

FY 2023

CONGRESSIONAL BUDGET JUSTIFICATION

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$701,405,000, including not to exceed \$120,075,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2023, 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

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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;

(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 \$13,787,000 shall be available for Susan Harwood training grants: Provided further, That not less than \$3,500,000 shall be for Voluntary Protection Programs.

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Note. —A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L. 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

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ANALYSIS OF APPROPRIATION LANGUAGE

<u>Language Provision</u>	<u>Explanation</u>
"... including not to exceed \$120,075,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act;"	This appropriation language establishes an overall limit on 50 percent matching grants to States for approved occupational safety and health compliance programs. Under this language, States administering and enforcing State programs under plans approved by the Secretary shall not be required to expend from their own funds more than an amount equal to the grants provided by this appropriation.
"... and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of Training Institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education:"	This language authorizes the retention of up to \$499,000 per year in tuition payments made by and fees collected from the private sector for safety and health training courses offered by OSHA and to offset costs currently absorbed by the agency for training materials and production of Outreach Trainer Certification cards. The retained funds are to be utilized to augment the direct appropriations approved for training and education.
"... the Secretary of Labor is authorized, during the fiscal year ending September 30, 2023, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace:"	This language authorizes the retention of fees for OSHA services provided to Nationally Recognized Testing Laboratories. The retained fees are to be utilized to provide funding for the agency to administer national and international laboratory recognition programs to promote the safety of equipment and products used in the workplace.

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AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,884	\$591,787	1,853	\$591,787	2,346	\$701,405
Unexpired Unobligated Balances Carried Forward from Prior Year CARES Act (P.L. 116-136)	0	\$2,066	0	\$1,299	0	\$0
American Rescue Plan Act of 2021 (Pursuant to P.L. 117-2)	163	\$100,279	0	\$0	0	\$0
Unexpired Unobligated Balanced Carried Forward from Prior Year P.L. 117-2	0	\$0	66	\$65,328	0	\$0
Transfer to DM for HR (Pursuant to P.L. 115-245 Sec. 102)	0	-\$554	0	\$0	0	\$0
<i>Subtotal Appropriation</i>	<i>2,047</i>	<i>\$693,578</i>	<i>1,919</i>	<i>\$658,414</i>	<i>2,346</i>	<i>\$701,405</i>
Offsetting Collections From:						
Reimbursements	4	\$3,105	4	\$3,105	4	\$3,105
B. Gross Budget Authority	2,051	\$696,683	1,923	\$661,519	2,350	\$704,510
Unexpired Unobligated Balances Carried Forward from Prior Year CARES Act (P.L. 116-136)	0	-\$2,066	0	-\$1,299	0	\$0
American Rescue Plan Act of 2021 (Pursuant to P.L. 117-2)	-163	-\$100,279	0	\$0	0	\$0
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	0	\$0	-66	-\$65,328	0	\$0
Transfer to DM for HR (Pursuant to P.L. 115-245 Sec. 102)	0	\$554	0	\$0	0	\$0
Offsetting Collections deduction:						
Reimbursements	-4	-\$3,105	-4	-\$3,105	-4	-\$3,105
C. Budget Authority Before Committee	1,884	\$591,787	1,853	\$591,787	2,346	\$701,405
Offsetting Collections From:						
Unexpired Unobligated Balances Carried Forward from Prior Year CARES Act (P.L. 116-136)	0	\$2,066	0	\$1,299	0	\$0
American Rescue Plan Act of 2021 (Pursuant to P.L. 117-2)	163	\$100,279	0	\$0	0	\$0
Unexpired Unobligated Balanced Carried Forward from Prior Year P.L. 117-2	0	\$0	66	\$65,328	0	\$0
Reimbursement	4	\$3,105	4	\$3,105	4	\$3,105
D. Total Budgetary Resources	2,051	\$697,237	1,923	\$661,519	2,350	\$704,510

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FTE Lapse and Unobligated Balance Expiring	-148	-\$258	0	\$0	0	\$0
FTE Lapse and Unobligated Balance Carryover CARES Act (P.L. 116-136)	0	-\$1,299	0	\$0	0	\$0
FTE Lapse and Unobligated Balance Carryover American Rescue Plan Act of 2021 (P.L. 117-2)	-66	-\$65,328	0	\$0	0	\$0
Reimbursements	0	-\$872	0	\$0	0	\$0
E. Total, Estimated Obligations	1,837	\$629,480	1,923	\$661,519	2,350	\$704,510

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SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2022 Full Year C.R.	FY 2023 Request	Net Change
Budget Authority			
General Funds	\$591,787	\$701,405	+\$109,618
Total	\$591,787	\$701,405	+\$109,618
 Full Time Equivalents			
General Funds	1,853	2,346	493
Total	1,853	2,346	493

Explanation of Change	FY 2023 Change							
	FY 2022 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,853	\$204,425	0	\$0	0	\$13,867	0	\$13,867
Personnel benefits	0	\$71,964	0	\$0	0	\$4,999	0	\$4,999
Federal Employees' Compensation Act (FECA)	0	\$0	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$94	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$3,196	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$2	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$20,054	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$2,911	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$676	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$1,150	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$10,251	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$64,592	0	\$0	0	\$2,455	0	\$2,455
Other Federal sources (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$1,936	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$5,381	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$14,261	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$2,519	0	\$0	0	\$0	0	\$0
Equipment	0	\$3,238	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$183,362	0	\$0	0	\$0	0	\$0

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Explanation of Change	FY 2023 Change							
	FY 2022 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
State Administration Workload	0	\$0	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$80	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	1,853	+\$590,092	0	\$0	0	+\$21,321	0	+\$21,321
B. Programs:								
Rebuilding and Strengthening OSHA's Enforcement Program	0	\$0	0	\$0	252	\$27,876	252	\$27,876
Restoring OSHA's Rulemaking and Guidance Capacity	0	\$0	0	\$0	30	\$10,084	30	\$10,084
Rebuilding and Strengthening OSHA's State Partners	0	\$0	0	\$0	0	\$8,750	0	\$8,750
Restoring and Modernizing OSHA Training	0	\$0	0	\$0	15	\$7,603	15	\$7,603
Safety Technician Apprentices	0	\$0	0	\$0	75	\$6,852	75	\$6,852
Increasing Outreach and Compliance Assistance	0	\$0	0	\$0	45	\$6,009	45	\$6,009
Expanding OSHA's Whistleblower Protection Program	0	\$0	0	\$0	63	\$5,343	63	\$5,343
Building a Modern Compliance Workforce	0	\$0	0	\$0	0	\$3,765	0	\$3,765
Enhanced Statistical and Data Analysis	0	\$0	0	\$0	5	\$2,514	5	\$2,514
Expanding State Consultative Services	0	\$0	0	\$0	0	\$2,000	0	\$2,000
Increasing Susan Harwood Training Grants	0	\$0	0	\$0	0	\$2,000	0	\$2,000
Expanding OSHA Information Systems	0	\$0	0	\$0	2	\$1,500	2	\$1,500
Litigation Support	0	\$0	0	\$0	0	\$1,500	0	\$1,500
Enhancing Lab Services to Support Enforcement	0	\$0	0	\$0	6	\$1,489	6	\$1,489
Establishing a State and Local Government Only State Plan in Massachusetts	0	\$0	0	\$0	0	\$1,250	0	\$1,250
Programs Subtotal			0	\$0	493	+\$88,535	493	+\$88,535
Total Increase	1,853	+\$590,092	0	\$0	493	+\$109,856	493	+\$109,856
Decreases:								
A. Built-Ins:								
To Provide For:								
Federal Employees' Compensation Act (FECA)	0	\$1,695	0	\$0	0	-\$238	0	-\$238
Built-Ins Subtotal	0	+\$1,695	0	\$0	0	-\$238	0	-\$238
B. Programs:								
Total Decrease	0	+\$1,695	0	\$0	0	-\$238	0	-\$238
Total Change	1,853	+\$591,787	0	\$0	493	+\$109,618	493	+\$109,618

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request		Diff. FY23 Request / FY22 Full Year C.R.	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Safety and Health Standards	67	18,000	71	18,000	101	29,080	30	11,080
General Funds	67	18,000	71	18,000	101	29,080	30	11,080
Federal Enforcement	1,247	228,711	1,320	228,711	1,647	277,898	327	49,187
General Funds	1,247	228,711	1,320	228,711	1,647	277,898	327	49,187
Whistleblower Programs	115	19,064	139	19,064	202	25,790	63	6,726
General Funds	115	19,064	139	19,064	202	25,790	63	6,726
State Programs	0	110,075	0	110,075	0	120,075	0	10,000
General Funds	0	110,075	0	110,075	0	120,075	0	10,000
Technical Support	77	24,469	81	24,469	87	27,007	6	2,538
General Funds	77	24,469	81	24,469	87	27,007	6	2,538
Compliance Assistance-Federal	189	75,231	195	75,231	255	91,608	60	16,377
General Funds	189	75,231	195	75,231	255	91,608	60	16,377
Compliance Assistance-State Consultations	0	61,500	0	61,500	0	63,500	0	2,000
General Funds	0	61,500	0	61,500	0	63,500	0	2,000

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Compliance Assistance-Training Grants	0	11,787	0	11,787	0	13,787	0	2,000
General Funds	0	11,787	0	11,787	0	13,787	0	2,000
Safety and Health Statistics	12	32,900	14	32,900	21	42,180	7	9,280
General Funds	12	32,900	14	32,900	21	42,180	7	9,280
Executive Direction	29	9,496	33	10,050	33	10,480	0	430
General Funds	29	9,496	33	10,050	33	10,480	0	430
Total	1,736	591,233	1,853	591,787	2,346	701,405	493	109,618
General Funds	1,736	591,233	1,853	591,787	2,346	701,405	493	109,618

NOTE: FY 2021 reflects actual FTE. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
	Full-Time Equivalent				
	Full-time Permanent	1,732	1,853	2,246	393
	Reimbursable	4	4	4	0
	Total	1,736	1,857	2,250	393
	Average ES Salary	\$191,464	\$196,634	\$205,875	\$9,241
	Average GM/GS Grade	12/6	12/6	12/6	0
	Average GM/GS Salary	\$101,740	\$104,487	\$109,398	\$4,911
11.1	Full-time permanent	194,801	199,155	242,345	43,190
11.3	Other than full-time permanent	479	479	479	0
11.5	Other personnel compensation	4,791	4,791	4,791	0
11.9	Total personnel compensation	200,071	204,425	247,615	43,190
12.1	Civilian personnel benefits	71,562	73,659	88,972	15,313
12.2	Military Personnel Benefits	0	0	0	0
13.0	Benefits for former personnel	94	94	94	0
21.0	Travel and transportation of persons	3,196	3,196	5,508	2,312
22.0	Transportation of things	2	2	2	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	20,054	20,054	20,054	0
23.3	Communications, utilities, and miscellaneous charges	2,911	2,911	2,911	0
24.0	Printing and reproduction	676	676	676	0
25.1	Advisory and assistance services	1,151	1,150	1,150	0
25.2	Other services from non-Federal sources	10,251	10,251	23,749	13,498
25.3	Other goods and services from Federal sources 1/	77,805	71,909	79,530	7,621
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	14,261	14,261	23,026	8,765
26.0	Supplies and materials	2,519	2,519	3,052	533
31.0	Equipment	3,238	3,238	7,624	4,386
41.0	Grants, subsidies, and contributions	183,362	183,362	197,362	14,000
42.0	Insurance claims and indemnities	80	80	80	0
	Total	591,233	591,787	701,405	109,618
	1/Other goods and services from Federal sources				
	CIGIE	0	0	5,166	5,166
	Working Capital Fund	64,591	64,592	67,047	2,455
	DHS Services	1,936	1,936	1,936	0
	Services by Other Government Departments	11,278	5,381	5,381	0

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AUTHORIZING STATUTES

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

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APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2013					
Base Appropriation...1/2/	\$565,468			\$535,246	2,239
2014					
Base Appropriation	\$570,519			\$552,247	2,235
2015					
Base Appropriation	\$565,010			\$552,787	2,224
2016					
Base Appropriation	\$592,071	\$535,000	\$524,476	\$552,787	2,173
2017					
Base Appropriation	\$595,023			\$552,787	1,995
2018					
Base Appropriation	\$543,257	\$531,470		\$552,787	1,923
2019					
Base Appropriation...3/ 4/	\$549,033		\$556,787	\$557,787	1,911
2020					
Base Appropriation...5/ 6/ 7/	\$557,533	\$660,908		\$581,787	1,865
2021					
Base Appropriation...8/	\$576,813			\$591,787	1,884
2022					
Base Appropriation	\$664,624	\$691,787			0
2023					
Base Appropriation	\$701,405				2,346

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

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

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

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

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

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

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

8/ The full-year FY 2022 appropriation was not enacted at the time the budget was prepared.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

OVERVIEW

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

As the Nation emerges from the COVID-19 pandemic and the resulting economic destruction, OSHA's budget request provides the necessary investments to ensure all workers have access to a high-quality job in a safe workplace, enabling them to build a better life for themselves and their family. In FY 2023, OSHA will focus on the national care economy; increase and enhance OSHA's enforcement presence; meet increased employer and worker requests for outreach, training, and compliance assistance, particularly in vulnerable and underserved communities; and continue to build a transformative agency that is both proactive and responsive to improving workplace safety and health across the country.

In support of the priority of driving equity in our programs and workforce, OSHA will ensure full and fair access to protections for workers regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, religion, or other historically marginalized identities through targeted enforcement, outreach and awareness. The agency will work with stakeholders, particularly those in marginalized communities, to obtain valuable public input and feedback on how the agency can improve program operations and enhance customer service. The agency has learned many valuable lessons from the COVID-19 pandemic, primary among them being that many workplace safety and health hazards have a disproportionate impact on workers who are on the margins of the Nation's workforce for various reasons.

In FY 2021, OSHA received \$100,278,000 as part of the American Rescue Plan (ARP) Act to carry out COVID-19 related worker protection activities, including \$10,000,000 for Susan Harwood Training Grants. ARP funding is available for use through September 30, 2023. To date, OSHA has used the funding to address the COVID-19 pandemic in American workplaces, with a focus on vulnerable and hard-to-reach workers in high-hazard industries. The agency is responding to the pandemic on several fronts. Specifically, OSHA issued a COVID-19 Emergency Temporary Standard (ETS) for Healthcare Workers, is working on finalizing the ETS, and has begun work on an infectious disease standard. Since the start of the pandemic, OSHA has conducted 3,658 COVID-19 related inspections. Of those, 1,791 were conducted under the COVID-19 National Emphasis Program (NEP). OSHA purchased technical equipment and developed training for the compliance safety and health officers (CSHOs) to support the agency's enforcement efforts. Additionally, the agency received 6,553 COVID-19-related whistleblower complaints since February 2020. Whistleblower complaints generally take a significant amount of time to investigate, and the agency expects to be processing many of these complaints through FY 2023. To date, OSHA has obligated approximately \$38,244,000, including approximately \$12,421,000 in grants to State Plans based on their requests to utilize

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ARP funding to support state COVID-19 and infectious disease response efforts. Finally, OSHA awarded approximately \$6,742,000 in Susan Harwood Training Grants focusing on the COVID-19 and infectious disease response in FY 2021. OSHA plans to award the remaining \$3,258,000 to additional grantees in FY 2022.

The FY 2023 request seeks to proactively address the needs of a constantly changing and diverse 21st century workforce and supports the Secretary of Labor's vision of investing in workers and ensuring they have good jobs – jobs that are safe and healthy and allow them to return home each day to their families. Since OSHA's creation, the agency has made great strides in protecting America's workers – from issuing its first standard on asbestos in 1972, to launching the annual National Safety Stand-Down to Prevent Falls in Construction in 2014, to issuing an ETS for COVID-19 in 2021. Even with these accomplishments, OSHA's mission continues to be as important as ever to protect American workers, particularly those vulnerable workers in underserved and marginalized communities. The agency's responsibilities have increased and evolved with the addition of whistleblower protection statutes; emergence of new infectious diseases, more frequent national disasters, and other impacts of climate change; and the challenge of new and emerging hazards. The FY 2023 request for OSHA provides the tools to help the agency address these increased demands and responsibilities.

In FY 2023, OSHA is requesting \$701,405,000 in discretionary funding and 2,346 full-time equivalent employees (FTE) plus 4 reimbursable FTE, a program increase of \$88,535,000 and 493 FTE over the FY 2022 Full-Year Continuing Resolution (CR) Level. The request will allow OSHA to continue to rebuild and sustain its capacity to meet its mission by increasing and enhancing OSHA's standards and enforcement presence; meeting increased employer and worker requests for outreach, training, and compliance assistance; providing much needed training and apprenticeship program funding; expanding the whistleblower program; bolstering technical support resources and capabilities; funding the agency's state program and consultation partners; expanding the Susan Harwood Training Grant program; and, supporting the priorities of advancing equity, addressing climate change, delivering results, and focusing on IT modernization and cybersecurity.

To support the Secretary's vision of empowering and protecting workers during the workday, and supporting and investing in the Nation's care economy, OSHA will focus on helping workers and employers respond to new and emerging hazards. OSHA is requesting \$10,084,000 to develop and finalize standards and guidance that address hazards in high-risk industries employing large numbers of vulnerable workers. The agency will develop and finalize standards and guidance that address highly complex and specialized topics, including infectious disease, workplace violence, hazard communications, personal protective equipment (PPE), and heat illness prevention.

The agency is also requesting funding to build a stronger, more resilient agency, and ensure OSHA has the necessary level of resources to serve the nation's workers and employers through the remaining challenges associated with the pandemic, and as the country returns to work post-pandemic. This includes focusing on the most vulnerable workers, and also building an OSHA workforce that is inclusive and reflects the diversity of the people that the agency serves. To strengthen the agency's enforcement program, OSHA is requesting a program increase of

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

\$27,876,000 and 252 FTE, including 179 CSHOs who are the frontline staff responsible for ensuring employer compliance with OSHA regulations, as well as 10 technical CSHOs who will focus on complex inspections in high-hazard industries. This builds on the FY 2022 request and continues the President's commitment to double the number of OSHA inspectors by the end of his first term. The request includes 63 FTE to support an increase in the number of CSHOs and growth of the enforcement program, including safety technicians, additional Assistant Area Directors, and other area, regional, and National Office enforcement staff. The agency is also requesting \$1,489,000 and 6 FTE for additional lab staff and equipment to analyze the increased number of samples generated by more enforcement personnel.

To further ensure a robust enforcement program, OSHA is requesting \$6,852,000 and 75 FTE to establish a Safety and Health Technician Training Program, which will provide participants on-the-job training about occupational safety and health, OSHA, and the agency's standards and enforcement policies to create a diverse pool of talent for higher-level agency enforcement jobs. The agency also is requesting \$1,500,000 for litigation support for expert witnesses and other services needed to respond to court challenges and significant cases.

OSHA's request also includes \$5,343,000 and 63 FTE, including 50 whistleblower investigators to effectively enforce 25 whistleblower statutes that protect workers from retaliation for exercising their right to report violations of the associated laws. In addition to investigators, OSHA is requesting 13 FTE to support policy development and review. OSHA is working to institute improvements in its Whistleblower Protection Program to improve response and reduce the backlog of complaints to better meet the needs of workers who need assistance from OSHA.

