently target the agency's enforcement resources. From this information, OSHA will notify thousands of employees through letters that their injury and illness rates are higher than the national average. These letters also notify employers that assistance is available, such as free safety and health consultation services, to help them reduce safety and health hazards. The ODI collection also forms the Site-Specific Targeting (SST) plan that each year calls for several thousand high-hazard general industry worksites to be given an unannounced comprehensive inspection over the coming year.

SAFETY AND HEALTH STATISTICS

FY 2010

In FY 2010, OSHA will strengthen the protection of its Information Technology assets and data. The OSHA network infrastructure includes public access to the OSHA website (www.osha.gov), and other web-based database applications that more effectively reach out to workers on a local level, and deliver targeted workplace information by trade and industry. In FY 2009, OSHA's electronic data systems and website allowed more than a million users to get information about important safety and health topics quickly and in a form that can be applied to unique workplace settings. In FY 2010, an enacted increase in the budget for Safety and Health Statistics will permit greater technical assistance to support an increased enforcement capacity for the agency. OSHA must have adequate information technology resources to support an enhanced enforcement presence, including the appropriate infrastructure to address increased information demands for guidance materials, electronic tools, social networking tools, and information related to new National and Local Emphasis Programs.

In FY 2010, the agency anticipates completing much of the remaining development and testing needed for the agency-wide deployment and rollout of the OIS. Portions of the system are expected to be in place at the end of FY 2010.

In FY 2010, OSHA will enhance the collection and analysis of establishment-specific injury and illness data through ODI to include results from the surveying of 20,000 construction establishments under funding provided by the Recovery Act. The agency will also use its annual survey of 80,000 general-industry establishments to efficiently target enforcement resources.

FY 2009

In FY 2009, the agency strengthened all of its IT assets. Web traffic remained high; more than a million users sought data from www.osha.gov in FY 2009. Members of the public seeking compliance assistance from e-tools, expert advisors, and safety and health topic pages received quick and safe access to those products. The agency will continue to emphasize computer security that will be maintained and implemented in accordance with DOL and legislative mandates.

In FY 2009, OSHA completed the coding and testing of the remaining requirements for the design phase and application development of the OIS. Steps taken in FY 2009 led to the formation of a single storage repository for all of the agency's critical business information. Development in FY 2009 also paved the way for reducing maintenance overhead for the completed system through the building of web-based, easily maintainable and extendable platforms that will reduce the overall cost of the OIS.

ODI collected establishment-specific injury and illness data from approximately 80,000 employers nationwide. Data was also collected from an additional 20,000 construction establishments under funding provided by the Recovery Act, and is being analyzed in FY 2010 for the purposes of improved targeting of enforcement resources. Through the continuation of

SAFETY AND HEALTH STATISTICS

the ODI, the agency's data analysis has contributed to the lowest occupational injury and illness rate since the Bureau of Labor Statistics began collecting such data in 1973.

Recovery Act Update

One of the challenges OSHA has faced over the years is the collection of accurate injury and illness data to target inspections at construction firms with high injury and illness rates. To address this challenge, data collected from 20,000 employers in the construction industry is being analyzed and will be used during FY 2010 to support programmed-inspection targeting for construction sites supported by the Recovery Act. Since OSHA's ODI and other information and management systems direct its program and field resources to where they are most needed, the collection of the additional construction data will increase the effectiveness of OSHA's enforcement using Recovery Act and regularly appropriated funding. This data will assist OSHA in targeting Recovery Act inspections, and quickly identifying hazards and industry sectors to improve the targeting of resources.

Initial notifications for the data collection were mailed on June 29 and 30, 2009. The second mailing to construction establishments was completed August 20, 2009. The collection response rate is over 90%.

SAFETY AND HEALTH STATISTICS

| WORKLOAD SUMMARY | | | | |
|-------------------------------------|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Safety and Health Statistics | | | | |
| Web Usage (million) | | | | |
| Web site User Sessions | 123.00 | 134.84 (r) | 138.52 | 142.20 |
| Non-OSHA | 120.30 | 132.85 (r) | 136.43 | 140.10 |
| Total | 243.30 | 267.69 | 274.95 | 282.30 |
| Electronic Software Systems | | | | |
| Downloads (millions) | .13 | 1.01 (r) | 1.04 | 1.07 |
| User sessions | 12.30 | .77 (r) | .79 | .82 |
| Total | 12.43 | 1.78 | 1.83 | 1.89 |
| Web Site Hits (million) | 1,076 | 1,096 (r) | 1,128 | 1,162 |
| ODI (log summaries collected) | 80,000 | 100,000 (r) | 80,000 | 80,000 |