OSHA is requesting \$8,750,000 for OSHA's State Plan partners to ensure they have adequate resources to maintain standards, the ability to enforce those standards, and the ability to protect workers from retaliation in a manner "at least as effective" as OSHA. The increase in State grant funding is needed for State Plans to keep up with a revitalized federal program. Requested increases for State Programs would help support state economies that have suffered during the pandemic and are beginning to rebuild and recover. The agency's State Plan partners provide coverage for approximately 40 percent of the workforce, and additionally extend coverage within their jurisdiction to state and local government employees, which OSHA cannot directly provide. In particular, many of the western State Plans are faced with protecting workers from heat stress and other climate-related illnesses and injuries from high temperatures, wildfires, and other hazards. Additionally, OSHA is requesting \$1,250,000 to establish a State and Local Government (SLG)-Only State Plan in Massachusetts. Public sector employees include staff engaged in policy, fire, sanitation and other work that exposes them to temperature extremes and would benefit from the workplace protections provided by a public employee occupational workplace safety and health plan. Public employees have also been on the frontline of the country's response to the pandemic.

As part of the effort increase outreach to vulnerable populations and hard-to-reach workers, OSHA is requesting \$6,009,000 and 45 FTE to hire Compliance Assistance Specialists (CASs) to expand the agency's outreach to workers in marginalized communities, who typically work in high-hazard industries. New CASs will also participate in Voluntary Protection Program (VPP) site evaluations. This will aid OSHA in alleviating the backlog of re-approvals and assist with

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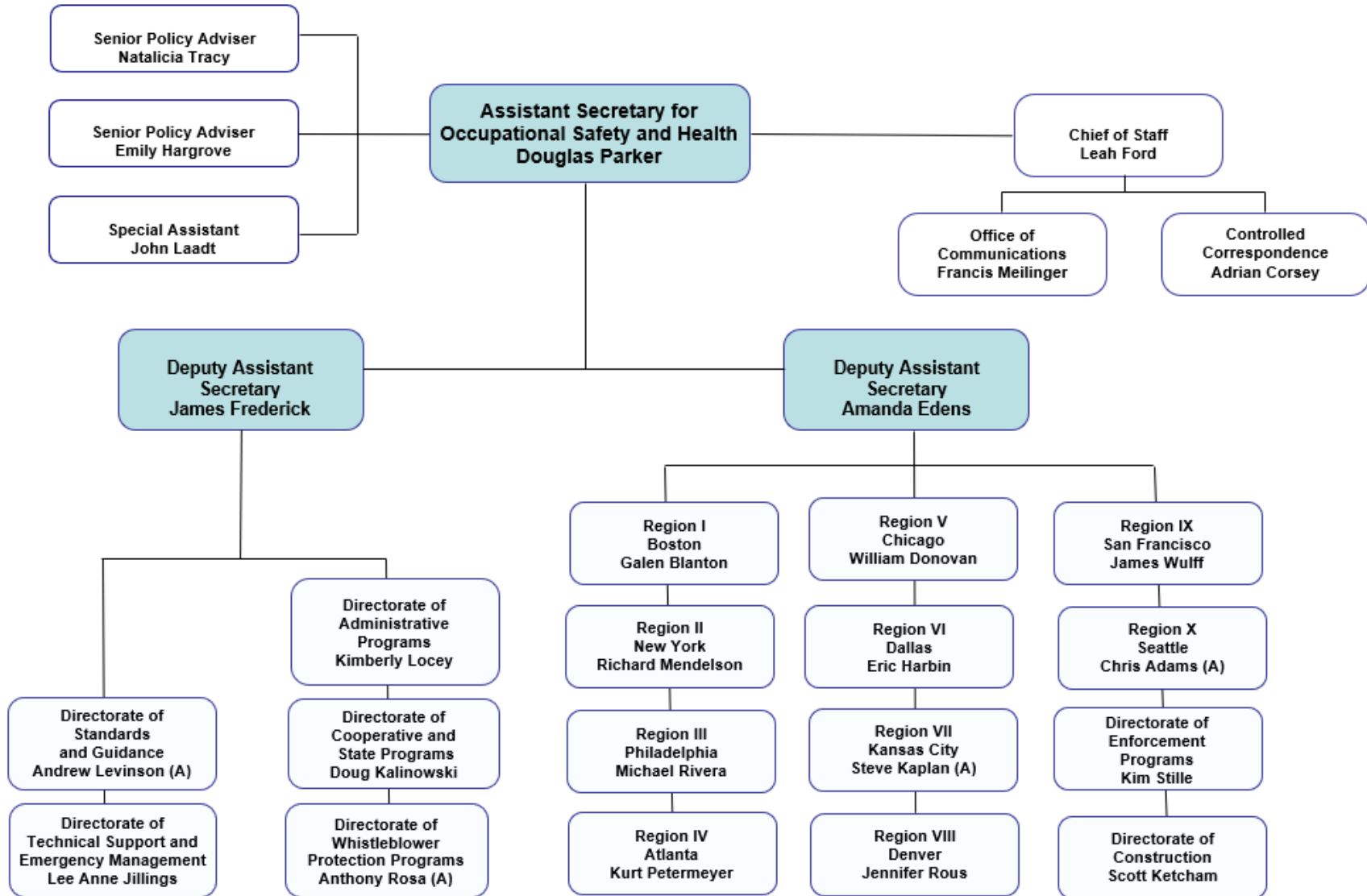
the new site evaluations that are needed. The agency is also requesting \$7,603,000 and 15 FTE to support modernization of the agency's internal and external training programs, and to enhance training opportunities for agency staff. OSHA will enhance its external-training programs to reach underserved communities.

To leverage safety and health expertise in the safety and health community, the agency is requesting \$2,000,000 for Susan Harwood Training Grants. With this request, OSHA will provide funding to cover emerging hazards in a post-pandemic economy, such as an increase in workplace heat hazards in the face of global climate change. Other training topics will include workplace infectious disease prevention, fall prevention, excavation and trenching hazard prevention, as well as PPE and chemical hazards in the workplace. The agency will look to modify grant criteria to expand the scope and reach of the Harwood Grant Program.

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

OSHA is requesting \$2,514,000 and 5 FTE to enhance statistical and data analysis. The additional FTE will allow OSHA to enhance the efficiency and effectiveness of agency strategies in the reduction of injuries, illnesses, and fatalities with improved workplace safety and health data. OSHA will broaden its technical expertise in using enhanced analytical methodologies to determine the incidence and prevalence of injuries and chronic disease in the working population. OSHA seeks \$1,500,000 and 2 FTE for statistics to incorporate stand-alone systems supporting VPP, the Strategic Partnership Program (SPP), and the Medical Access Order (MAO) Program into a single system – thus streamlining, modernizing, and consolidating these programs into the OSHA Information System (OIS). The enhanced OIS platform will improve transparency by providing more data to the public faster and through a single vehicle and improve customer service. OSHA is also requesting \$3,765,000 to target needed technology advancements for a modern compliance workforce, such as the implementation of electronic case file (ECF) processing, and acquisition of field equipment and technology that will allow OSHA to develop and issue citations in the field without returning to the office for processing, shortening the time between hazard identification and abatement.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION



SAFETY AND HEALTH STANDARDS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	18,000	18,000	29,080	11,080
FTE	67	71	101	30

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 65. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

Ensuring employers provide their workers a safe and healthful workplace is the core mission of OSHA. To accomplish this mission, OSHA uses both regulatory and non-regulatory approaches to address a broad array of workplace safety and health hazards in support of the President’s priorities, including investing in and valuing the nation’s care economy and addressing climate change. The agency’s standards and guidance products extensively cover occupational safety and health hazards in a wide range of workplaces and industries, including general industry, construction, and maritime.

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

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

SAFETY AND HEALTH STANDARDS

language approach to effectively address safety and health hazards and ensure that steps to improve workplace safety and health are easily understood.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$18,000	68
2019	\$18,000	67
2020	\$18,000	65
2021	\$18,000	65
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, OSHA is requesting \$29,080,000 and 101 full-time employees (FTE) for the Safety and Health Standards activity, which includes a program increase of \$10,084,000 and 30 FTE from the FY 2022 full year continuing resolution (CR). In FY 2023, OSHA is planning to publish five final rules, seven proposed rules, and complete one SBREFA panel. The highest priorities among the rulemaking projects are Infectious Diseases, Heat, Prevention of Work Place Violence in Healthcare and Social Assistance, Medical Removal Protections for Silica, and Personal Protective Equipment (PPE) Fit in Construction. OSHA plans to use the requested increase to advance these high priority rulemakings. The additional funds and staff will restore OSHA's capacity to address regulatory priorities. Specifically, the additional hires and contract funds will ensure that OSHA has the appropriate expertise to do additional research and analysis on a wide variety of technical issues related to evidentiary burden needed to promulgate a standard.

In addition to the rulemakings, OSHA anticipates expanding and initiating new major outreach initiatives associated with Safe + Sound, safety and health programs and heat stress, chemical management, and producing 50 guidance products related to rulemaking activities and a variety of safety and health topics. The increased resources will enable OSHA to progress not only multiple rulemaking projects but OSHA's outreach initiatives simultaneously. The agency is committed to ensuring every worker has a safe and healthy workplace that is free of hazards regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, migrant status, religion, or other marginalized status.

FY 2022

In FY 2022, OSHA is planning to publish two final rules, four proposed rules, initiate two SBREFA panels, and publish two Advance Notices of Proposed Rulemaking (ANPRM). The highest priority is to continue to develop regulations to mitigate exposure to COVID-19 in healthcare settings. To the extent resources are available, OSHA will continue to develop other high priority rulemaking projects, including Infectious Diseases, Heat Illness Prevention in Outdoor and Indoor Work Settings, Prevention of Work Place Violence in Healthcare and Social

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Assistance, Emergency Response and Preparedness, and an update to the Hazard Communication standard.

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

FY 2021

In FY 2021, the agency published an Emergency Temporary Standard to address Occupational Exposure to COVID-19 in healthcare settings and two proposed rules. OSHA also initiated one SBREFA panel and held one public hearing and engaged in stakeholder outreach as part of the rulemaking process. OSHA produced 25 guidance documents on various safety and health topics.

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

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

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Safety and Health Standards					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
OSHA- STAN-01	Notices of Proposed Rulemaking	5	2	4	7
OSHA- STAN-02	Final rules	1	1	2	5
OSHA- STAN-03	Guidance/Informational Materials	30	25	20	50

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

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Workload and Performance

In FY 2023, with the additional funds, OSHA is planning to publish five final rules, seven proposed rules, and complete one SBREFA panel. In addition to the rulemakings, OSHA anticipates continuing major outreach initiatives on several topics, such as safety and health programs and heat stress. In addition, OSHA will produce 50 guidance products related to rulemaking activities and other safety and health topics. OSHA anticipates that the guidance associated with the rulemaking activities will ensure smooth implementation of the new or updated standards. Additionally, by restoring resources, OSHA will be able to further progress initiatives such as developing a library of resources and tools to help employers and employees in many industries take concrete steps to start or improve an existing safety and health program in their workplace. The agency will be able to initiate new outreach initiatives on topics such as chemical management, and OSHA will be able to continue to update its safety and health topic pages as needed. The products, offered in multiple languages, will be available to employers and workers in marginalized and underserved communities.

In FY 2022, OSHA is planning to publish two final rules, four proposed rules, complete two SBREFA panels, and publish two Advance Notices of Proposed Rulemaking (ANPRM). The final rules include a final rule based on the COVID-19 Healthcare Emergency Temporary Standard, and Improving Tracking of Workplace Injuries and Illnesses. Other important rulemaking projects that will progress in FY 2022 are Tree Care, the update to the Hazard Communication Standard, Heat Illness Prevention in Outdoor and Indoor Work Settings, Prevention of Work Place Violence in Healthcare and Social Assistance, Emergency Response and Preparedness, and Personal Protective Equipment (PPE) Fit in Construction. OSHA plans to use the requested increase in funds to advance these high priority rulemakings.

Additionally, OSHA plans on completing 20 guidance products, such as guidance for the maritime sector in longshoring and shipyards which include addressing heat stress in confined spaces, targeted guidance on protecting against COVID-19 using topics such as the importance of vaccinations and adequate ventilation, as well as additional guidance on heat illness prevention.

In FY 2021, the agency published an Emergency Temporary Standard (ETS) on COVID-19, which is similar to an interim final rule and also serves as a proposed rule. The agency also published proposed rules on Hazard Communications and Walking Working Surfaces. In addition, OSHA initiated a SBREFA panel on Emergency Response and Preparedness, published a Request for Information on Mechanical Power Presses as an initial step for future rulemaking, and engaged in stakeholder outreach as part of the rulemaking process. OSHA also produced more than 25 guidance documents on various safety topics.

OSHA developed a myriad of COVID-19 related guidance materials, including materials that are applicable to all workplaces (e.g., Preparing Workplaces for COVID-19, Returning to Work) and materials that target specific industries (e.g., meat and poultry processing, seafood processing, manufacturing, and agriculture). Additionally, the agency used funding made available under Title VIII of the Coronavirus Aid, Relief, and Economic Security (CARES) Act to support the development and ongoing work related to the ETS, and to develop additional industry-specific

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guidance materials and guidance on general topics (e.g., cleaning and disinfection, ventilation, etc.). The agency performed substantial work activities both for the ongoing support of the implementation of the ETS and fulfilled its role as part of the overall federal response to the COVID-19 pandemic.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	6,836	6,975	9,608	2,633
11.3	Other than full-time permanent	86	86	86	0
11.5	Other personnel compensation	259	259	259	0
11.9	Total personnel compensation	7,181	7,320	9,953	2,633
12.1	Civilian personnel benefits	2,631	2,742	3,662	920
13.0	Benefits for former personnel	14	14	14	0
21.0	Travel and transportation of persons	120	120	150	30
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	875	875	875	0
23.3	Communications, utilities, and miscellaneous charges	38	38	38	0
24.0	Printing and reproduction	289	289	289	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	1,744	1,744	8,744	7,000
25.3	Other goods and services from Federal sources 1/	5,093	4,843	5,340	497
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	12	12	12	0
31.0	Equipment	3	3	3	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	18,000	18,000	29,080	11,080
	1/Other goods and services from Federal sources				
	CIGIE	0	0	300	300
	Working Capital Fund	4,765	4,721	4,918	197
	Services by Other Government Departments	328	122	122	0

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CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$608
Personnel benefits	219
Federal Employees' Compensation Act (FECA)	-28
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	197
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$996**

Net Program **\$10,084**

Direct FTE **30**

	Estimate	FTE
Base	\$18,996	71
Program Increase	\$10,084	30
Program Decrease	\$0	0

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	228,711	228,711	277,898	49,187
FTE	1,247	1,320	1,647	327

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 1,338. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

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

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$208,000	1,323
2019	\$209,000	1,319
2020	\$221,711	1,323
2021	\$228,711	1,338
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In the FY 2023 budget, OSHA is requesting \$276,965,000 and 1,647 FTE, including the following program increases totaling \$36,228,000 and 327 FTE for Federal Enforcement. This includes \$27,876,000 and 252 FTE for an additional 179 Compliance Safety and Health Officers (CSHOs) to carry out front line compliance inspections. The agency also will hire 10 new technical CSHOs, who will be GS-13s and focus on technically complex inspections in high-

FEDERAL ENFORCEMENT

hazard industries. This will provide an additional path for CSHO advancement and help reduce attrition. Finally, OSHA will hire 63 positions to support the influx of CSHOs and growth of the enforcement program, including safety technicians, additional Assistant Area Directors, and other Area, Regional, and National Office enforcement staff. Additionally, OSHA is requesting \$6,852,000 and 75 FTE to establish a new Safety Technician Enhancement Program (STEP) to develop and train lower-level safety technicians into entry-level CSHOs. Finally, the agency is requesting \$1,500,000 for litigation support.

The requested funding and FTE increase will support progress on the President's pledge to double the number of CSHOs. The increases also help to increase the ratio of programmed versus unprogrammed inspections to better serve vulnerable workers, positioning the agency to return to its historical role as a leader in worker safety and health. OSHA's ability to increase the ratio of programmed inspections is critical to OSHA's enforcement strategy by ensuring enforcement resources target the highest hazards and industries. With the additional 179 CSHOs, the agency anticipates conducting an additional 2,390 inspections in FY 2023 assuming some of the newly hired compliance staff can conduct inspections independently. These additional inspections will support targeted areas of the Agency Management Plan, including:

- maximizing impact through an effective enforcement program,
- protecting essential workers who support America's supply chain, and
- protecting the most vulnerable workers in high hazard industries.

Overall, in FY 2023, OSHA plans to conduct 33,790 inspections and reach a goal of 60,822 enforcement units (EU). The increase in EUs demonstrates a commitment to shifting the focus to the highest-impact and most complex inspections at high-risk workplaces, which often employ minority and other vulnerable workers.

Compared to FY 2022, OSHA expects to conduct 1,200 additional construction inspections reducing or eliminating exposure to the four frequent hazards associated with death or serious injury in the industry as well as increasing inspections focused on eliminating health related hazards by 500.

Additionally, OSHA plans to create 10 specialized technical GS-13 CSHO positions to address highly technical inspections across the country. The addition of specialized staff to focus on technically complex inspections in high hazard industries, such as refineries, provides agency expertise in unique biological/infectious disease, chemical and combustible dust hazards. Because of the complex nature of the work, these CSHOs would perform about 200 inspections, equivalent to 360 EUs, annually.

To expand the agency's hiring reach, and ability to grow a diverse workforce, the FY 2023 request includes an increase of \$6,852,000 and 75 FTE to support the STEP, develop future CSHOs, and create an apprenticeship program in the agency that develops safety technicians into entry-level CSHOs. Through the STEP, entry level staff can be developed and encouraged to take on higher level positions in the agency's enforcement programs. Safety technicians will receive on-the-job training about OSHA and the agency's standards and enforcement policies, including the inspection process. While safety technicians do not perform safety and health inspections, they allow OSHA to shift program-related duties such as complaint intake and

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screening, data collection and record retention, and Freedom of Information Act (FOIA) request responses away from CSHOs, who are then able to devote more time to performing inspections. OSHA will recruit for these positions from diverse populations such as Historically Black Colleges and Universities, Hispanic-Serving Institutions, Veterans' Networks, labor unions, worker centers and other organizations. The program will ensure that the agency has a future talent pool that represents the diversity of the Nation the agency serves.

To support the anticipated influx of court challenges and significant cases because of the increased number of CSHOs and resulting inspections, OSHA is requesting \$1,500,000 in funding for expert witnesses, court reporters, and other litigation support services. Experts testify, provide supporting documentation, and respond to contested cases related to safety and health enforcement inspections, including those focused on vulnerable and diverse worker populations, and topical and emerging hazards, such as heat stress and the impact to temperature and climate change in the workplace for a variety of industries (e.g., warehousing, meat and poultry processing).

Additionally, the funding will be available for reviewing OSHA case files, on-site visits, written reports, development of enforcement-related litigation support material (e.g., models, drawings), reviewing engineering reports, special monitoring and analysis, and records reviews related to the occupational safety and health enforcement and testimony process. In addition, as efforts to increase OSHA penalties gains momentum, OSHA will see an increase in contested cases necessitating increased usage of expert litigation support.

Ensuring employers comply with OSHA standards is critical to protecting employees. OSHA ensures compliance through prioritizing timely inspections of unprogrammed activity such as fatalities and catastrophes, referrals, severe injury reports, complaints, as well as investigations of non-formal valid complaints before conducting any programmed activity. Regarding SIRs, OSHA anticipates the response to severe injury reports (SIR) will continue to affect inspection totals in FY 2023, resulting more unprogrammed activities than programmed. SIR inspections typically require double the time to complete than programmed inspections. OSHA estimates about 75 percent of injuries reported through the SIR program (9,863) will be addressed through rapid response investigations (i.e., employer-led investigations) and the remaining 25 percent (3,288) will result in inspections as outlined in OSHA's "Revised Interim Enforcement Procedures for Reporting Requirements under 29 C.F.R. 1904.39," published March 4, 2016.