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

SAFETY AND HEALTH STATISTICS

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|---|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 11.1 | Full-time permanent | 4,458 | 0 | 4,859 | 4,927 | 68 |
| 11.5 | Other personnel compensation | 142 | 0 | 155 | 157 | 2 |
| 11.9 | Total personnel compensation | 4,600 | 0 | 5,014 | 5,084 | 70 |
| 12.1 | Civilian personnel benefits | 1,194 | 0 | 1,295 | 1,313 | 18 |
| 21.0 | Travel and transportation of persons | 81 | 0 | 81 | 81 | 0 |
| 22.0 | Transportation of things | 8 | 0 | 11 | 11 | 0 |
| 23.1 | Rental payments to GSA | 1,257 | 0 | 1,302 | 1,320 | 18 |
| 23.3 | Communications, utilities, and miscellaneous charges | 853 | 0 | 857 | 857 | 0 |
| 24.0 | Printing and reproduction | 85 | 0 | 85 | 85 | 0 |
| 25.1 | Advisory and assistance services | 255 | 0 | 256 | 256 | 0 |
| 25.2 | Other services | 13,962 | 600 | 14,023 | 14,023 | 0 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 3,262 | 0 | 3,333 | 3,333 | 0 |
| 25.7 | Operation and maintenance of equipment | 7,559 | 0 | 7,600 | 7,600 | 0 |
| 26.0 | Supplies and materials | 532 | 0 | 535 | 535 | 0 |
| 31.0 | Equipment | 480 | 0 | 483 | 483 | 0 |
| | Total | 34,128 | 600 | 34,875 | 34,981 | 106 |
| 1/Other Purchases of Goods and Services From Government Accounts | | | | | | |
| | Services by Other Government Departments | 352 | 0 | 356 | 356 | 0 |
| | Working Capital Fund | 2,910 | 0 | 2,975 | 2,975 | 0 |
| | DHS Services | 0 | 0 | 2 | 2 | 0 |

SAFETY AND HEALTH STATISTICS

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$70

Personnel benefits 18

Rental payments to GSA 18

Built-Ins Subtotal 106

| | Estimate | FTE |
|-------------|-----------------|------------|
| Base | 34,981 | 43 |

EXECUTIVE DIRECTION

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | | |
|--|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | |
| | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | Diff. FY 11 Req. / FY 10 Enacted |
| Activity Appropriation | 11,349 | 0 | 11,536 | 11,782 | 246 |
| FTE | 49 | 0 | 49 | 49 | 0 |

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 49.

Introduction

This activity provides overall direction and administrative support for the Occupational Safety and Health Administration, including coordination of policy, research, planning, evaluation, internal management, human resources, budgeting, financial control, legislative liaison, Federal agency liaison, emergency preparedness, and coordination of international safety and health activities.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2006 | 10,591 | 49 |
| 2007 | 11,169 | 49 |
| 2008 | 10,809 | 47 |
| 2009 | 11,349 | 49 |
| 2010 | 11,536 | 49 |

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

OSHA requests \$11,782,000 and 49 FTE for the Executive Direction activity, an increase of \$246,000 over the FY 2010 enacted level.

In FY 2011, OSHA will continue to direct budgetary resources toward accomplishing the Secretary's vision of *good jobs for everyone* through *securing safe and healthy workplaces* and a *voice in the workplace*, and toward reforming worker protection through evaluation, innovation and improved implementation. Evaluations will be conducted of specific programs to provide objective measurement, systematic analysis and continuous improvement in the quality of data and outcomes of agency activities. Appropriate financial and programmatic reports will be provided to ensure transparency and accountability in the utilization of resources to support OSHA's programs, including its responsibilities under the American Recovery and Reinvestment Act (ARRA). More information on OSHA's Recovery Act programs is available at <http://www.osha.gov/dts/recovery/index.html>. Performance data is being compiled, reviewed and analyzed on a quarterly basis to track and monitor progress toward meeting agency-wide goals.

OSHA has worked with the Department to implement a hiring plan to assist in the succession planning and leadership development necessary to revitalize the agency, meet the challenges

EXECUTIVE DIRECTION

brought about by changes in technologies, industries and demographics, and reach the FTE targets set in FY 2010. The agency's hiring plans are designed to address the need for additional experienced safety and health compliance officers (CSHOs), whistleblower investigators, and technical staff with expertise in chemistry and engineering. OSHA will also place a high priority on enhancing the diversity of its workforce, and will continue to seek CSHOs who are proficient in a second language together with their English-speaking skills, but particularly those proficient in both Spanish and English.

OSHA plans to build on FY 2009 and backfill hiring for Recovery Act work to jump-start the hiring of FY 2010 and FY 2011 personnel. The agency was ready to begin filling additional positions on the first day that the FY 2010 appropriation was available for obligation. The majority of these FTE are CSHO positions distributed across OSHA's ten regional offices. The agency will make full use of various human-resource tools as appropriate, including Federal Career Intern appointments, and work with professional organizations, colleges and universities to reach interested and qualified candidates. In addition, the agency plans to seek qualified candidates for positions that will address the increasing need for bilingual language skills by participating in job fairs and utilizing OSHA information booths to promote job opportunities in the agency.

OSHA and the Department are also committed to implementing the requirements outlined in OMB Circular A-123, Management's Responsibility for Internal Controls over Financial Reporting. The agency will utilize Departmental and governmental systems such as Grants.gov to increase its efficiency.