Even with the effect of SIRs, OSHA seeks to leverage its resources to maximize its impact and focus enforcement resources on critical and strategic areas that help reduce workplace fatalities, injuries, and illnesses. Strong, fair enforcement is the underpinning of the OSH Act and is necessary to deter negligent employers, but OSHA does not have the resources needed to conduct inspections at the more than 4 million workplaces in Federal OSHA states. OSHA will continue its strategy of using National Emphasis programs (NEPs) and Local Emphasis Programs (LEPs), Site Specific Targeting (SST), Construction Targeting (C-Targ), Corporate Settlement Agreements (CSAs), the Severe Violator Enforcement Program (SVEP), Egregious Cases, Significant Cases, and Criminal Referrals as tools to support a strong, fair, and effective enforcement presence.

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The agency uses NEPs and LEPs to systematically inspect high-hazard industries with specific hazards that lead to severe injuries, illnesses, or death. OSHA currently has 10 NEPs: COVID-19, lead, ship-breaking, trenching/excavations, process safety management, hazardous machinery, hexavalent chromium, primary metal industries, silica, and combustible dust. OSHA's Regions and Area Offices have additional LEPs that focus on hazards and industries prevalent in their jurisdiction. The FY 2023 newly hired CSHOs will assist senior CSHOs in many NEP/LEP inspections, as it is critical to learning and applying the agency's policies and procedures.

In FY 2023, OSHA plans to continue SST inspections to help focus agency efforts in non-construction workplaces. The fifth year of SST inspections targets non-construction workplaces with 20 or more employees with elevated injury and illness rates. The program helps OSHA achieve the goal of ensuring that employers provide safe and healthful workplaces by directing enforcement resources to the workplaces with the highest rate of injuries and illnesses

Regarding construction, in 2018 the Center for Construction Research and Training reported that the construction industry accounted for about seven percent of employment, but 22 percent of worker fatalities. Also in 2020, the Bureau of Labor Statistics reported that the fatality rate in construction was almost three times higher than the average of all industries. To reduce high fatality rates in construction, the agency intends to target workplaces with potential focus four related hazards (falls, struck-by, caught between, and electrocutions) for inspections.

OSHA targets additional construction worksites through the Construction Inspection Targeting System (C-TARG) program, which focuses on large construction projects rather than construction firms. C-TARG establishes the agency's presence throughout the construction industry, primarily through inspection of construction job sites with multiple contractors. C-TARG will also be used to identify and correct construction hazards such as falls, electrical, struck-by, and caught between hazards. These four hazards account for more than half of all construction fatality incidents and are a high priority for the agency. The implementation of the new OSHA weighting system is also expected to yield a slightly greater number of construction inspections for FY 2023, an increase of 1,232 inspections over FY 2022.

In FY 2023, the agency will focus on fatal incidents involving hazards associated with falls in all industries and the focus four high hazards in construction. Falls have been identified as the leading cause for approximately 30 percent of all fatal incidents in construction. In 2021, four of the top 10 conditions where citations were issued nationwide involved fall hazards. For the other focused hazards: Struck-by, caught between, and electrocution hazards; contributed to an additional 20 percent of all construction fatalities. This will be a continued focus for the agency to put pressure on the causal factors of these incidents. FY 2023 inspection goals for fall hazards have been extrapolated from the baseline established in the FY 2022 Agency Management Plan and will be updated as new staff is on-boarded.

For both construction and general industry worksite, OSHA uses a CSA as an enforcement tool when an employer is found to have a significant pattern of non-compliance with the OSH Act across multiple locations. This wide-ranging abatement program maximizes performance measures, such as the total number of employees removed from workplace hazards. OSHA

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ensures that an employer fully implements a CSA by conducting monitoring inspections and requiring abatement and audit documentation throughout the life of the CSA.

The agency uses SVEP to focus compliance efforts on significant hazards and violations, in construction and general industry, by concentrating inspection resources on recalcitrant or indifferent employers. The intent of SVEP is to promote the correction of hazards found in these workplaces and, where appropriate, in other worksites of the same employer where similar hazards and deficiencies may be present. In FY 2021, OSHA's Regions reported over 563 SVEP cases, with 64 percent being construction related.

Finally, OSHA will implement or revise enforcement directives to reflect rulemaking efforts. The agency plans to publish five final rules during FY 2023, each of which will require new or revised enforcement directives. Further, OSHA will determine how to incorporate enforcement of the new or revised standards into OSHA's enforcement strategy, which could include the creation of new NEPs or other modifications to OSHA enforcement programs.

FY 2022

In FY 2022, OSHA anticipates that the response to COVID-19 and other severe injury reports (SIR) will continue to affect inspection totals in FY 2022, resulting in greater unprogrammed activity than programmed activity. SIR inspections typically require double the time to complete as programmed inspections. However, with COVID inspection protocols firmly in place and a surge in hiring to backfill vacant positions from FY 2021, and more workplaces returning to normal operations, OSHA anticipates a significant increase in overall inspection activity, including 31,400 inspections (almost 29% increase from FY 2021) accounting for 56,520 enforcement units (a 17% increase from FY 2021).

OSHA will continue leveraging existing resources to maximize its impact and focus on critical and strategic areas that have the greatest impact on reducing workplace fatalities, injuries, and illnesses affecting all workers including the most vulnerable and underserved. Through strong, fair, effective enforcement OSHA plans to deter negligent employers while realizing not every workplace in Federal OSHA states can be inspected. After triaging and managing unprogrammed activities, OSHA continues its strategy of utilizing NEPs and LEPs, SST, C-TARG, CSAs, SVEP, Egregious Cases, Significant Cases, and Criminal Referrals as tools to support the Agency's vision of maximizing enforcement impact through an effective enforcement program protecting America's workers, especially essential workers supporting America's supply chains, and those most vulnerable in high hazard industries.

In FY 2022, OSHA intends on protecting essential workers who support America's supply chain and protecting the most vulnerable workers in high hazard industries using NEPs/LEPs directing resources to high-hazard industries or specific workplace hazards that lead to severe injuries, illnesses, or death. Along with OSHA's current 10 NEPs described above, OSHA looks to implement emphasis programs eliminating or controlling exposure to hazards associated in the health care and social assistance industry as well as heat-related illnesses in all industries. OSHA's Regions and Area Offices have additional LEPs that focus on hazards and industries prevalent in their jurisdiction.

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OSHA will continue SST inspections to help focus agency efforts in non-construction workplaces with 20 or more employees and based on the injury and illness information from the Form 300A Summary that employers submit to OSHA through the Injury Tracking Application (ITA). OSHA creates inspection lists of establishments with an elevated days away restricted or transferred (DART) rate, together with a random sample of establishments that did not provide the required data to OSHA. To verify data accuracy, the agency includes a random sample of low-rate establishments for quality control purposes. The program helps OSHA achieve the goal of ensuring that employers provide safe and healthful workplaces by directing enforcement resources to the workplaces with the highest rate of injuries and illnesses, while also examining low reporting workplaces to ensure adherence to the reporting requirements.

On the topic of construction, the agency will continue seeking a reduction of injuries and fatalities by targeting workplaces with potential trenching/excavation hazards for inspections, utilizing the NEP addressing hazards related to trenching and excavation. These activities will help curb the disproportionate level of fatalities in the construction industry described above.

For both construction and general industry worksite, OSHA continues to improve and utilize Corporate Settlement Agreements (CSA) as a tool to leverage the abatement hazards company-wide for employers who exhibit a pattern of non-compliance. In addition, the agency will use the Severe Violator Enforcement Program (SVEP) to target employers who have demonstrated recalcitrance or indifference to worker safety and health. OSHA also will seek to increase use of criminal prosecutions when appropriate under a Memorandum of Understanding with the Department of Justice that enables OSHA to pursue criminal prosecutions of employers in severe cases, typically when willful violations result in a fatality. The agreement has already led to a number of criminal case filings and at least two high-profile cases that resulted in successful criminal prosecutions.

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

FY 2021

In FY 2021, OSHA conducted 24,355 of the planned 31,013 federal inspections (19,948 safety inspections and 4,407 health inspections). This outcome is the direct result of the impact COVID-19 had on OSHA's ability to conduct inspections. One related factor was OSHA's overarching concern to keep CSHOs safe, which resulted in modified investigation protocols that reduced OSHA's capacity to initiate and complete inspections. Another factor was the increased number of complaints that OSHA received, which was driven by COVID-19 complaints. The increased workload around fielding and triaging the complaints decreased OSHA's capacity to perform inspections, while also resulting in a greater percentage of unprogrammed inspection activity. Unprogrammed inspections accounted for 56.5 percent of OSHA's total inspection count, and unprogrammed inspections take more time and resource use than programmed inspections.

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While inspection levels were down, the agency successfully leveraged enforcement strategies FY 2021 to help focus efforts on the most hazardous worksites to protect all workers, especially vulnerable and at-risk workers. For example, OSHA launched a new NEP for COVID-19 on March 12, 2021, and conducted 1,144 inspections addressing COVID-19 hazards in the workplace. OSHA also updated and continued the use of the SST program with employer-reported injury and illness data to target non-construction workplaces with 20 or more employees. The Trenching and Excavation APG ended in FY 2021 and will not continue in FY 2022.

OSHA also relied on CSAs to abate hazards throughout the corporate structure of large employers who exhibited a pattern of non-compliance corporate-wide. In addition, OSHA continued targeted inspections on worksites identifying and abating construction fall, electrical, struck-by, and caught between hazards utilizing the Construction Inspection Targeting System (C-TARG). These four hazards account for more than half of all construction fatality incidents and area a high priority for the agency. Finally, the OSHA Weighting System, an improvement upon the enforcement weighting system used in fiscal years 2015 through 2019, was successfully used by managers to direct resources to the most hazardous worksites and help conduct the most impactful inspections for a total of 48,271 EUs, which demonstrates that the inspections conducted were often complex or high-impact inspections.

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Federal Enforcement					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
Federal Compliance Inspections					
OSHA-FCI-01op	Safety Inspections	24,810	19,948	25,120	27,032
OSHA-FCI-02op	Health Inspections	6,203	4,407	6,280	6,758
Total		31,013	24,355	31,400	33,790
OSHA-CMPL-01op	Percent of worker complaints that have an inquiry initiated within one working day or an on-site inspection initiated within five working days	95%	97%	95%	95%
OSHA-FCI-04op	Construction Inspections	15,983	12,566	16,170	17,402
OSHA-FCI-08	Phone and Fax non-formal investigations	22,000	21,196	22,000	22,000
OSHA-FCI-06	Enforcement Units	55,822	48,271	56,520	60,822
OSHA-FCI-09	Severe Injury Reporting – Rapid Response Investigations	8,840[p]	7,279	9,825[p]	9,863[p]
OSHA-FCI-10	Severe Injury Reporting – Severe Injury Inspections	4,160	3,119	3,275	3,288
OSHA-FCI-13	Percent of inspections conducted through emphasis programs specifically focused on reducing or eliminating employee exposure to fall, struck-by, caught-in, and electrical hazards in all workplaces	--	33%	32%	33%

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
OSHA-FED-01op	Federal Agency Inspections	620	606	628	676
OSHA-Hazards-07op	Number of hazards abated associated with falls in construction, general industry, and maritime	7,810	5,562	7,810	7,810
OSHA-Hazards-08op	Number of trenching and excavation hazards abated	2,619	1,575	--	--
OSHA-PG-01op	Construction fatality rate decrease from baseline (Rate is deaths per 100,000 workers).	--	--	--	--
OSHA-PG-02op	General industry fatality rate decrease from baseline (Rate is deaths per 100,000 workers).	--	--	--	--
OSHA-PG-03op	Federal Agency total case rate for injuries and illnesses	1.48	1.78	1.53	1.53
OSHA-PG-04op	Federal Agency lost time case rate for injuries and illnesses	1.00	1.20	1.00	1.00

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

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Workload and Performance

The requested funding supports the goal of investing in and valuing the Nation's Care Economy by promoting safe and healthy working conditions. Through its mission, OSHA continues to advance racial and gender equity and support underserved communities. Many workers are at increased risk, sometimes because of the jobs they do, but also because of factors like the color of their skin, their ethnicity, or the fact that English is not their first language. This Administration believes every worker is entitled to a safe and healthy workplace.

The requested funding and FTE will support these goals and position the agency to return to its historical role as a leader in worker safety and health. With the additional 179 CSHOs and 10 Technical CSHOs, the agency anticipates conducting 33,790 inspections and reach a goal of 60,822 enforcement units (EU) in FY 2023. In FY 2024, the potential inspections conducted by the 179 and 10 Technical CSHOs could add an additional 4,640 inspections. OSHA is shifting its focus to highest-impact and complex inspections at high-risk workplaces, which often employ minority and other vulnerable workers. This is an increase of 2,390 inspections from the FY 2022 target of 31,400.

OSHA anticipates that the response to severe injury reports (SIR) will continue to affect inspection totals in FY 2023, resulting in a larger number of unprogrammed activities than programmed activities. SIR inspections typically require double the time to complete than programmed inspections. The agency expects that newly hired CSHOs will cover many SIRs in FY 2023. This will allow senior CSHOs to focus on programmed inspections. OSHA estimates about 75 percent of injuries reported through the SIR program (9,863) will be addressed through rapid response investigations (i.e., employer-led investigations) and the remaining 25 percent (3,288) will result in inspections as outlined in OSHA's "Revised Interim Enforcement Procedures for Reporting Requirements under 29 C.F.R. 1904.39," published March 4, 2016.

The agency will continue seeking a reduction of injuries and fatalities by targeting workplaces with potential trenching/excavation hazards for inspections, utilizing the NEP addressing hazards related to trenching and excavation. An analysis published by the Center for Construction Research and Training in 2018 indicated that construction accounted for approximately seven percent of employment, but for 22 percent of worker fatalities. In 2019, the fatality rate in construction was almost three times higher than the average of all industries (Source: BLS).

In FY 2023, the agency will continue to focus on fatal incidents involving hazards associated with falls in all industries and the focus four high hazards in construction. Falls have been identified as the leading cause for approximately one third of all fatal incidents in construction. In 2021, OSHA's inspection efforts where fall hazards were identified accounted for four of the top 10 conditions where citations were issued nationwide. The FY 2022 target for fall hazards abated is contained in the FY 2022 Agency Management Plan (AMP). The agency made adjustments for FY 23 goals and will continue to modify goals on the AMP as new staff is on-boarded.

OSHA will target additional construction worksites through the Construction Inspection Targeting System (C-TARG) program, which focuses on construction projects rather than

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construction firms. C-TARG establishes the agency's presence throughout the construction industry, primarily through inspection of construction job sites with multiple contractors. C-TARG will also be used to identify and correct construction hazards such as falls, electrical, struck-by, and caught between hazards. These four hazards account for more than half of all construction fatality incidents and are a high priority for the agency. The implementation of the new OSHA weighting system is also expected to yield a slightly greater number of construction inspections for FY 2023, an increase of 1,238 inspections over FY 2022.

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

In FY 2021, OSHA's enforcement resources were severely impacted by the COVID-19 and the need to provide assistance to manmade and natural disasters. Nonetheless, OSHA conducted 24,355 inspections and with 56.5 percent classified as unprogrammed activities (e.g., complaints, employer reported referrals, and fatalities or catastrophes). In FY 2022, OSHA will continue the agency's strong commitment to and emphasis on the enforcement of standards and regulations. In FY 2023, OSHA will build upon the previous year by increasing safety and health inspections. Some of the safety inspections will consist of those addressing hazards of essential and vulnerable workers are exposed to in construction, warehousing or courier industries. Some of the increased health inspections will address exposure to heat-related hazards in all industries and exposure to those specific hazards associated with health care and social assistance industry.

The federal agency total case rate for the injuries and illnesses performance measure counts the total number of workers' compensation cases in federal agencies, including first aid. The federal agency lost time case rate for injuries and illnesses performance measure counts the number of cases with any time lost away from work beyond the date of the injury or illness. The federal agency total case rate performance measure was 1.78 in FY 2021 and is projected to be 1.53 in FY 2022 and FY 2023. The federal agency lost time case rate performance measure was 1.2 in FY 2021 and is projected to be less than one percent in FY 2022, and FY 2023. The reduction of injury rates at various agencies reduced the overall rates for the Executive Branch. OSHA will establish goals that focus on continual improvement for the federal agencies.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	131,470	134,132	162,122	27,990
11.3	Other than full-time permanent	227	227	227	0
11.5	Other personnel compensation	2,978	2,978	2,978	0
11.9	Total personnel compensation	134,675	137,337	165,327	27,990
12.1	Civilian personnel benefits	48,042	49,200	59,167	9,967
12.2	Military Personnel Benefits	0	0	0	0
13.0	Benefits for former personnel	34	34	34	0
21.0	Travel and transportation of persons	2,231	2,231	4,053	1,822
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	7,133	7,133	7,133	0
23.3	Communications, utilities, and miscellaneous charges	1,089	1,089	1,089	0
24.0	Printing and reproduction	182	182	182	0
25.1	Advisory and assistance services	1,113	1,113	1,113	0
25.2	Other services from non-Federal sources	720	720	3,687	2,967
25.3	Other goods and services from Federal sources 1/	29,964	26,144	29,193	3,049
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	613	613	613	0
26.0	Supplies and materials	1,151	1,151	1,492	341
31.0	Equipment	1,706	1,706	4,757	3,051
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	58	58	58	0
	Total	228,711	228,711	277,898	49,187
	1/Other goods and services from Federal sources				
	CIGIE	0	0	2,116	2,116
	Working Capital Fund	25,805	23,657	24,590	933
	DHS Services	940	940	940	0
	Services by Other Government Departments	3,219	1,547	1,547	0

FEDERAL ENFORCEMENT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$8,905
Personnel benefits	3,210
Federal Employees' Compensation Act (FECA)	-89
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	933
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$12,959**

Net Program **\$36,228**

Direct FTE **327**

	Estimate	FTE
Base	\$241,670	1,320
Program Increase	\$36,228	327
Program Decrease	\$0	0

WHISTLEBLOWER PROGRAMS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	19,064	19,064	25,790	6,726
FTE	115	139	202	63

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 122. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

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

OSHA is committed to advancing the President’s priorities, including investing in and valuing the nation’s care economy, promoting equity in the agency’s programs and workforce, and supporting vulnerable workers in underserved communities as a cornerstone of the agency’s work. Protecting employees from retaliation for reporting violations of the statutes under the agency’s jurisdiction, helps strengthen OSHA’s focus on the Administration’s goals.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$17,500	127
2019	\$17,500	126
2020	\$18,564	119
2021	\$19,064	122
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, OSHA is requesting \$25,790,000 and 202 FTE, which includes a program increase \$4,100,000 and 50 FTE for whistleblower investigators to effectively enforce 25 whistleblower statutes, including the recently added CARRA and AMLA. In addition to investigators, OSHA is requesting a program increase of \$1,243,000 and 13 FTE to support the Alternative Dispute

WHISTLEBLOWER PROGRAMS

Resolution (ADR) Program, policy development and review, and appropriate support for the Whistleblower Protection Program (WPP). As part of the effort to build a stronger whistleblower program and have the necessary level of resources to support the significant number of whistleblower statutes the agency has been mandated to enforce, OSHA will make sure that every worker, especially those in vulnerable and underserved communities, knows about their rights and what to do if they believe their safety and health is not being protected.

The additional investigators requested in FY 2023 will focus on preventing an increase in the backlog of complaint investigations while also reducing the overall inventory of pending investigations. The WPP has consistently seen an increase in new complaints filed, resulting in a significant backlog of pending investigations and delays in promptly responding to complainants. OSHA has seen a consistent increase in new complaints filed, including a large increase in COVID-19 related complaints since the beginning of the pandemic, which has resulted in a significant backlog of pending investigations. The requested resources will help OSHA keep up with the high demand and ensure that workers' concerns are properly and thoroughly processed and responded to as expeditiously as possible.

FY 2022

OSHA has experienced a sustained increase in new complaint filings in the past year due to the COVID-19 pandemic. As of February 13, 2022, the agency has received more than 6,500 new COVID-19-related complaints since the beginning of the pandemic. This has resulted in an increase of approximately 270 new complaints per month in addition to OSHA's traditional whistleblower workload, creating a backlog of nearly 2,400 pending docketed investigations. It is anticipated that OSHA will continue to experience significantly high numbers of new complaints filed, including complaints that are COVID-19-related. As the agency works to address the increase of complaints, the WPP will continue to identify opportunities to improve its efficiency and effectiveness, as well as become more adept in handling novel issues that affect COVID-19-related whistleblower complaints. The agency continues to examine opportunities to simplify the investigative and administrative related functions, through training and approved pilot programs that strive to identify methods to streamline whistleblower retaliation investigations without compromising quality. Successful pilot programs will be implemented nationwide and incorporated into the Whistleblower Investigations Manual (WIM).

OSHA has been actively engaged in making major revisions to the WIM, the first major overhaul of the manual since 2011. Substantive changes include streamlining the document, restructuring the chapters, incorporating all policy memoranda issued since 2011, updating guidance on specific program areas, incorporating successful regional pilot programs, and removing all letter templates and statute-specific chapters. The WIM is expected to be completed, cleared, and published in FY 2022.

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

WHISTLEBLOWER PROGRAMS

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

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

FY 2021

In FY 2021, the agency completed 3,099 docketed investigations, exceeding the target of 2,900 completed investigations, due in large part to effective streamlined investigative procedures as well as improved intake and triage procedures. In addition to investigative duties, whistleblower staff performed customer and administrative functions, including responding to requests for information under the Freedom of Information Act (FOIA), among others.

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

In FY 2021, OSHA completed a number of statute-specific Desk Aids, including one for the Consumer Product Safety Improvement Act (CPSIA) and the Six Environmental Statutes. These Desk Aids provide up-to-date guidance for OSHA's field staff, including recent changes to case law developed from relevant court decisions, examples of situations that could involve coverage

WHISTLEBLOWER PROGRAMS

and protected activity, useful reference material, and a worksheet to assist with analysis of whistleblower complaints. Since the Desk Aids were available to the public on www.whistleblowers.gov, the information also assists the public with understanding the legal standards and investigative procedures that OSHA follows when investigating whistleblower retaliation cases.

OSHA expanded its outreach efforts by showcasing the newly designed WPP website during meetings and presentations, and created new Fact Sheets (i.e., Filing Whistleblower Complaints Related to COVID-19) for those statutes/situations that did not have one while updating existing Fact Sheets (i.e., Whistleblower Protection for Consumer Product Industry Workers) to ensure they remained up to date with the latest case law decisions and outcomes. As noted above, the agency directed its outreach to underserved communities, ensuring every voice was heard.

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

In addition to the new whistleblower protection provisions of CAARA and AMLA, enacted in December 2020 and January 2021, as well as amendments to the existing Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21) and the Pipeline Safety Improvement Act (PSIA), both revised in December 2020; a number of newly proposed whistleblower protection statutes were under consideration by Congress. OSHA closely tracked those proposals, as they may have been delegated to the agency, which would severely impact OSHA's ever-increasing caseload. OSHA actively prepared strategies and processes to minimize the impact of these new statutes while developing effective training tools to ensure that whistleblower personnel were equipped to effectively carry out these added responsibilities.

WHISTLEBLOWER PROGRAMS

WORKLOAD AND PERFORMANCE SUMMARY					
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request	
	Target	Result	Target	Target	
Whistleblower Programs					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
OSHA-WB-01op	Whistleblower investigations completed	2,900	3,099	3,100	4,500
OSHA-WB-09op	Average age of pending whistleblower investigations.	340	350	330	320
OSHA-WB-10op	Average days to complete new complaint screening process. (WB)	13.0	7.0	10.0	9.0

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

WHISTLEBLOWER PROGRAMS

Workload and Performance

OSHA's request includes funding to support 50 additional Whistleblower Investigators and 13 other whistleblower staff to build the agency's capacity after a large influx of COVID-related cases, and provide sufficient resources to address the growing backlog of investigations. With the additional resources, OSHA will be able to complete 4,500 investigations in FY 2023, an increase of 1,600 investigations over the FY 2022 estimate.

The impact of the pandemic on the WB program continues to be significant, with a large volume of complaint filings and growing backlog of docketed investigations. This backlog will continue in FY 2023, and additional whistleblower staff are needed to help reduce the inventory of pending investigations, and manage the increase in statutes assigned to the agency. Until the new staff are trained and can conduct investigations independently, the average number of days needed to complete the complaint screening process will increase. The continuous surge in the number of retaliation complaints filed will also impact the number of days it takes an investigator to complete the screening process.

OSHA will promote expanded use of the Alternative Dispute Resolution Program in FY 2023, as an effective alternative to traditional enforcement in resolving complaints of retaliation. The agency will also continue to improve the processing of Requests for Review for complaints filed under section 11(c) of the OSH Act, ISCA, and AHERA, as well as the handling of retaliation complaints filed under section 1904.35(b)(1)(iv) of OSHA's recordkeeping rule, and section 1910.502(o) of the COVID-19 Emergency Temporary Standard (ETS).

In FY 2022, OSHA estimates that it will complete 3,100 investigations due to level funding under a full-year CR. Under the President's Administration, OSHA will ensure full and fair access to for all workers regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, migrant status, religion, or other marginalized status through targeted outreach and awareness. The agency plans to hold additional targeted stakeholder meetings in multiple languages, particularly with traditionally underserved communities such as farmworkers, meat and poultry workers, and speakers of other languages, to obtain valuable public input and feedback on how the agency can improve program operations and enhance customer service. OSHA will also work with employee advocacy groups representing workers who may be afraid to file complaints such as undocumented and extremely low wage workers. The Whistleblower Outreach Plan also focuses on training and educational opportunities for employers on these rights, as well as the benefits of establishing an anti-retaliation culture in their workplaces, by promoting the agency's Recommended Practices for Anti-Retaliation Programs guidance.

In FY 2022, OSHA will accomplish a major milestone by finalizing its first significant overhaul of the field manual since 2011. Another goal in FY 2022 is for OSHA to complete the remaining statute-specific Desk Aids for its newest statutes including the Taxpayer First Act (TFA) as well as CAARA and AMLA, accompanied by an updated Affordable Care Act (ACA) document. OSHA will also revise the existing desk aids for PSIA and AIR21 due to amendments to these statutes in December 2020. These Desk Aids provide up-to-date guidance for OSHA's field staff, including recent changes to case law developed from relevant court decisions, examples of

WHISTLEBLOWER PROGRAMS

situations that could involve coverage and protected activity, useful reference material, and a worksheet to assist with analysis of whistleblower complaints. The Desk Aids also will be available to the public on www.whistleblowers.gov.

The agency will continue to build and maintain working relationships with all relevant partner agencies in FY 2022, including the new federal partners for the two (2) new whistleblower statutes: The Department of Justice along with the Federal Trade Commission (CAARA) and the Department of the Treasury (AMLA). These collaborative efforts are critical to a successful referral program where OSHA investigates allegations of workplace retaliation while the relevant partner agency investigates the underlying safety, security, or well-being allegations presented in the complaint.

OSHA plans to develop and deliver four webinars in FY 2022 to provide effective training for WPP staff: two regarding the new whistleblower statutes AMLA and CAARA, one surrounding injury reporting, and a fourth on the effective use of the electronic case file (ECF) filing and retention protocol. In addition, OSHA will develop an Intranet-based Whistleblower Investigator (WBI) Resource Page for whistleblower personnel that will include technical assistance and answers a myriad of questions presented by the field, including those related to COVID-19, and disseminated to all Regions, ensuring nationwide consistency. This page will also include the Whistleblower Planned vs. Actual (WB-PVA) report, the quarterly statistical performance report, the Assistant Regional Administrator (ARA) monthly meeting notes, letter templates, and all other pertinent information to assist the field offices in their investigations.

In FY 2021, the agency completed 3,099 docketed investigations, exceeding the target of 2,900 completed investigations, due in large part to effective streamlined investigative procedures as well as improved intake and triage procedures. Additionally, OSHA offered comprehensive training through webinars and virtual training courses at the OSHA Training Institute to provide staff with the most up-to-date techniques, strategies, and tools for conducting successful investigations.

In FY 2021, OSHA continued to implement several changes to manage the program more efficiently and effectively, including:

- Explored backlog reduction strategies to effectively reduce the excessive inventory of overaged complaints. This involved renewed efforts to pursue development of enhanced screening practices coupled with active case management and monitoring procedures that were designed to increase the efficiency of whistleblower operations overall. OSHA also studied the strategic use of FTEs to promote optimal results.
- Continued to monitor the impact of COVID-19 on WPP's activities and operations. OSHA placed special emphasis on identifying and addressing challenges associated with this global pandemic including providing effective and timely customer service, ensuring proper screening and processing of all complaints, mitigating the negative impact on investigative lapse time and the overaged case backlog, as well as coping with morale issues due to whistleblower investigators feeling overwhelmed.

WHISTLEBLOWER PROGRAMS

- Continued to hold targeted stakeholder meetings to allow for more focused engagement with specific interested parties and provide a forum for those individuals to offer the agency ways to improve the program.
- Monitored progress towards improvement in investigative quality under the newly implemented quality-based performance goal, “Percent of Closed Cases Meeting the Agency’s Quality Standard”, following the establishment of the previous two-year baseline in Quarter 1 of FY 2021, in order to ensure that investigations were completed in accordance with established procedures.
- Continued to expand the use of the Alternative Dispute Resolution (ADR) Program, which had proven to be an effective alternative to traditional enforcement activities in resolving complaints of retaliation.
- Continued to explore and evaluate new processes through the effective use of pilots, with the purpose of identifying steps in the investigative process that could be streamlined without compromising quality. Implemented the Whistleblower Protection Program Pilot Procedures Directive to establish policies and procedures for the creation, implementation, and evaluation of pilot programs.

WHISTLEBLOWER PROGRAMS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	13,027	13,291	17,593	4,302
11.3	Other than full-time permanent	3	3	3	0
11.5	Other personnel compensation	235	235	235	0
11.9	Total personnel compensation	13,265	13,529	17,831	4,302
12.1	Civilian personnel benefits	4,737	4,846	6,388	1,542
13.0	Benefits for former personnel	8	8	8	0
21.0	Travel and transportation of persons	184	184	310	126
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	219	219	219	0
23.3	Communications, utilities, and miscellaneous charges	31	31	31	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	28	28	91	63
25.3	Other goods and services from Federal sources 1/	571	198	828	630
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	16	16	79	63
31.0	Equipment	5	5	5	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	19,064	19,064	25,790	6,726
	1/Other goods and services from Federal sources				
	CIGIE	0	0	630	630
	Working Capital Fund	515	193	193	0
	DHS Services	5	5	5	0
	Services by Other Government Departments	51	0	0	0

WHISTLEBLOWER PROGRAMS

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,022
Personnel benefits	368
Federal Employees' Compensation Act (FECA)	-7
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,383**

Net Program **\$5,343**

Direct FTE **63**

	Estimate	FTE
Base	\$20,447	139
Program Increase	\$5,343	63
Program Decrease	\$0	0

STATE PROGRAMS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	110,075	110,075	120,075	10,000
FTE	0	0	0	0

Introduction

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

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

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

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

STATE PROGRAMS

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$100,850	0
2019	\$102,350	0
2020	\$108,575	0
2021	\$110,075	0
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

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

In FY 2023, OSHA is requesting \$120,075,000 for the State Programs activity, which includes a program increase of \$8,750,000 for OSHA’s existing State Plan partners, and \$1,250,000 to establish a new state and local government only (SLG-Only) State Plan in Massachusetts. State Plans will use the \$8,750,000 to ensure they have adequate resources to maintain standards, the ability to enforce those standards, and the ability to protect workers from retaliation in an “at least as effective” manner as Federal OSHA. OSHA’s State Plan partners provide coverage for approximately 40 percent of the workforce, and additionally extend coverage within their states to state and local government employees, which OSHA cannot directly provide. With the expected return to normalcy in FY 2023, State Plans could hire up to an additional 77 compliance officers with the \$8,750,000 increase. Given the need to train newly hired compliance officers, the results from hiring new staff in FY 2023 will be moderately realized in FY 2023, with increased performance results in FY 2024, and fully realized results in FY 2025.

OSHA’s request of \$1,250,000 to establish a SLG-Only State Plan in Massachusetts would extend occupational safety and health protections to Massachusetts public sector employees. For example, state and municipal workers engaged in police, fire, sanitation and other work that exposes them to temperature extremes would be afforded workplace protections. Public employees have also been on the frontline of the country’s response to the pandemic and would benefit from the workplace protections provided by a public employee occupational workplace safety and health plan. In its first years of operation, the 18 Compliance Safety and Health Officers (CSHOs) with the Massachusetts State Plan are expected to perform an estimated 360 inspections, with the number increasing as the CSHOs are fully onboarded and trained.

Due to the overall increase in funding and the establishment of a new State Plan in FY 2023, State Plan inspections are expected to increase from 30,872 in FY 2022 to 32,772 in FY 2023.

STATE PROGRAMS

FY 2022

In FY 2022, State Plans are continuing to rebound from effects of the pandemic. State Plans are expected to perform 30,872 inspections and a total of 3,294 consultation visits under the 23(g) grant.

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

In FY 2022, OSHA is conducting the FY 2021 Comprehensive FAME process to include on-site case file review to identify new issues and track the progress made by State Plans in addressing findings from prior years. State Plans are expected to address at least 50% of the findings from the prior FAME Reports (OSHA-SEI-02). State Plans provide progress reports, as established through their corrective action plans, to demonstrate how they have addressed deficiencies. Additionally, OSHA reviews State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and the SAMM. Collectively, this information was used within the FAME process to evaluate State Plan effectiveness.

FY 2021

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

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

Finally, OSHA continued to work with interested states on the possible establishment of new OSHA-approved State Plans, which would require funding for the Federal match from Congress. Through a State Plan, states can assume delegation of worker protection programs, with standards, targeting, consultation, and outreach efforts customized to address state-specific

STATE PROGRAMS

hazards and industries, to include safety and health coverage of state and municipal workers. In FY 2021, Massachusetts made progress on the path toward establishing a State Plan. Additional funds have been requested for this budget activity in FY 2023, to support establishment of Massachusetts as a State Plan.

STATE PROGRAMS

WORKLOAD AND PERFORMANCE SUMMARY					
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request	
	Target	Result	Target	Target	
State Programs					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
State Enforcement Inspections					
OSHA-State- 01	Safety	24,246	21,981	21,981	23,264
OSHA-State- 02	Health	8,252	8,891	8,891	9,508
Total		32,498	30,872	30,872	32,772
Consultation Visits					
OSHA- Consultation- 01	Private Sector (KY & WA)	2,461	1,813	1,813	1,904
OSHA- Consultation- 02	Public Sector	2,368	1,481	1,481	1,704
OSHA- State11(c)-01	Total Number of 11(c) Investigations Completed	1,247	1,474	1,474	1,548
OSHA- Grants-09	Number of Operational Grants	28	28	28	29

STATE PROGRAMS

WORKLOAD AND PERFORMANCE SUMMARY				
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
	Target	Result	Target	Target
OSHA-Coop-01	Cooperative Programs	379	292	292
OSHA-Outreach-01	Outreach/Training Participants	510,524	528,605	528,605
				555,035

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

STATE PROGRAMS

Workload and Performance

In FY 2023, OSHA is requesting a total increase of \$10,000,000 which includes \$8,750,000 in funding for the current State Programs activity, and an additional \$1,250,000 to establish a State and Local Government-Only (SLG-Only) State Plan for Massachusetts. During the COVID-19 pandemic, many State Plans suffered as their overmatch funding was diverted to other state activity to respond to the crisis. In addition, many states experienced an overall loss in revenue in FY 2021 and FY 2022 in the wake of economic impact from the COVID-19 pandemic. The requested increase in State Plan grant funding will play an integral role as the State Plans recover financially and programmatically from the COVID-19 response efforts. The \$8,750,000 increase will provide funding for an additional 77 CSHOs to be hired throughout the State Plans. These 77 CSHOs are expected to complete an additional 1,540 inspections in FY 2023, and then complete 3,080 in FY 2024 and then once fully trained, 4,620 annually in subsequent years.

OSHA's request of \$1,250,000 to establish an SLG-Only State Plan in Massachusetts will extend occupational safety and health protections to Massachusetts public sector employees. For example, state and municipal workers engaged in police, fire, sanitation, and other work that exposes them to temperature extremes would be afforded workplace protections. Public employees have also been on the frontline of the country's response to the pandemic and would benefit from the workplace protections provided by a public employee occupational workplace safety and health plan. In its first year of operation, the 18 CSHOs with the Massachusetts State Plan are expected to perform an estimated 360 inspections, with the number increasing as the CSHOs are fully onboarded and trained.

Due to the overall increase in funding and the establishment of a new State Plan in FY 2023, State Plan inspections are expected to increase from 30,872 in FY 2022 to 32,772 in FY 2023. Similarly, State Plan consultation visits will increase from 3,294 in FY 2022 to 3,608 in FY 2023, and cooperative programs will increase visits slightly from 292 to 307. The number of 11(c) whistleblower investigations completed by State Plans will increase from 1,474 in FY 2022 to 1,548 in FY 2023. State Plans exceeded the FY 2021 target of 510,524 outreach and training participants with a result of 528,605 participants in this fiscal year. The number of outreach and training participants is expected to increase from 528,605 in FY 2022 to 555,035 in FY 2023.

In FY 2022, OSHA is conducting the FY 2021 Comprehensive FAME, which includes on-site case file review, to identify new issues and track progress made by State Plans in addressing findings from prior years. State Plans are expected to address at least 50% of the findings from the prior FAME Report (OSHA-SEI-02). State Plans will provide progress reports, as established through their corrective action plans, to demonstrate how they have addressed deficiencies. OSHA will also review State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and SAMM. Collectively, this information will be used to evaluate State Plan effectiveness.

In FY 2021, OSHA received a \$1,200,000 increase in funding for the State Programs activity for a total of \$110,075,000. Given the six percent increase in FY 2020 and the additional one percent increase in FY 2021, State Plans would have been expected to realize an increase in activity numbers. However, throughout FY 2021, the negative impact of the COVID-19 pandemic

STATE PROGRAMS

continued and the growth that was expected in State Plans was temporarily delayed. Many State Plans expended an unanticipated amount of resources dealing with the challenges of operating amidst the pandemic, which extended to difficulty with hiring and training enforcement staff.

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

STATE PROGRAMS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
41.0	Grants, subsidies, and contributions	110,075	110,075	120,075	10,000
	Total	110,075	110,075	120,075	10,000

STATE PROGRAMS

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$0

Grants, subsidies, and contributions 0

State Administration Workload 0

Built-Ins Subtotal \$0

Net Program \$10,000

Direct FTE 0

	Estimate	FTE
Base	\$110,075	0
Program Increase	\$10,000	0
Program Decrease	\$0	0

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	24,469	24,469	27,007	2,538
FTE	77	81	87	6

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 92. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

Technical Support is a necessary component of the agency’s enforcement, and compliance assistance efforts, including identifying, sampling, and analyzing hazardous substances, investigating workplace hazards, and producing technical publications and products. OSHA’s Technical Support activity provides necessary resources and tools to support compliance officers in safely and effectively identifying, investigating, and controlling workplace hazards, and supports groups with materials to effectively identify and control workplace hazards. This activity also supports other OSHA activities including outreach, cooperative programs, and emergency response and management.