Finally, to measure the success of its strategic objectives set by annual operational plans and the impact of its regulations, OSHA will complete a "lookback" study to assess the effectiveness of the methylene chloride standard for protecting worker safety and health. The agency will also initiate a new "lookback" study to assess the effectiveness of the bloodborne pathogens standard for protecting worker safety and health.

FY 2010

In FY 2010, this activity will provide the appropriate financial and programmatic reports to ensure transparency and accountability on the utilization of resources that support OSHA's programs, including its responsibilities under the Recovery Act.

OSHA will continue to direct budgetary resources toward accomplishing the occupational fatality and injury and illness reduction targets outlined in its performance goals. Evaluations will be conducted of specific programs to provide objective measurement, systematic analysis and continuous improvement in the quality of data and outcomes of agency activities. OSHA will complete two lookback studies, covering its bloodborne pathogens and occupational exposure to noise standards. The agency will also initiate new lookback studies of standards under section 610 of the Regulatory Flexibility Act.

OSHA will implement a Human Capital Strategy to assist in the succession planning and leadership development necessary to revitalize the agency and meet the challenges brought about

EXECUTIVE DIRECTION

by changes in technologies, industries and demographics. The agency's hiring plans for FY 2009 and 2010, including hiring under the Recovery Act, are designed to address the need for additional experienced CSHOs, whistleblower investigators, and technical staff with expertise in chemistry and engineering.

FY 2009

In FY 2009, OSHA continued to implement its human capital plans, and ensured that appropriate hiring to support agency priorities and Recovery Act requirements were met. The agency drew on Departmental and government-wide programs to assist in succession planning and leadership development. OSHA continued to enhance its workforce by hiring bilingual instructors.

In accordance with its approved performance indicators, OSHA directed its budgetary resources toward accomplishing the occupational fatality and injury and illness reduction targets. Areas of emphasis and specific industries were identified in order to focus the agency's resources for greatest impact. Performance data was compiled, reviewed and analyzed on a quarterly basis to track and monitor progress toward meeting agency-wide goals.

EXECUTIVE DIRECTION

| WORKLOAD SUMMARY | | | | |
|----------------------------|----------------|---------------|----------------|----------------|
| | FY 2009 | | FY 2010 | FY 2011 |
| | Target | Result | Target | Target |
| Executive Direction | | | | |
| Committee Meetings | | | | |
| NACOSH | 2 | 1 (r) | 2 | 2 |
| MACOSH | 2 | 3 (r) | 3 | 3 |
| ACCSH | 2 | 3 (r) | 3 | 3 |
| Total | 6 | 7 | 8 | 8 |
| Evaluations | | | | |
| Program Evaluations | 1 | -- | 1 | 1 |
| Lookback Studies | 1 | -- | 2 | 2 |
| Total | 2 | | 3 | 3 |

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

EXECUTIVE DIRECTION

| BUDGET ACTIVITY by OBJECT CLASS | | | | | | |
|--|---|----------------------------|-------------------------|----------------------------|----------------------------|---|
| (Dollars in Thousands) | | | | | | |
| | | FY 2009 Enacted | Recovery Act | FY 2010 Enacted | FY 2011 Request | FY 11 Req. / FY 10 Enacted |
| 11.1 | Full-time permanent | 7,535 | 0 | 7,683 | 7,878 | 195 |
| 11.5 | Other personnel compensation | 229 | 0 | 234 | 237 | 3 |
| 11.9 | Total personnel compensation | 7,764 | 0 | 7,917 | 8,115 | 198 |
| 12.1 | Civilian personnel benefits | 1,578 | 0 | 1,604 | 1,646 | 42 |
| 21.0 | Travel and transportation of persons | 135 | 0 | 136 | 136 | 0 |
| 22.0 | Transportation of things | 3 | 0 | 3 | 3 | 0 |
| 23.1 | Rental payments to GSA | 394 | 0 | 396 | 402 | 6 |
| 23.3 | Communications, utilities, and miscellaneous charges | 79 | 0 | 80 | 80 | 0 |
| 24.0 | Printing and reproduction | 236 | 0 | 237 | 237 | 0 |
| 25.1 | Advisory and assistance services | 138 | 0 | 139 | 139 | 0 |
| 25.2 | Other services | 206 | 0 | 207 | 207 | 0 |
| 25.3 | Other purchases of goods and services from Government accounts 1/ | 525 | 0 | 525 | 525 | 0 |
| 25.7 | Operation and maintenance of equipment | 185 | 0 | 186 | 186 | 0 |
| 26.0 | Supplies and materials | 78 | 0 | 78 | 78 | 0 |
| 31.0 | Equipment | 28 | 0 | 28 | 28 | 0 |
| | Total | 11,349 | 0 | 11,536 | 11,782 | 246 |
| 1/Other Purchases of Goods and Services From Government Accounts | | | | | | |
| | Services by Other Government Departments | 34 | 0 | 34 | 34 | 0 |
| | Working Capital Fund | 491 | 0 | 491 | 491 | 0 |

EXECUTIVE DIRECTION

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$198

Personnel benefits 42

Rental payments to GSA 6

Built-Ins Subtotal 246

| | Estimate | FTE |
|-------------|-----------------|------------|
| Base | 11,782 | 49 |