Major functions include:

1. Technical expertise and advice with respect to general industry, maritime, and construction issues.
2. Specialized health, safety, engineering, and occupational medical consultation and advice to investigate and determine causes of major catastrophes, fatalities, illnesses, and injuries at worksites.
3. Technical support and response to natural and man-made disasters, fatality and accident investigations, and other emergencies including those linked to climate change
4. Interagency coordination of emergency preparedness, response/recovery, and management.
5. Supporting health and safety of staff and operations by managing internal safety, health, and medical programs.
6. Technical expertise to support outreach services and compliance assistance products to employers, workers (including vulnerable workers), other government agencies, and non-government organizations, including advancing racial and gender-equity initiatives;
7. Calibration and maintenance of field-technical equipment and management of expendable supplies.
8. Chemical analysis of field samples, root cause investigations, and sampling and analytical methods development.
9. Managing OSHA’s docket system in support of the Regulatory Agenda for standards and guidance development.
10. Evaluating and approving variances for alternative compliance approaches that are equally as effective as OSHA’s safety and health standards.

TECHNICAL SUPPORT

11. Evaluating and recognizing independent third-party organizations that are qualified to approve (i.e., test and certify) the inherent safety of equipment used in the workplace.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$24,469	96
2019	\$24,469	93
2020	\$24,469	92
2021	\$24,469	92
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, OSHA is requesting \$27,007,000 and 87 FTE, which includes a program increase of \$1,489,000 and 6 FTE for Enhancing Lab Services to Support Enforcement. This increase will support additional staff and necessary safety and health technical equipment to address the increase in agency inspection activity. This activity provides essential support to OSHA's enforcement and compliance assistance activities and is an integral part of strengthening the agency, re-affirming OSHA's commitment to worker safety, and re-establishing trust that the agency is advocating for workers. Technical support activities strengthen the agency's ability to support enforcement and regulatory priorities including infectious disease, workplace violence, and climate change consequences. The latter includes emergency management of heat, hurricane, tornado, flooding, and earthquake events.

The agency will continue to focus on emerging hazards and addressing underserved populations, at-risk workers, and the impacts of climate change on workers. These populations include workers in the care economy and marginalized workers in other critical infrastructure industries such as meat packing and poultry processing, agriculture workers, and high-volume retail. OSHA will monitor emerging safety and health issues and provide technical assistance in prioritizing and developing appropriate responses including hazard assessments, investigation support, research and publications, technical materials, and training. New efforts to support the agency will be initiated in industrial toxicology (new chemicals and applications), industrial hygiene (laboratory and portable sampling technologies), aerosol science in support of field sampling, epidemiology and occupational disease surveillance, and emergency response and management. Efforts will continue to more successfully integrate new technology into all aspects of field support, which will assist the agency in accomplishing the highest-level of worker protection.

OSHA's Health Response Team (HRT) will continue to support the agency's front-line field staff and national offices with engineering, industrial hygiene, and ergonomics expertise. Specifically Technical Support activities will include response to a variety of disasters, such as hurricanes, wildfires, and other emergencies linked to climate change, many of which have a well-documented impact on marginalized communities. In the field, ongoing assistance is being provided in conducting complex investigations, fatalities, and supporting disaster response both natural and man-made. Highly specialized staff will provide help with fatality and accident

TECHNICAL SUPPORT

investigations, mechanical and structural engineering assessments, ergonomics, emergency preparedness and response, training, expert witness, and citation preparation. The agency will continue to deliver occupational medicine expertise to support enforcement and compliance assistance activities. Expert perspectives are provided to field programs including ergonomics, heat, health care, infectious diseases, mental health, and workplace violence with a focus on vulnerable and at-risk groups. The agency will continue to maintain efforts to build the expertise of internal staff by enhancing their technical knowledge to support the agency's overall readiness. In addition, technical expertise on topics, including Process Safety Management (PSM), will be provided to the agency's field enforcement and compliance assistance programs. The agency will continue to develop and provide print and electronic technical information about hazards and abatement methods to field staff, employers, and workers. Topics addressed will include chemical sampling, heat, ergonomics, and combustible dust, along with hazards found in the oil and gas and warehousing industries. In addition, OSHA will continue to produce materials and provide technical resources to support the implementation of the agency's internal safety and health management system.

OSHA will work to identify the best strategy for medical expertise and services to support agency enforcement, rulemaking, and compliance assistance efforts. As part of this activity, the agency will perform pre-placement evaluations for compliance officer hiring; support the Agency's fitness for duty program; integrate medical surveillance with OSHA's safety and health management system; and modernize OSHA medical and administrative records systems.

OSHA will continue to build and maintain emergency preparedness and response capabilities. The agency also will continue to work collaboratively with federal and state partners to increase preparedness for, responses to, and recoveries from disasters and the spread of infectious disease. Initiatives to be undertaken include developing, updating, and testing agency and interagency plans, as well as producing online information, technical safety and health resources, and supporting the development and delivery of training for OSHA and Department of Labor staff. In addition, the agency will participate in planning exercises with interagency partners and stakeholders. Continued preparedness, coordination, and collaboration will remain a high priority and OSHA will remain actively engaged within the emergency response community, including the enhanced implementation of the National Response Framework and interagency response policy and plans to ensure worker safety and health remains a top priority.

FY 2022

In FY 2022, the agency will continue to provide expertise and support to the agency's enforcement and compliance assistance programs in areas of occupational health, safety, and medicine, including ergonomics, health care, heat stress, infectious disease, oil and gas, PSM, PPE, noise, and workplace violence. This includes the development of publications on technical information about hazards and abatement methods to field staff, employers, and workers.

OSHA's HRT continues to support the agency's front-line field staff in conducting complex investigations, including responding to disasters, both natural and man-made. Expert perspectives are provided to field programs including ergonomics, heat, health care, infectious diseases, mental health, and workplace violence with a focus on vulnerable and at-risk groups. This year the OSHA Technical Manual (OTM) chapter on noise will be revised, and Interactive

TECHNICAL SUPPORT

Remote Inspection Support units will roll out for field use and evaluation. The agency will continue to maintain efforts to build the expertise of internal staff by enhancing their technical knowledge to support the agency's overall readiness. In addition, technical expertise on topics, including PSM, will be provided to the agency's field enforcement and compliance assistance programs. The agency will continue to develop and provide print and electronic technical information about hazards and abatement methods to field staff, employers, and workers. Topics addressed will include job hazard analysis, medical management, chemical sampling, ventilation, tank cleaning, noise, the oil and gas industry, combustible dust, and materials to support the implementation of the agency's internal safety and health management system.

OSHA's Industrial Hygiene Chemistry Laboratory will continue to develop defensible analytical methods for new and emerging issues and use them to provide chemical and material analysis results for the agency's field staff. Continued roll-out and implementation of a modern Laboratory Information Management System (LIMS) will improve the efficiency of data processing, access and use by OSHA field staff, and defensibility of sampling results. Improved and streamlined screening protocols are continuing to be developed to allow field staff to quickly identify and prioritize more complex chemical sampling strategies. Integration of a Senior Desk Officer will ensure access to clear guidance to compliance officers regarding correct sampling media and procedures, as well as rapid access to sampling media.

Ongoing support of field instruments will ensure the field has access and uses accurate and reliable tools to evaluate workplace hazards. New technologies are being developed, evaluated, and introduced to the field, including novel air sampling instruments and portable heat stress monitoring instruments to support OSHA's heat initiative.

The agency will continue surveillance of field staff and seek innovative ways to use data to assess and communicate risk to ensure they remain healthy and able to perform their jobs under the defined Office of Personnel Management requirements. OSHA will continue to manage the CSHO medical program. The program will further integrate virtual respirator clearance processes and make recommendations on quantitative hearing protection device fit-testing for staff. In an increasingly systematic way, further development of the agency's internal safety and health program will include authoring or updating three program chapters.

OSHA continues to build and maintain emergency preparedness and response capabilities, including developing, updating, and testing agency and interagency plans; updating online information, resources, and training for staff; and participating in exercises with interagency partners and stakeholders. Continued preparedness, coordination, and collaboration is occurring within the emergency response community, including the enhanced implementation of the National Response Framework and interagency response policy and plans, ensuring worker safety and health remains a top priority.

The agency will both continue to build and share the expertise of staff, enhancing technical knowledge to support the agency's overall readiness. The agency continues to update and develop new print and electronic technical resources as needed, such as webpages, guidance documents, and publications for employers, workers, and stakeholders to increase their preparedness for emergencies as well as recognize occupational hazards and emerging infectious

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

FY 2021

In FY 2021, OSHA used technical knowledge, sampling, and analytical technology for assessing physical, chemical, biological, and radiological hazards in the workplace. This work included both developing and improving tools for workplace hazard assessment and providing expert field assistance in hazard exposure assessment and monitoring in the COVID-19 pandemic environment. OSHA's Industrial Hygiene Chemistry Laboratory continued to develop defensible analytical methods and used these to provide chemical and material analysis support for agency field staff. Work was completed on developing streamlined sampling and analytical procedures for three organic and one metal sampling group, allowing compliance officers to sample for multiple compatible analytes simultaneously on a single media. Some improved and streamlined initial screening protocols were developed to allow field staff to quickly identify and prioritize more complex chemical sampling to efficiently support enforcement activities. The agency also continued to develop new technical materials to support OSHA's enforcement and compliance assistance programs. Topics included robotics, tank cleaning, and combustible dust. The agency provided technical support for root-cause investigations of material failures and performed modeling and analysis of chemical exposure data. In addition, OSHA continued to explore new ways to reach target audiences based on available data, such as the most common causes for fatalities, illnesses, and injuries in the workplace.

OSHA continued to provide technical occupational medicine expertise to support its enforcement and rulemaking activities as well as maintenance of agency personnel fitness for duty requirements. The agency continued to work collaboratively with federal and state partners to increase preparedness for and improve responses to and recoveries from disasters and the spread of infectious disease. For example, OSHA responded to the Surf-Side Condominium, Miami, Florida collapse, which was successfully conducted under a Federal Emergency Management Agency mission assignment. Additionally, OSHA participated in the biannual 2020 National Response Team Worker Safety and Health Technical Conference, which was held in 2021.

TECHNICAL SUPPORT

WORKLOAD AND PERFORMANCE SUMMARY				
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
	Target	Result	Target	Target
Technical Support				
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces				
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.				
OSHA-SLT-02 Chemical samples analyzed	9,000	5,775	12,500	13,000
OSHA-SLT-05 Equipment units serviced	8,500	10,463	12,500	13,500

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

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Workload and Performance

In FY 2021, despite the ongoing COVID-19 pandemic, OSHA continued to investigate and use new sampling and analytical technology in hazard assessment, and provide expert assistance in a variety of technical support activities. The agency developed print and electronic technical products to help employers address a variety of physical, chemical, biological, and radiological hazards. OSHA continued to provide support for enforcement and compliance assistance operations, and serviced 10,463 pieces of equipment, supporting agency inspection efforts and exceeding the projected target despite the ongoing pandemic and reduced inspection activity. However, the agency received and processed 5,775 chemical samples, which was also lower than projected due to the pandemic.

In FY 2021, OSHA used technical knowledge, sampling, and analytical technology for assessing physical, chemical, biological, and radiological hazards in the workplace. This work included both developing and improving tools for workplace hazard assessment and providing expert field assistance in hazard exposure assessment and monitoring in the COVID-19 pandemic environment. OSHA also developed new technical materials to support OSHA's enforcement and compliance assistance programs. Products include Robotics – OSHA Technical Manual chapter, Sarin - Quick Reference Guide, Insect Sting - Fatal Fact, PPE for Emergency Responders Pamphlet, Soy Bean Soapstock Storage Tank Explosion - Hazard Alert, Job-made Box – Safety and Health Information Bulletin, Construction eTool, and Trenching and Excavation – eTool. The agency provided technical support for root-cause investigations of material failures and performed modeling and analysis of chemical exposure data. The agency continued to work collaboratively with federal and state partners to increase preparedness for, responses to, and recoveries from disasters and the spread of infectious disease, including participating in interagency preparedness committees, training, and exercises at the national and regional levels.

In FY 2022, OSHA continues to support enforcement and compliance assistance operations with available resources, and share information about workplace hazards and abatement with internal and external audiences. The Salt Lake Technical Center (SLTC) anticipates analyzing approximately 12,500 chemical samples with an average turnaround time of 14 days, as a result of the declining impact of COVID and increase in enforcement activity. In FY 2023, with the requested additional 6 laboratory staff, the agency expects that number to increase to 13,000 to support the additional 179 CSHOs that the agency will hire. The number will grow in FY 2024 and beyond once the new CSHOs are fully trained and conducting more sampling activity. SLTC-based Health Response Team continues to provide expert assistance to enforcement and compliance assistance staff and remains available to provide support to other federal and state agencies on myriad chemical, physical, and biological hazards. The agency also continues to provide coordination, technical assistance, and support for emergency preparedness, disaster response and recovery, and infectious disease preparedness and response in particular related to COVID-19.

CTC continues to support the agency's enforcement and On-Site Consultation programs. CTC anticipates servicing approximately 12,500 pieces of OSHA field technical equipment with an

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average turnaround time of 20 days in FY 2022 as the agency emerges from the pandemic. The number will increase to 13,500 pieces in FY 2023 as a result of the increased staff support provided in the FY 2023 request, and the new CSHOs conduct additional inspections, increasing the need to service equipment such as air pumps and noise dosimeters. CTC continues to increase efficiency in handling the servicing of technical equipment through modernization and automation of existing calibration systems.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	9,532	9,725	10,749	1,024
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	424	424	424	0
11.9	Total personnel compensation	9,956	10,149	11,173	1,024
12.1	Civilian personnel benefits	3,461	3,543	3,906	363
12.2	Military Personnel Benefits	0	0	0	0
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	216	216	246	30
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	2,951	2,951	2,951	0
23.3	Communications, utilities, and miscellaneous charges	336	336	336	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	2,176	2,176	2,182	6
25.3	Other goods and services from Federal sources 1/	3,357	3,082	3,191	109
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	574	574	574	0
26.0	Supplies and materials	776	776	782	6
31.0	Equipment	666	666	1,666	1,000
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	24,469	24,469	27,007	2,538
	1/Other goods and services from Federal sources				
	CIGIE	0	0	60	60
	Working Capital Fund	1,962	2,380	2,429	49
	DHS Services	68	68	68	0
	Services by Other Government Departments	1,327	634	634	0

TECHNICAL SUPPORT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$739
Personnel benefits	267
Federal Employees' Compensation Act (FECA)	-6
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	49
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,049**

Net Program **\$1,489**

Direct FTE **6**

	Estimate	FTE
Base	\$25,518	81
Program Increase	\$1,489	6
Program Decrease	\$0	0

COMPLIANCE ASSISTANCE - FEDERAL

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	75,231	75,231	91,608	16,377
FTE	189	195	255	60

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 208. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

Federal Compliance Assistance supports agency programs that deliver targeted outreach and assistance to employers and their employees, including small businesses; and promotes cooperative relationships with, and recognition of, employers and organizations. Through these programs, OSHA provides information, publications, training, and other resources to assist employers to comply with the OSH Act and improve their workplaces, and to ensure workers are aware of their workplace rights. OSHA is committed to directing outreach to underserved communities, regardless of race, color, ethnicity, sex, gender, sexual orientation, gender identity, disability, religion, or other marginalized status. This activity also funds agency training aimed at improving the technical skills of the agency’s inspectors and whistleblower investigators.

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

COMPLIANCE ASSISTANCE - FEDERAL

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$70,981	236
2019	\$73,481	239
2020	\$74,481	207
2021	\$75,231	208
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, OSHA is requesting \$91,608,000 and 255 FTE, including a program increase of \$6,009,000 and 45 FTE, to hire enough additional Compliance Assistance Specialists (CASs) so one is available in every Area Office. OSHA also is requesting a program increase of \$7,603,000 and 15 FTE to bolster OSHA's ability to provide core training to OSHA staff, including front-line staff such as Compliance Safety and Health Officers (CSHOs) and whistleblower investigators, based on anticipated staffing levels commensurate with requested increases in FY 2023. Further, this funding will support modernization of core curricula based on lessons learned about remote and asynchronous training during the pandemic as well as the emergence of new training modalities.

OSHA provides compliance assistance and offers outreach and training programs to employers who aspire to achieve the safest workplaces but need assistance. Research has shown that consultation, training, and outreach efforts greatly promote a reduction in workplace injury and illness rates, which makes them essential tools in OSHA's efforts to combat inequality and reduce poverty in the United States. The agency is acutely aware that the financial costs of workplace injuries and illnesses are borne primarily by injured workers and their families, and that these costs are often devastating to working families already struggling to make ends meet. Many low-wage workers face additional barriers (e.g., limited English proficiency, fears of job loss or retaliation due to immigration status) to reporting workplace injuries and illnesses, and participating in OSHA inspections. In FY 2023, the agency will pursue robust outreach efforts to empower workers with knowledge about their rights and protections, and how to effectively exercise both to raise concerns within their workplace to effect change and employ the agency when necessary if concerns are ignored. OSHA's outreach must also support (and motivate) employers to go beyond compliance and foster a culture of safety in their workplaces.

In FY 2023, OSHA will continue efforts to reach employers and workers in small businesses and high-hazard industries through outreach activities and cooperative programs. The proposed addition of 45 new CASs will position the agency to amplify and expand its outreach through the creation of new relationships, including new alliances, with more strategically aligned organizations and those in emerging and expanding industry sectors. Increased staffing will also allow the agency to explore innovative methods for accessing and collaborating with hard-to-reach stakeholders such as women- and minority-owned small businesses and their employees. It will also enable the agency to expand its outreach to vulnerable workers and workers in marginalized communities, who typically work in high-hazard industries. CASs will also help

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increase the number of new participants in OSHA's Voluntary Protection Programs (VPP) and reduce the backlog of VPP re-approvals that developed during the pandemic.

OSHA's CASs will continue to focus their outreach activities on organizations, employers, and workers in high hazard industries, including construction, grain handling, healthcare, oil, and gas, and those that employ temporary workers. Building on efforts initiated in FY 2022, OSHA will expand engagement with warehousing industry stakeholders to disseminate and promote the new resources developed in FY 2022 for this rapidly growing industry sector. As part of its effort in the construction industry sector, in particular, OSHA will continue its outreach effort on workplace suicide prevention and related substance abuse issues. In addition, the agency will launch and promote toolkits developed for educators and employers to share information about workplace safety and health with youth and teens who are or likely to be employed as seasonal workers. The agency will also continue to engage representatives from healthcare constituencies to advance the safety and well-being of healthcare workers and the patients they serve.

CASs will continue to conduct outreach in support of OSHA's national initiatives, including National campaigns related to safety and health programs (Safe + Sound), fall prevention, and heat illness, enforcement and regulatory initiatives, and other agency or cross-agency priority goals. CASs will also provide outreach in support of OSHA's regional and local emphasis programs targeting industries and hazards in specific parts of the country. OSHA will also continue its actions in response to surveys conducted in FY 2021 to provide CASs and others with tools and resources that will increase the reach and effectiveness of their outreach and begin testing the integration of compliance assistance into the OSHA Weighting System (OWS).

In FY 2023, the OSHA Training Institute (OTI) will continue to provide introductory, technical, and advanced occupational safety and health courses and seminars to develop compliance officers, as the agency on-boards the influx of new CSHOs and whistleblower investigators during the fiscal year. As part of the request for 15 additional instructors and developers to support technical training for front-line staff, OTI will focus on updating and developing new training courses to meet the ever-changing work environment for compliance officers and whistleblower investigators; and increase the number of course offerings to address newly hired CSHOs' training needs and trends in adult learning education. Training will address hazards in high-risk industries, such as fall protection, process safety management, combustible dust, oil and gas hazards, machine guarding, and confined spaces, which often employ workers from minority and marginalized communities. Whistleblower investigator training will focus on new laws and enforcement procedures.

The requested FTE and funds in FY 2023 also will enhance the current infrastructure that supports training the new compliance officers and whistleblower investigators provided in the FY 2021 appropriation for the agency. The agency will implement new instructional modalities that enhance learning delivery and retention, reduce dependence on centralized, in-person training programs and associated travel costs, and offer increased access to training opportunities. Examples of instructional modalities and their application to the OSHA workforce include:

- Augmented Reality (AR) and Virtual Reality (VR) training to enhance OSHA personnel training by providing realistic virtual hazardous workspaces and allow

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- application of hazard recognition techniques without physical exposure to hazards or requiring training to occur offsite at actual workplaces or labs.
- Gamification that uses e-learning modalities for practical application of the learning objectives, either individually or as part of a group.
 - Synchronous Learning to enable the agency to provide education that occurs at the same time but not in the same place—that is, simultaneous, distributed learning that allows for real time dialogue and collaboration among students, for example, Blackboard Collaborate.
 - Asynchronous Learning to enable the agency to provide online-only training and education that is accessible 24/7/365 to support field staff on the job.
 - Learning Experience Platforms (LEP) to enhance individual learner’s interactions and engagement via greater personalization, content curation, and expanded breadth of content. This typically allows learners to access, curate, and share a wider variety of formal and informal content. Learners will be able to access and use publicly available quality content, and a wide variety of vetted massive open online courses (MOOCs) using a single platform, making a one-stop shop for training and education.

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

FY 2022

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

OSHA provides oversight, support, and on-site evaluations to approximately 20 percent of all VPP sites every year, and additionally reviews and performs thorough on-site evaluations for new sites seeking to participate in VPP. The backlog of reapprovals from FY 2020 and early FY 2021 will likely exceed the current capacity to provide on-site evaluations in a timely manner for existing VPP sites and for new sites seeking VPP entrance. OSHA anticipates that this backlog will have a significant ongoing impact on the completion of VPP new approvals during FY 2022 and potentially thereafter.

In addition, the agency will perform an assessment of the proposed VPP pilot program with the Department of Defense (DoD). The proposed pilot is designed to evaluate the use of Special

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Government Employee (SGE)-only teams to conduct evaluations of DoD sites and will include online training for the VPP Evaluation Team members. Additionally, OSHA will use data collection and analyses to evaluate the effectiveness of this proposed pilot to manage agency resources, to provide greater opportunities for SGEs, and to further enhance the program in future years.

In FY 2022, CASs will continue outreach in high hazard and essential industries that employ large underserved and marginalized worker populations, including the health care, oil and gas, and grain handling industries, and others that employ temporary workers (e.g., food processing, manufacturing, construction, and sanitation).

CASs will also focus efforts on developing relationships with employer and worker organizations in the warehousing industry to advance potential Alliances and partnerships, enabling the agency to expand outreach in a high-hazard sector that has gained increased importance as a result of the COVID-19 pandemic. The agency will also continue targeted outreach to young and teen workers, who represent a significant portion of the U.S. workforce, and suffer disproportionately from workplace injuries.

CASs will continue to leverage cooperative program and other stakeholder relationships in support of OSHA's key outreach campaigns, events, and initiatives, including OSHA's Fall and Heat Illness Prevention Campaigns, and the Safe + Sound Campaign. They will also support a larger national initiative to expand outreach on suicide prevention awareness and continue engaging with healthcare constituencies to promote the safety and well-being of healthcare workers and the patients they serve.

While continuing to employ virtual outreach strategies as appropriate, OSHA's field offices will transition to more in-person outreach, compliance assistance, and cooperative program engagements, as conditions permit. At the same time, OSHA will enhance its support of CASs and others by providing outreach and compliance assistance, and by implementing suggestions and feedback gathered through a series of surveys conducted in FY 2021. These surveys identify the tools and resources needed to increase the reach and effectiveness of OSHA's compliance assistance.

In FY 2022, OSHA is enhancing the current infrastructure that supports training the new compliance officers and whistleblower investigators. OSHA is implementing new instructional modalities that enhance learning delivery and retention, reduce dependence on centralized, in-person training programs and associated travel costs, and offer increased access to training opportunities. OSHA is making enhancements to the available classroom-training environment that enhance the delivery and retention of material for adult learners, including the acquisition of smart boards, modern audio/visual equipment to replace existing dated equipment, and other classroom training technology, software, and equipment. OSHA is in the process of purchasing training development and training delivery items, such as digital 3D photography equipment for use in AR and VR applications, and graphic/animation equipment for AR and VR development.

In FY 2022, OTI continues to develop new training courses for compliance officers and consultation personnel and will begin transitioning back to in-person learning as COVID-19 conditions permit. OTI continues to offer virtual learning options for select courses as distance

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learning technologies provide a cost-effective platform to train field staff in various subjects. The team has access to on-demand, online courses and short, how-to-videos for supplemental training.

OSHA continues to support and expand training for whistleblower investigators through the offering of required whistleblower training courses. OTI delivered a webinar on the Criminal Antitrust Anti-Retaliation Act; and will develop and provide webinars on the Anti-Money Laundering Act and injury reporting under various whistleblower statutes.

FY 2021

In FY 2021, OSHA's operations, including its efforts to provide outreach and compliance assistance and manage its cooperative programs, were heavily affected by the COVID-19 pandemic. In-person compliance assistance activities and on-site evaluations for VPP participants and applicants ceased for long stretches at a time as the pandemic surged in various areas of the country. Despite these challenges, compliance assistance personnel continued outreach to support the agency's mission by conducting significant virtual outreach, including, speaking and participating in virtual webinars, conferences, symposia, and other events; and maintaining dialogue with stakeholders via video conferencing and email.

In FY 2021, as a part of implementation of the VPP Recalibration Plan, the agency launched a VPP Portal for new applications to the program. This portal allows VPP candidates to submit electronic applications to become a VPP site. The web portal was opened to the public in FY 2021, but refinements and improvements are ongoing during FY 2022. While the new VPP online portal and other recalibration efforts streamline VPP processes and allow the agency to improve its efficiency, an increase in the number of VPP sites can only be supported through CAS engagement in the on-site evaluation process. The agency also continued its CX efforts that began in FY 2020, continuing its survey of VPP participants and applicants. The survey will be used to identify areas where customer experience in the VPP process can be improved. OSHA began offering SGE courses online in FY 2021 to better allow SGE participation and improve training delivery.

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

While providing significant and ongoing outreach around the COVID-19 pandemic, OSHA maintained its efforts to reach out to high-hazard industries, such as the construction, grain-handling, healthcare, and oil and gas extraction industries. In support of the agency's priority goal, OSHA supported the Trench Safety Stand-Down and Trench Safety Month sponsored by National Utility Contractors Association in June 2021. CASs also participated, led, and facilitated training and other events to support the Stand-Up for Grain Safety Week in April

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2021, the National Safety Stand-Down to Prevent Falls in Construction in May 2021, and Safe + Sound Week in August 2021.

The agency also continued outreach to young and teen workers to raise awareness of workplace hazards and worker rights. Though the COVID-19 pandemic paused efforts, OSHA continued to engage with the Institute for Healthcare Improvement and hoped to revisit this effort in late FY 2022. OSHA also began to strategize around more strategic outreach for workplace suicide prevention, a topic that the COVID-19 pandemic made more visible. The agency also administered surveys to compliance assistance personnel in regional and area offices to gather their ideas and feedback about how the national office could improve and/or expand upon its existing efforts to provide timely and effective tools, services, and technology to support their work. The agency also began to evaluate how compliance assistance activities may be integrated into the OWS in order to incentivize impactful outreach to key constituencies.

In FY 2021, OTI developed new training for compliance officers and consultation personnel and redesigned several existing courses in response to the virtual training needs brought about by the COVID-19 pandemic. The agency used distance-learning technologies to provide cost-effective information and training to field staff. Staff accessed on-demand, online courses and short, how-to videos for supplemental training for field compliance staff.

OTI offered technical and advanced occupational safety and health courses to develop new and senior compliance officers and consultants, with emphasis on subject areas related to infectious diseases and the COVID-19 pandemic. Training was provided in such areas as fall protection, trenching and excavations, healthcare, communication towers, machine guarding, respiratory protection, and industrial hygiene site evaluations.

OSHA expanded the whistleblower investigator training program in FY 2021. This program ensures Federal OSHA and State Plan whistleblower investigators have the necessary training and expertise to investigate complaints under the multiple statutes OSHA administers. OSHA developed and delivered two training resource webinars: one on the Federal Railroad Safety Act and the National Transit System Security Act, and another on work refusal, constructive discharge, and related topics. OTI continued to train whistleblower investigators in investigation fundamentals, interviewing, legal concepts, and complaint resolutions.

The agency supported the OTI Education Centers by developing new courses and revising existing curriculum materials needed to support the goals of the agency and the Department. OSHA's Outreach Training Program continued to provide hazard awareness and control training to the nation's workforce. This training reached at-risk industries and at-risk populations, including individuals with limited English proficiency. Course fees and tuition fund these two programs; only program oversight is funded through the federal budget.

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WORKLOAD AND PERFORMANCE SUMMARY					
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request	
	Target	Result	Target	Target	
Compliance Assistance-Federal					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
OSHA-ST-01op	Number of people trained by OSHA	1,209,920	1,371,488	1,309,000	1,400,200
OSHA-VPP-02op	New VPP approvals	16	14	20	22
OSHA-VPP-03op	VPP re-approvals	169	96	300	330
OSHA-CAF-01	New Strategic Partnerships	20	14	18	20
OSHA-CAF-02	New Alliances	12	11	12	20

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

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Workload and Performance

The COVID-19 pandemic greatly impacted OSHA's compliance assistance and outreach activities in FY 2021; however, as the pandemic wanes in FY 2022, OSHA plans to pursue robust outreach to both employers and workers on updated guidance and best practices, related to infectious diseases, heat stress and other areas. The proposed addition of 45 Compliance Assistance Specialist (CAS) positions in FY 2023 will better position the agency to expand its compliance assistance and outreach activities to high-hazard industries and small- and medium-sized businesses, including women- and minority-owned businesses. The agency will also work with worker-based organizations to better engage stakeholders, and focus outreach and compliance assistance to vulnerable workers, especially minority, low-income, low-literacy, and non-English speaking populations.

Additional CASs would significantly increase the reach and impact of outreach supporting OSHA's national initiatives, including national campaigns related to safety and health programs (Safe + Sound), fall prevention and heat illness, enforcement and regulatory initiatives, and other agency or cross-agency priority goals, including outreach to underserved communities. Training conducted by CASs would increase, as would training provided through Cooperative Program partners (e.g., Alliances). As additional CASs are hired and as they begin to engage with stakeholders throughout FY2023, the agency will return to pre-pandemic levels of activity and sign 20 new Alliances and 20 new Strategic Partnerships. In FY 2022, OSHA expects to sign 12 new Alliances, one more than it signed in FY 2021 and 18 Strategic Partnerships, four more than FY 202, as the agency increases outreach travel and activity.

Increased staffing will also result in the ability to approve additional participants in the VPP, which recognizes employers and workers in the private industry and federal agencies that have implemented effective safety and health management systems and maintain injury and illness rates below national Bureau of Labor Statistics (BLS) averages for their respective industries. This will aid OSHA in alleviating the backlog of re-approvals and to assist in the new site evaluations that are needed. OSHA projects 330 VPP reapprovals and 22 new approvals for FY 2023. In FY 2022, OSHA anticipates 300 VPP reapprovals and 20 new approvals, as businesses reopen and COVID declines. In FY 2020, OSHA approved 14 new VPP sites and reapproved 96 VPP, which was below its target because of the impact of COVID-19. Some worksites were closed or were restricting outside persons. In addition, many VPP participants are restricting travel of their SGEs that normally assist during on-site evaluations.

In FY 2023, OSHA expects to educate more than 1.4 million people through the outreach training and education centers, compliance assistance specialist outreach, and cooperative program partners. In FY 2022, OSHA expects to educate just over 1.3 million people, a slight decrease from the FY 2021 result of more than 1.37 million.

In FY 2023, OTI will continue to provide introductory, technical, and advanced occupational safety and health courses and seminars to develop compliance officers, as the agency on-boards an increase of CSHOs and whistleblower investigators during the fiscal year. As part of the request for 15 additional instructors to support technical training for front-line staff, OTI will update existing courses and develop new training courses to meet the ever-changing work

COMPLIANCE ASSISTANCE - FEDERAL

environment for compliance officers and whistleblower investigators. OTI will also increase the number of course offerings to build back a better agency to address newly hired CSHOs' training needs and trends in adult learning education. OSHA anticipates training 700 more students in FY 2023 with the additional instructors. Training will address hazards in high-risk industries, such as fall protection, PSM, combustible dust, oil and gas hazards, machine guarding, and confined spaces, which often employ workers from minority and marginalized communities. Whistleblower investigator training will focus on new laws and enforcement procedures.

OSHA will continue growing the OTI Education Center Program by developing new courses and revising existing curriculum materials to further the agency's efforts to promote a safe and healthful workplace. The Outreach Training Program will continue to provide high quality hazard awareness and control training to the Nation's workforce. In FY 2023, OSHA anticipates training provided by these programs will return to pre-pandemic levels.

In FY 2022, OTI continues to develop new training courses for compliance officers and consultation personnel and will begin transitioning back to in-person learning as COVID-19 conditions permit. OTI will continue to offer virtual learning options for select courses: Investigative Interviewing, Safety and Health Management System Evaluations, Whistleblower Investigation Legal Concepts, VPP Team Leader, and State Plan Monitoring. Distance learning technologies provide a cost-effective platform to training field staff in a variety of subjects. Staff will have access to on-demand, online courses and short, how-to videos for supplemental training.

In FY 2022, OTE developed and delivered the Heat Initiative Inspection Protocols Webinar. This webinar provided instruction and guidance on the heat initiative elements, recognition of indoor and outdoor heat-related worksite hazards, OSHA's heat-stress tools and resources, and heat-related inspection best practices. OTI offered technical and advanced occupational safety and health courses to develop new and senior compliance officers and consultants, with emphasis on subject areas related to infectious diseases and the COVID-19 pandemic. Training was provided in such areas as fall protection, trenching and excavations, healthcare, grain handling, communication towers, machine guarding, respiratory protection, and industrial hygiene site evaluations.

The Consolidated Appropriations Act of 2021 provides that "not less than \$3,500,000 shall be for Voluntary Protection Programs." The FY 2021 Explanatory Statement directs OSHA to include annual expenditures on VPP for each year since Fiscal Year 2015 as well as planned expenditures in Fiscal Year 2022 in the FY 2022 Congressional Justification. While VPP is funded from the Federal Compliance Assistance budget activity, OSHA does not specifically track VPP activities in the agency's accounting system or timekeeping system. However, based on full time staff assigned to work on VPP, and any travel associated with the Program, the below are expenditures for FY 2015 to FY 2021. There was a drop in FY 2020 due to the pandemic, but spending rebounded in FY 2021. OSHA expects similar spending in FY 2022.

COMPLIANCE ASSISTANCE - FEDERAL

VPP Annual Expenditures: FY 2015-FY 2021	
Fiscal Year	Total Costs (\$000)
2015	\$6,856,950
2016	\$6,546,712
2017	\$6,187,132
2018	\$6,251,766
2019	\$6,921,371
2020	\$4,497,905
2021	\$6,613,991
2022	TBD

COMPLIANCE ASSISTANCE - FEDERAL

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	24,145	24,634	30,079	5,445
11.3	Other than full-time permanent	85	85	85	0
11.5	Other personnel compensation	613	613	613	0
11.9	Total personnel compensation	24,843	25,332	30,777	5,445
12.1	Civilian personnel benefits	9,251	9,657	11,529	1,872
13.0	Benefits for former personnel	38	38	38	0
21.0	Travel and transportation of persons	352	352	643	291
22.0	Transportation of things	2	2	2	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	8,876	8,876	8,876	0
23.3	Communications, utilities, and miscellaneous charges	735	735	735	0
24.0	Printing and reproduction	205	205	205	0
25.1	Advisory and assistance services	22	22	22	0
25.2	Other services from non-Federal sources	1,598	1,598	3,965	2,367
25.3	Other goods and services from Federal sources 1/	28,347	27,452	30,444	2,992
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	158	158	3,158	3,000
26.0	Supplies and materials	491	491	608	117
31.0	Equipment	291	291	584	293
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	22	22	22	0
	Total	75,231	75,231	91,608	16,377
	1/Other goods and services from Federal sources				
	CIGIE	0	0	2,010	2,010
	Working Capital Fund	24,518	25,707	26,689	982
	DHS Services	629	629	629	0
	Services by Other Government Departments	3,200	1,116	1,116	0

COMPLIANCE ASSISTANCE - FEDERAL

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,388
Personnel benefits	501
Federal Employees' Compensation Act (FECA)	-106
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	982
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$2,765**

Net Program **\$13,612**

Direct FTE **60**

	Estimate	FTE
Base	\$77,996	195
Program Increase	\$13,612	60
Program Decrease	\$0	0

COMPLIANCE ASSISTANCE – STATE CONSULTATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	61,500	61,500	63,500	2,000
FTE	0	0	0	0

Introduction

OSHA’s On-Site Consultation Program provides no-cost, confidential occupational safety and health assistance to small- and medium-sized employers. Consultants from state agencies or universities work with employers to identify and correct serious safety and health hazards, implement and improve safety and health programs, and provide advice for compliance with OSHA standards. The On-Site Consultation Program seeks to encourage companies to voluntarily adopt recommended hazard-reduction strategies and implementing structured safety and health management systems to achieve superior safety and health performance. This service, which is offered in all states, the District of Columbia, and several territories, gives priority to employers in high-risk industries, and works directly with employers to improve workplace safety and health in their small businesses. OSHA distributes funding to Consultation programs as authorized by Section 21(d) of the OSH Act. The program is separate from, and independent of, OSHA enforcement programs.

By strategically scheduling consultation visits and outreach efforts in high-risk areas, the On-Site Consultation Program can leverage other resources and efforts in order to have the greatest effect on overall compliance. With more employers in compliance, more workers are protected as evidenced by declining workplace injuries, fatalities, and illnesses, and costs associated with lost productivity and workers’ compensation claims. The On-Site Consultation Program supports America’s long-term competitiveness by enabling small businesses to access key services that will protect workers, reduce expenses, and position small businesses to take advantage of new opportunities and markets as the economy continues to improve. To help achieve this Administration’s priority goal of driving equity in our programs, the On-Site Consultation Program will continue to assist small business employers and workers to address hazards and reduce risks in their workplaces, including women- and minority-owned businesses and those in vulnerable and marginalized communities.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$59,500	0
2019	\$59,500	0
2020	\$61,500	0
2021	\$61,500	0
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

FY 2023

In FY 2023, OSHA is requesting \$63,500,000 for the On-Site Consultation Program, which includes a program increase of \$2,000,000 to provide free and confidential occupational safety and health services to small-, women-, and minority-owned businesses nationwide, with priority given to high-hazard worksites. Through On-Site Consultation, OSHA is able to work with businesses to promote best practices and improve workplace safety and health for American workers, especially vulnerable workers and those in underserved communities. OSHA will distribute program funds to Consultation programs as authorized by Section 21(d) of the OSH Act and monitor the effective and efficient use of these funds.

The budget increase in FY 2023 will provide funding to hire 18 new consultants. OSHA estimates that the 18 additional consultants will conduct 495 visits in FY 2023 for a total of 23,782 visits performed by all Consultation programs. The new consultants will conduct 990 visits in subsequent years, as they become fully trained.

FY 2022

In FY 2022, OSHA is projecting a return to pre-pandemic levels of consultation visits due to the lifting of COVID-19 access restrictions. OSHA projects 21,945 total Consultation visits to businesses to assist with workplace safety and health concerns. The Consultation programs will support OSHA initiatives by conducting visits to smaller businesses in emphasis industries identified by the agency in the grant agreements.

In FY 2022, the On-Site Consultation programs will continue to promote the Safety and Health Achievement Recognition Program (SHARP) to small businesses. SHARP recognizes small business employers who operate an exemplary safety and health program. Worksites that have been accepted by OSHA into SHARP are models for worksite safety and health and are exempt from OSHA programmed inspections while in SHARP. OSHA extended the National Construction SHARP Pilot Program (NCSP) in FY 2019 for an additional five-year period to conclude in FY 2025, when it will be evaluated for effectiveness. This pilot is designed for construction (non-fixed) worksites. In FY 2022, OSHA will continue to assist On-Site Consultation programs with developing implementation plans to participate in the construction SHARP pilot.

The agency developed a policy and a Process Safety Management (PSM) Instructions and Evaluation Worksheet to equip On-Site Consultation programs with resources to assist small business employers with establishing effective PSM programs, as required by the PSM standard, 29 CFR 1910.119. In FY 2022, OSHA will begin monitoring and reviewing the use of the PSM worksheet by the programs.

In FY 2022, OSHA continues to update the Standard Element Paragraphs (STEPs) for the On-Site Consultation program. This safeguards the quality of consultation services by ensuring the language used to describe hazards is consistent with language used to described hazards and violations in other contexts. Additionally, OSHA plans to pilot-test the revised Safety and Health Program Assessment Worksheet (OSHA Form 33), and the Attributes Reference Guide (ARG),

COMPLIANCE ASSISTANCE – STATE CONSULTATION

using current On-Site Consultation program consultants. The worksheet is the primary tool used by On-Site Consultation program consultants to evaluate workplace safety and health programs. The revised OSHA Form 33 requires validation to verify its effectiveness before the worksheet can be disseminated for use by On-Site Consultation programs.

The agency will also update a paper issued in 2018 on the annual economic benefit provided by the On-Site Consultation Program to the U.S. economy and its employers and employees. Economic benefits to employees are realized through prevented injuries and illnesses and include factors such as reduced pain and suffering, a decrease in lost income (above and beyond that compensated by workers' compensation), and avoidance of the dislocating effects of permanent partial disabilities. The paper includes an estimate that the On-Site Consultation Program generates national economic benefits of \$1.3 billion per year.

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

FY 2021

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

The On-Site Consultation programs continued to provide outreach and visits related to COVID-19 to small employers, particularly those in minority, vulnerable and underserved communities. In FY 2021, OSHA also updated the temporary policies it had issued in FY 2020 to enable the On-Site Consultation programs to continue providing services to small businesses during the pandemic. However, the number of consultation visits were significantly lower than pre-pandemic years because of limited access and reduced staffing at businesses nationwide. To allow consultants to conduct virtual visits during the pandemic, OSHA held an informational webinar for the On-Site Consultation programs on best practices for conducting virtual visits during the pandemic, and also held a formal training session on virtual visits in May 2021.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Compliance Assistance-State Consultations					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
Consultation Visits					
OSHA- Consultations- 01	Initial Visits	15,175	15,513	19,092	20,690
OSHA Consultations- 02	Training and Assistance	1,047	924	1,317	1,427
OSHA- Consultations- 03	Follow-up Visits	1,221	1,170	1,536	1,665
Total		17,443	17,607	21,945	23,782
Recognition & Exemption					
OSHA- SHARP-01	SHARP Sites	1,210	1,130	1,160	1,200
21(d) Agreements					
OSHA-21d- 01	Plan States	26	26	26	27

COMPLIANCE ASSISTANCE – STATE CONSULTATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
OSHA-21d- 02	Non-plan States	27	27	27	26

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

COMPLIANCE ASSISTANCE – STATE CONSULTATION

Workload and Performance

The budget increase in FY 2023 will provide funding for On-Site Consultation Programs to support current staffing levels and hire 18 new consultants. OSHA estimates that the 18 additional consultants will conduct 495 visits in FY 2023, and an estimated 990 visits annually in subsequent years as they become fully trained. In FY 2023, with the return to pre-pandemic operational levels, the On-Site Consultation programs will perform 23,782 visits nationwide. The On-Site Consultation Programs will work with the 26 Federal jurisdiction states and the 27 State Plan states, including the new Massachusetts State Plan State for which funding is requested in FY 2023.

The On-Site Consultation Programs will continue to promote SHARP to small businesses in FY 2023. The programs are expecting to recognize 1,200 SHARP sites in FY 2023, which is an increase of 40 sites above the FY 2022 level. OSHA will continue to promote, monitor, and refine SHARP policies in FY 2023.

OSHA extended the National Construction SHARP Pilot Program (NCSP) in FY 2019 for an additional five-year period to conclude in FY 2025, when it will be evaluated for effectiveness. This pilot is designed for construction (non-fixed) worksites. In FY 2023, OSHA will continue to assist On-Site Consultation programs with developing implementation plans to participate in the construction SHARP pilot.

OSHA anticipates conducting 21,945 visits in FY 2022 as the program returns to pre-pandemic levels and the economy opens up again. This will include 19,092 initial visits, 1,317 training and assistance visits, and 1,536 follow-up visits. OSHA also expects programs will recognize an additional 30 SHARP sites in FY 2022 (1,160 total) above those participating in FY 2021.

In FY 2021, the On-Site Consultation Program conducted 17,607 visits, including 15,513 initial visits, 924 training and assistance visits, and 1,170 follow-up visits. The number of visits was below projected levels because of the impact of COVID-19 on the ability to travel and the number of businesses that were open. OSHA issued a series of polices in FY 2020 to enable Consultation programs to continue to provide services to small businesses.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
41.0	Grants, subsidies, and contributions	61,500	61,500	63,500	2,000
	Total	61,500	61,500	63,500	2,000

COMPLIANCE ASSISTANCE – STATE CONSULTATION

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
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Grants, subsidies, and contributions	0
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Built-Ins Subtotal	\$0
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Net Program	\$2,000
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Direct FTE	0
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	Estimate	FTE
Base	\$61,500	0
Program Increase	\$2,000	0
Program Decrease	\$0	0

COMPLIANCE ASSISTANCE – TRAINING GRANTS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	11,787	11,787	13,787	2,000
FTE	0	0	0	0

Introduction

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

Since its establishment in 1978, the Susan Harwood Grant Program has trained millions of vulnerable workers about workplace rights, and how to prevent, avoid, and control safety and health hazards in high-hazard workplaces. Grants awarded under this program leverage the agency’s resources by providing financial assistance to qualifying non-profit organizations to train hard-to-reach workers. The grantees use their network of regional and local community stakeholders to connect at-risk worker populations that otherwise have limited or no access to quality occupational safety and health training. These grants help fulfill the promise of the OSH Act for every worker in this country, no matter what job they do, what language they speak, their ethnicity, or the color of their skin.

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

COMPLIANCE ASSISTANCE – TRAINING GRANTS

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$10,537	0
2019	\$10,537	0
2020	\$11,537	0
2021	\$11,787	0
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, OSHA is requesting \$13,787,000 for the Susan Harwood Training Grant Program, which includes a program increase of \$2,000,000 from the FY 2022 Full Year CR, to build and expand the Susan Harwood Training Grant Program and increase access to occupational safety and health training to underserved worker populations. At the request level, OSHA estimates awarding 93 grants at the maximum award amounts in FY 2023. Since the grants are awarded in September at the end of the fiscal year, the grantees will conduct the training in FY 2024, and OSHA estimates 64,000 workers will be trained. This request will cover emerging hazards in a post-pandemic economy, such as an increase in workplace heat hazards in the face of global climate change. Other training topics will include infectious disease prevention in the workplace, excavation and trenching hazard prevention, personal protective equipment, chemical hazards, the Focus Four hazards (falls, caught-in between, struck-by, and electrical), hazards in the warehousing industry, and hazards related to powered industrial trucks (PITs).

The agency will leverage the training and knowledge of non-profit organizations, such as employee unions, community and faith-based organizations, and academic institutions to target grant funding towards new and emerging workplace hazards. To better meet the needs of underserved communities, OSHA will continue to encourage organizations to partner in providing training and collaborate in building the institutional capacity of partner organizations so that they are able to continue training activities into the future. These partnerships assist smaller organizations in growing their ability to develop their own institutional training capacity and infrastructure, another legacy of the program. OSHA will continue to incorporate Diversity, Equity, and Inclusivity principles into funding opportunities to increase the agency's engagement with underserved groups and increase training opportunities for historically marginalized communities. OSHA will expand trainee demographic data collection to measure program impact on underserved and marginalized communities. Target audiences will include vulnerable workers in small businesses, limited English proficiency, low-literate, minority, youth, and hard-to-reach workers in high hazard and high fatality industries. Target industries range from healthcare, agriculture, meatpacking, warehousing, construction, and manufacturing.

FY 2022

In FY 2022, OSHA estimates awarding 70 grants at the maximum award amounts and estimates training 58,000 workers in FY 2023. In FY 2022, Targeted Topic grants will support the development and delivery of quality safety and health training for workers and employers at

COMPLIANCE ASSISTANCE – TRAINING GRANTS

worksites across the country covering a variety of topic areas. Training and Educational Materials Development grants will broaden the variety of training materials available for public consumption on OSHA’s website. Capacity Building Developmental grants will continue to lay the foundation for non-profit organizations to expand their ability to become self-sufficient in providing relevant quality occupational safety and health training to regional and local at-risk worker populations. Many of the training programs will offer train-the-trainer programs which will further leverage the impact of the grants beyond the scope and time of the original grants. OSHA is incorporating new Diversity, Equity, and Inclusivity principles into funding opportunities to increase the agency’s engagement with underserved groups and increase training opportunities for historically marginalized communities. The agency will also deliver additional outreach events to increase awareness and generate a larger and more diverse applicant pool.

FY 2021

In FY 2021, OSHA leveraged the Susan Harwood Training Grant Program to provide training to at-risk workers in high-hazard and high-fatality rate industries who have little to no access to quality safety and health training. Targeted Topic and Training and Educational Materials Development grants focused on several traditional workplace hazards and vulnerable worker populations. New topics included hazards facing domestic workers and infectious disease pandemic preparedness. In FY 2021, OSHA awarded 93 grants in the areas of Targeted Topic, Training and Educational Materials Development, and Capacity Building and anticipates training 58,000 workers. Additionally, in FY 2021, the Susan Harwood Grant Program trained 43,588 workers from the FY 2020 awards.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Compliance Assistance-Training Grants					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
OSHA- Grants-01	Number of Harwood Grant trainees	58,000	43,588	58,000	58,000
OSHA- Grants-20	Targeted Training Grants	39	46	44	51
OSHA- Grants-21	Capacity Building Grants	34	35	23	34
OSHA- Grants-22	Training and Educational Materials Grants	--	12	3	8

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

COMPLIANCE ASSISTANCE – TRAINING GRANTS

Workload and Performance

For FY 2023, OSHA requests \$13,787,000 to build and expand the Susan Harwood Training Grant Program and increase access to occupational safety and health training to vulnerable worker populations. This includes a program increase of \$2,000,000 to support an additional 23 grants. At the request level, OSHA estimates awarding 93 grants at the maximum award amounts and estimates training 64,000 workers in FY 2024, an increase of 6,000 workers trained. The request will cover emerging hazards in a post-pandemic economy, such as an increase in workplace heat hazards in the face of global climate change. Other training topics will include infectious disease prevention in the workplace, fall prevention, excavation and trenching hazard prevention, PPE, and chemical hazards. In FY 2023, OSHA will look to modify and expand the criteria for the Harwood grants to broaden the scope of the program to provide additional training for more workers and a greater impact on workplace safety and health.

In FY 2022, OSHA estimates 70 grants, including 44 Targeted Topic, 23 Capacity Building Developmental, and 3 Training Materials, will be awarded in FY 2022, resulting in an estimated 58,000 workers trained in FY 2023. OSHA will review the grant criteria with the goal of modifying them to increase worker training and expand the scope of the Harwood grant program. OSHA awarded 93 grants in the areas of Targeted Topic, Training and Educational Materials Development, and Capacity Building in FY 2021 and anticipates training 58,000 workers with those awards in FY 2022. Additionally, in FY 2021, the Susan Harwood Grant Program trained 43,588 workers from the FY 2020 awards.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
41.0	Grants, subsidies, and contributions	11,787	11,787	13,787	2,000
	Total	11,787	11,787	13,787	2,000

COMPLIANCE ASSISTANCE – TRAINING GRANTS

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$0

Grants, subsidies, and contributions 0

State Administration Workload 0

Built-Ins Subtotal \$0

Net Program \$2,000

Direct FTE 0

	Estimate	FTE
Base	\$11,787	0
Program Increase	\$2,000	0
Program Decrease	\$0	0

SAFETY AND HEALTH STATISTICS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	32,900	32,900	42,180	9,280
FTE	12	14	21	7

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 31. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

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

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

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

SAFETY AND HEALTH STATISTICS

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$32,900	33
2019	\$32,900	33
2020	\$32,900	31
2021	\$32,900	31
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, OSHA is requesting \$42,180,000 and 21 FTE, including a program increase of \$2,514,000 and 5 FTE for enhanced statistical and data analysis to expand and modernize IT resiliency and cybersecurity response, and increase data transparency. OSHA is also requesting a program increase of \$1,500,000 and 2 FTE for expanding the OSHA Information Systems (OIS), which will allow OSHA to incorporate stand-alone systems supporting Voluntary Protection Programs (VPP), the OSHA Strategic Partnership Program (OSPP), the OSHA Safety Health Response Application (OSHRA), and the Medical Access Order (MAO) Program into a single system. Finally, OSHA is requesting a program increase of \$3,765,000 for funds to build a modern compliance workforce. This program will target needed technology advancements, such as the implementation of electronic case file (ECF) processing and acquisition of field equipment and technology that will allow the agency to develop and issue citations in the field without returning to the office for processing, thereby shortening the time between hazard identification and abatement. Technology advancements will also support the agency's shift towards greater workplace flexibilities in the post-pandemic work environment, including greater reliance on telework and remote work. OSHA's IT programs and the requested resources are essential to supporting the agency's mission, which is as important now as it has ever been in OSHA's fifty-year history.

In FY 2023, OSHA will work with the Office of the Chief Information Officer (OCIO) on a number of IT modernization projects. OSHA has been transitioning from a paper document of record (DOR) to an electronic DOR through pilot programs in the Area Offices as well as administrative directives regarding the use of existing technology infrastructure. As part of the agency's effort to modernize field operations, OSHA and OCIO will initiate a project to replace OSHA's administrative case file processes with an ECF platform. An ECF platform will reduce human error within the current administrative processes, eliminate several of manual steps within the case file process, and reduce the time from inspection to citation by 15 percent. Once implemented, OSHA anticipates case file quality will increase due to built-in checks and balances in the system while simultaneously reducing administrative support for case file processing time through the use of automated features. OSHA anticipates this will be a multi-year project. Further, the agency will expand technology for front-line personnel, providing technology solutions such as mobile printers and greater mobile Wi-Fi accessibility to allow a greater percentage of case file processing to occur while on location.

SAFETY AND HEALTH STATISTICS

The request enhanced statistical analysis support will allow OSHA to modernize the agency's ability to store data, retrieve it in the most applicable forms for operational use, and provide it in a user-friendly way to the public via the Department's data web portal. Using Application Program Interfaces (API), the agency will be able to tap into underlying data warehouses and review data across programs in a more dynamic manner. Greater access to data that cuts across OSHA programs will allow OSHA staff to be better prepared to interact with employers and employees by providing enhanced industry profiling across programmatic lines to identify and track trends in enforcement, whistleblower, and compliance assistance activities. Easier access to data could provide insights into the types of violations inspectors might find at a facility or enable a compliance assistance specialist to provide best practices to abate the hazards most likely found at a worksite. In addition to internal process improvements to address Freedom of Information Act (FOIA) requests, more dynamic public access to this data will also reduce OSHA's FOIA workload, which is the highest among DOL agencies. Further, the increased staffing will allow OSHA to provide greater insights into where to target OSHA program resources and strategies. The analytics staff will use various techniques to evaluate workplace safety and health issues, including historical data, trends, leading and lagging indicators, and other types of data related to industries or emerging hazards.

The requested funding and staff for OIS will allow OSHA to incorporate stand-alone systems supporting VPP, OSHA's OSPP, the OSHRA, and the MAO programs into a single system – thus standardizing, modernizing, and consolidating these programs into OIS. The enhanced OIS platform will improve transparency by providing more data to the public faster and through a single vehicle and improve the DOL customer outreach as envisioned in the DOL Customer Service Initiative.

OSHA, in conjunction with OCIO, will dedicate resources to finalize the OSHA laboratory modernization initiative. In FY 2023, this initiative will transition the new laboratory information system (LIMS), which supports both the Cincinnati Technical Center (CTC) and Salt Lake Technical Center (SLTC), into an operations and maintenance (O&M) phase while continuing to focus resources to complete full system integration with OIS and optimization efforts in support of integrating all analytical chemistry equipment, operational lines, and process flows. A data warehouse will be built and populated with historical chemical sampling and equipment calibration data for long-term data retention and trend analysis.

This budget activity also supports statistical activities such as injury and illness data collection and the analysis of that data to assist enforcement and outreach efforts. These activities will enhance OSHA's efforts to strategically plan operations. In FY 2023, the agency will collect, process, and analyze establishment-specific occupational injury and illness data from more than 320,000 establishments nationwide. This gathered data, together with aggregate industry data from the Bureau of Labor Statistics (BLS) and establishment characteristic data from outside vendors, will be used to identify employers for OSHA's programmed inspection and outreach interventions.

SAFETY AND HEALTH STATISTICS

FY 2022

In FY 2022, OSHA will collect summary injury and illness data from more than 300,000 establishments with 20 or more employees in high-risk industries. OSHA will use these data to target establishments for enforcement and compliance assistance and will make them available to the public. In FY 2022, OSHA continues to implement efforts to increase compliance with its injury and illness reporting requirements. These efforts include outreach and fully implementing the program OSHA piloted in FY 2021 that matches newly opened inspections against a list of potential non-responders to OSHA's collection of Form 300A data through the ITA.

OSHA continues to proceed with recordkeeping rulemaking for the collection of OSHA Form 300 and 301 case-specific data from establishments with 100 or more employees in those industries where workers face the highest risks of occupational injuries or illness. OSHA will need to modify the ITA to collect large amounts of case-specific data in addition to the currently collected summary data. The case-specific data includes a wide variety of different data elements (numeric, text, dates). The ITA will also have to be modified to accommodate a variety of submission methods for the case-specific data, such as web-based data entry and batch uploads. This effort will impact OSHA's IT modernization priorities during FY 2022.

OSHA continues to support its recordkeeping program to assure the quality of the injury and illness data it collects. OSHA will clean and code data from approximately 12,000 employer-generated reports of hospitalizations, amputations, and loss of eyes and make these data available to the public. OSHA is updating its model for targeting construction inspections to increase the likelihood that inspections will occur during those phases of construction when workers face the greatest risk of injury.

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

OIS will launch the Whistleblower Module in OIS which will better enable OSHA to enhance data collection by whistleblower investigations and create an environment in which more of OSHA's front-line personnel will work primarily within a single IT application. Further, merging this program into OIS will achieve efficiencies of scale and effective use of resources within OSHA's IT infrastructure, resulting in long-term savings. This modernization project addresses gaps in OSHA's Whistleblower Application as identified by the 2010 GAP report (GAO-10-722). In support of this module deployment, OSHA will provide cost effective virtual training to over 150 users and develop recorded training, user guides, and job aids to minimize disruption to OSHA's operation while users transition to using the new Whistleblower Module in OIS. The module contains significant enhancements that greatly improve user experience such as streamlined and more intuitive user workflows, elimination of redundant data entry, and improved system performance.

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OIS will launch an interim ECF solution. This solution is not meant to be the final product for an ECF but was designed and built as a bridge solution until the final comprehensive ECF solution can be implemented. The interim solution leverages existing file storage functionalities in OIS and incorporates new enhanced features to provide a core electronic case file for use by OSHA field offices.

OSHA and OCIO will complete the initial implementation of the LIMS for the Salt Lake City and Cincinnati labs. During FY 2022, work will expand upon the initial design and base functionality configured in FY 2021. During FY 2022, efforts to bring core analytical lines and process flows into the new LIMS will be conducted, including integration of a virtual instrument engineering workbench into the lab network as well as a front-end web portal, launching an electronic laboratory notebook (ELN), and online catalog for OSHA end-users to track and order equipment. This modernized LIMS will decrease the potential for nonconformance with quality standards, which may adversely affect defensibility of OSHA citations. Once complete, the new LIMS and associated components will support daily operational tasks such as equipment calibration, equipment maintenance, chemical sample processing, material failure analysis investigations, inventory management, billing, order processing, and web-based catalogs. This system replaces an in-house custom application that is not currently functioning the way the agency needs it to.

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

FY 2021

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

OSHA and OCIO also initiated work on a Whistleblower Module within OIS. OSHA completes more than 2,500 whistleblower investigations each year, so expanding OIS to encompass this workload will better enable OSHA to accurately collect data from whistleblower investigations

SAFETY AND HEALTH STATISTICS

and create an environment in which more of OSHA's front-line personnel will work primarily within a single IT application. Further, merging this program into OIS will achieve efficiencies of scale and effective use of resources within OSHA's IT infrastructure, resulting in long-term savings. This modernization project addresses gaps in OSHA's Whistleblower Application as identified by the 2010 GAP report (GAO-10-722).

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

In FY 2021, OSHA enhanced the agency's Learning Management System (LMS), by transitioning from CourseMill to Blackboard. OSHA acquired licenses during FY 2020 and began work on configuring Blackboard to meet OSHA's LMS requirements. In FY 2021, OSHA finished configuring Blackboard to meet the agency's needs. OSHA successfully launched Blackboard in FY 2021, allowing OSHA learners access to a modernized system to engage in learning activities. Additionally, OSHA, in conjunction with the OCIO, explored augmented reality as a training modality for compliance officers and consultation staff. OSHA launched an augmented reality trenching module as an enhanced training component for OSHA field staff.

OSHA worked with the OCIO to support and invest in the Administration's priorities of upgrading outdated applications and ensuring all agency systems are compliant with the Executive Order EO 13800, Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure. OSHA collaborated with external stakeholders to identify needed improvements to existing systems. The agency's IT systems were and continue to be enhanced and modernized through an improved architecture of existing systems to leverage current technology, mitigate cybersecurity vulnerabilities, and enhance efficiency in collecting data on compliance assistance, outreach, and cooperative programs. These are vital systems that allow OSHA to provide assistance and work collaboratively with employers, employees, and other stakeholders. This budget activity also supports statistical activities such as injury and illness data collection and the analysis of that data to assist enforcement and outreach efforts. These activities enhance OSHA's efforts to strategically plan operations. In FY 2021, the agency collected, processed, and analyzed establishment-specific occupational injury and illness data from more than 300,000 establishments nationwide. This gathered data, together with aggregate industry data from the Bureau of Labor Statistics (BLS), and establishment characteristic data from outside vendors, was used to identify employers for OSHA's programmed inspection and outreach interventions. Further, in support of increasing compliance with the recordkeeping reporting requirements, OSHA piloted a program that matches newly opened inspections against a list of potential non-responders to OSHA's collection of Form 300A data through the ITA. OSHA continued timely and public reporting on its website of fatalities that occur at workplaces, regardless of a citation being issued.

SAFETY AND HEALTH STATISTICS

WORKLOAD AND PERFORMANCE SUMMARY					
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request	
	Target	Result	Target	Target	
Safety and Health Statistics					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
Web Usage (millions)					
OSHA-SHS-02	Website User Sessions	50.19	44.50	44.90	46.20
OSHA-SHS-04	Downloads (millions)	3.85	2.50	2.26	2.33
OSHA-SHS-05	User Sessions	29.08	25.70	26.40	27.20
OSHA-SHS-01	Number of page views on eTools (millions)	7.04	7.02	6.95	7.16
OSHA-SHS-06	Web Site Page Views (millions)	123	106	107	110

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

SAFETY AND HEALTH STATISTICS

Workload and Performance

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

In FY 2023 OSHA will continue to enhance its core components of OIS, including Enforcement, Whistleblower and Consultation. Continuous improvements will be made on the user interface to enhance the end users experience with the system and make it easier for them to complete their work. Additional reports will be built, and enhancements added to existing reports. This will allow better data extraction out of the system to help with analysis and trending of Safety and Health issues.

OSHA, in conjunction with OCIO, continued to shift the public website (OSHA.gov) to a Drupal web content-management system that will modernize the website by increasing the reliability, security, and availability of the site while also mitigating cyber security vulnerabilities. In FY 2021 and FY 2022, OSHA worked with OCIO to continue to modernize and expand public facing applications along with the modernization of OSHA.gov. The agency continued to convert and update information available on the OSHA's website to languages other than English to meet the needs of America's diverse workforce. Additionally, information was updated on hazards as risks emerged that affected workplaces and the safety and health of workers, including information related to COVID-19. OSHA had more than 44.5 million website user sessions in FY 2021, and expects 44.9 million in FY 2022, and projects 46.2 million in FY 2023. OSHA also expects an increase in the number of downloads from 2.26 million in FY 2022 to 2.33 million in FY 2023, and the agency expects the number of user sessions to increase from 26.4 million in FY 2022 to 27.2 in FY 2023. Similarly, the number of page views on eTools is expected to increase from 6.95 million in FY 2022 to 7.16 million in FY 2023, and the number of web site page views is expected to increase from 107 million in FY 2022 to 110 million in FY 2023.

In FY 2022, OSHA will work with the OCIO on a number of IT modernization projects. OSHA has been transitioning from a paper DOR to electronic DOR through pilot programs in the Area Offices as well as administrative directives regarding the use of existing technology infrastructure. As part of the agency's effort to modernize field operations, OSHA and OCIO will incorporate a file structure system into OIS. This interim measure will provide OSHA with a uniform system for the creation of case files that will improve consistency across the country. It will also begin to automate certain elements of the case file creation process, eliminating inconsistencies that result from human error. Finally, the interim measure will allow OSHA staff to store case file documentation in the cloud and remove strain from the existing shared drive infrastructure.

SAFETY AND HEALTH STATISTICS

OSHA, in conjunction with the OCIO, will complete the OIS modernization project by shifting OIS into an AWS cloud platform and finalize the transition of whistleblower data into OIS through the launch of the OIS Whistleblower Module. Moving OIS to the cloud significantly improves system reliability by reducing system downtime and sustaining agency program operation in achieving its mission. The move also eliminates existing security risks and brings the system into full 508 compliance.

Additionally, OSHA and OCIO are continuing the multi-year effort to modernize the LIMS for the Salt Lake City and Cincinnati labs. During FY 2022, core functionality will be launched. The new LIMS addresses and corrects multiple operational inefficiencies that currently require the manual intervention and handling of analytical data, support documentation, calibration verifications, quality control processes, and data transfer. The new LIMS technology puts the lab in line with modern commercial labs. OSHA and OCIO will also begin expanding upon the core functionality, including integration of a virtual instrument engineering workbench into the lab network as well as a front-end web portal and online catalog for OSHA end users to track and order equipment.

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

In FY 2021, OSHA and the OCIO worked towards the FY 2022 deployment of core functionality for a modernized LIMS. The new LIMS addresses and corrects multiple operational inefficiencies that require the manual intervention and handling of analytical data, support documentation, calibration verifications, quality control processes, and data transfer. The new LIMS technology puts the lab in line with modern commercial labs.

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

SAFETY AND HEALTH STATISTICS

OSHA worked with the OCIO to support and invest in the Administration's priorities of upgrading outdated applications and ensuring all agency systems are compliant with the Executive Order EO 13800, Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure. OSHA collaborated with external stakeholders to identify needed improvements to existing systems. The agency's IT systems were enhanced and modernized through an improved architecture of existing systems to leverage current technology, mitigate cybersecurity vulnerabilities, and enhance efficiency in collecting data on compliance assistance, outreach, and cooperative programs.

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

In Calendar Year 2021, the agency collected, processed, and analyzed establishment-specific occupational injury and illness data for Calendar Year 2020 from approximately 290,000 establishments nationwide. Collection of Calendar Year 2021 occupational injury and illness data began in January 2022. OSHA uses these data, together with aggregate industry data from the BLS and establishment characteristic data from outside vendors, to identify employers for OSHA's programmed inspection and outreach interventions.

SAFETY AND HEALTH STATISTICS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	6,801	6,939	8,490	1,551
11.3	Other than full-time permanent	32	32	32	0
11.5	Other personnel compensation	100	100	100	0
11.9	Total personnel compensation	6,933	7,071	8,622	1,551
12.1	Civilian personnel benefits	2,352	2,402	2,964	562
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	37	37	50	13
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	24	24	24	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	3,705	3,705	4,800	1,095
25.3	Other goods and services from Federal sources 1/	6,482	6,294	6,540	246
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	12,801	12,801	18,566	5,765
26.0	Supplies and materials	14	14	20	6
31.0	Equipment	552	552	594	42
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	32,900	32,900	42,180	9,280
	1/Other goods and services from Federal sources				
	CIGIE	0	0	50	50
	Working Capital Fund	4,627	4,439	4,635	196
	DHS Services	292	292	292	0
	Services by Other Government Departments	1,563	1,563	1,563	0

SAFETY AND HEALTH STATISTICS

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$960
Personnel benefits	346
Federal Employees' Compensation Act (FECA)	-1
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	196
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,501**

Net Program **\$7,779**

Direct FTE **7**

	Estimate	FTE
Base	\$34,401	14
Program Increase	\$7,779	7
Program Decrease	\$0	0

EXECUTIVE DIRECTION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	9,496	10,050	10,480	430
FTE	29	33	33	0

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 28. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Executive Direction activity provides overall leadership, direction, and support for agency operations, and develops strategic and agency management plans to carry out the goals and priorities of the Administration. This activity includes leadership, management, and administrative coordination of policy, research, planning, evaluation, audit, budgeting, financial control, information technology, legislative liaison, Federal agency liaison, and performance management. Through this activity, OSHA national and regional leadership will support the Administration’s priorities by ensuring OSHA’s leadership position in the national worker safety and health dialogue and community. In addition, this activity provides leadership in the agency’s efforts to advance racial and gender equity and support underserved communities by including equity in OSHA’s initiatives, policies, and programs and restore agency staffing to a level that allows the agency to deliver services effectively and efficiently. Lastly, the agency will utilize the expertise of four advisory committees to develop policy and address emerging issues in occupational safety and health.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$10,050	40
2019	\$10,050	34
2020	\$10,050	28
2021	\$10,050	28
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

OSHA is requesting \$10,480,00 and 33 FTE for the Executive Direction activity, an increase of \$430,000 above the FY 2022 Full Year CR Level. Given the continuing impact of the pandemic on America’s workforce, OSHA’s mission is more critical now than ever. In FY 2023, the agency will continue its focus on restoring agency capacity to meet the demands of a diverse and changing workforce and workplace environments. To ensure safe and healthful working conditions for workers, OSHA will continue to confront and abate new hazards, through standard-setting, enforcement activities, including whistleblower protection, and compliance

EXECUTIVE DIRECTION

assistance. The agency will address workplace safety and health in a demographically changing workforce in terms of diversity, economics, and geography. Finally, the agency will explore the future of work in a post-pandemic environment.

To meet these objectives, OSHA will increase employee-recruitment efforts and continue building a diverse workforce that mirrors the breadth of ethnicities, languages, and physical capabilities of workers in workplaces across the Nation. OSHA will continue to streamline the hiring process to on-board candidates quickly and allow for more control and management of hiring in the agency. OSHA is requesting funding under the Federal Enforcement budget activity for a Safety and Health Technician Training Program to develop and train entry level personnel and provide them with a broad set of occupational safety and health skills. The agency plans to roll the program out to reach 4-year college, community college, and trade school graduates as they plan for future careers.

In FY 2023, OSHA will expand its leadership training and development to ensure future success in meeting agency goals and priorities. The agency will provide cost effective leadership training, including a Leadership Boot Camp (LBC) relaunched in FY 2022, to ensure that OSHA's current leadership has the necessary skills to support the agency's mission and agency management plan goals, and to build a pipeline of diverse, future leaders for the agency. The agency will develop and train leaders to meet the continuing challenges brought about by emerging hazards, such as infectious disease (e.g., COVID-19), climate change, new industries, changes in technologies, and shifting demographics. OSHA will also develop and train personnel at all levels, including CSHOs, Whistleblower Investigators, technical staff, and managers to meet these challenges to carry out the Administration's policies.

Like so many workplaces across the country, OSHA, working with the Department, will transition from a pre-pandemic model of work to something different – likely with more workplace flexibilities, including more telework and opportunities for employees to maintain a healthy work-life balance. The agency's mission will be at the core of the decision-making. As OSHA employees reenter agency workplaces, onsite and telework needs will be different than they were prior to the pandemic or during the maximum telework posture. The agency will assess needs across a spectrum of areas, including telework, office space, and equipment, as part of its assessment of the future of work. OSHA will also address IT/technical needs to better support remote work. For example, OSHA will assess the upgrading of conference room facilities to better address hybrid meetings of people in the workplace and remote workers.

In FY 2023, OSHA will support four advisory committees: 1) National Advisory Committee on Occupational Safety and Health (NACOSH); 2) Maritime Advisory Committee for Occupational Safety and Health (MACOSH); 3) Advisory Committee on Construction Safety and Health (ACCSH); and 4) Federal Advisory Council on Occupational Safety and Health (FACOSH). In addition, OSHA is reevaluating the need for a whistleblower advisory committee. All of OSHA's advisory committees consist of a membership that has a balanced representation of workers and employers, and includes other qualified individuals, such as government officials, safety and health professionals, and members of the public. The committee members will advise agency leadership on existing and emerging worker protection issues affecting agency policies and programs. With input from the advisory committees, the Administration will rebuild the agency

EXECUTIVE DIRECTION

and its leadership so that it is ready to serve American workers and businesses for another 50 years.

FY 2022

OSHA will focus on management training and succession planning to develop diverse agency leadership that is ready to move forward with the agency's strategic priorities. In FY 2022, as part of the agency's succession planning efforts, OSHA will relaunch the leadership boot camp (LBC) to prepare managers for leadership positions. The boot camp will allow managers to focus on strategic issues and skills needed at the executive level. OSHA leadership is also committed to revitalizing the agency's diversity and inclusion programs and succession planning efforts to help create pathways for diverse employees to rise to higher level positions in the agency.

The agency will continue its hiring efforts by sharing job opportunities through numerous recruitment networks to recruit a diverse workforce. Some of these diverse organizations include Historically Black Colleges and Universities, National Council of Hispanic Employment Program Managers, Asian American Network, Blacks in Government; Veterans Network; and Disability Network. To gain broad exposure of available positions, job opportunities are also posted on LinkedIn, Indeed, and Handshake. OSHA will continue to work with the Department's Human Resources Center to fill leadership vacancies and increase the retention of staff.

OSHA's FY 2022 Agency Management Plan (AMP) presents a solid framework for strategic planning, self-evaluation, and reporting that is firmly rooted in established agency processes to allow for continuous improvement. OSHA tracks many AMP outputs and measures, and discusses results with program offices at the National, Regional, and Area Office levels, and with the appropriate State Plans. These discussions provide valuable information for all OSHA employees, as they allow the agency to improve current performance and refine performance measurements. The AMP outputs and measures also allow the agency to develop the requirements, priorities, and strategies for subsequent plans. For example, the agency's new AMP focuses on helping employers achieve safety and health excellence and addresses new strategies for reaching both employees and employers.

In FY 2022, OSHA will support three advisory committees – the National Advisory Committee on Occupational Safety and Health (NACOSH), Maritime Advisory Committee for Occupational Safety and Health (MACOSH), and Advisory Committee on Construction Safety and Health (ACCSH). OSHA will reestablish the Federal Advisory Council on Occupational Safety and Health (FACOSH) as a fourth advisory committee.

FY 2021

OSHA supported the new Administration's priorities of reasserting OSHA's position as a leader within the national safety and health dialogue by increasing and enhancing OSHA's enforcement presence. OSHA met increased employer and worker requests for outreach, training and compliance assistance and built a transformative agency that is proactive and responsive to improving workplace safety and health in the country. To meet the continuing challenges brought about by the COVID-19 pandemic, OSHA maximized online tools and technologies to

EXECUTIVE DIRECTION

train personnel at all levels, including CSHOs, Whistleblower Investigators, technical staff, and managers.

OSHA sought to improve the hiring process to on-board candidates quickly by standardizing CSHO recruitment packages, posting activity, and application review process. Additionally, OSHA worked with Departmental officials to create a Condition of Employment (COE) that allows CSHOs to be hired without a pre-placement medical exam. Newly hired CSHOs can now receive on-the-job training while awaiting completion of the exam process, enabling the agency to quickly onboard new CSHOs. Further, the agency continued to cultivate relationships with a wide variety of academic institutions, professional and trade groups, labor unions and community organizations, to promote career opportunities within the agency. OSHA, in conjunction with the Department's human resources staff, participated in job fairs and conferences to address the increasing need for qualified candidates with bilingual language skills.

In FY 2021, OSHA focused on revitalizing agency leadership training and development to ensure future success in meeting agency goals and priorities. The agency provided cost-effective leadership training to ensure OSHA's leaders support the agency's mission and agency management plan goals and help to develop and support OSHA's front line staff. OSHA demonstrated its' commitment to employee communication and engagement by its high employee engagement Federal Employee Viewpoint Survey (FEVS) score. The agency engaged OSHA employees at all levels, built on the success of two well-attended agency town hall meetings, and continued training efforts for succession planning and manager development. The agency also continued to support training for all levels of personnel, particularly CSHOs and Whistleblower Investigators, which is critical to rebuild agency staff, resources, and programs.

OSHA's FY 2021 Operating Plan provided a solid framework for strategic planning, self-evaluation, and reporting that was firmly rooted in established agency processes to allow for continuous improvement. OSHA tracked all Operating Plan outputs and measures, and discussed results with program offices at the National, Regional, and Area Office levels – and with the State Plans, as applicable. The discussions on the agency's Operating Plan provided valuable information for OSHA employees at all levels, which the agency used to improve current performance and refine performance measurement and to develop the requirements, priorities, and strategies for subsequent Agency Management Plans.

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Executive Direction					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
Committee Meetings					
OSHA- EXD-01	NACOSH meetings	2	1	4	4
OSHA- EXD-02	MACOSH meetings	2	2	2	2
OSHA- EXD-03	ACCSH meetings	1	1	2	2
OSHA- EXD-07	FACOSH meetings	--	--	1	2

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

EXECUTIVE DIRECTION

Workload and Performance

To prepare for the future of work, including changes to the workforce and the workplace, the agency will focus on management training and succession planning to develop new diverse agency leadership. As part of those efforts, OSHA will focus on filling vacancies expediently and increasing the retention of staff. OSHA will continue its support for diversity and inclusion in all its programs and practices to reinforce the President's priority goal of ensuring gender and racial equity. The agency wants to ensure that its employee composition reflects the diversity of both the workplaces and nation it serves.

In FY 2023, OSHA will expand its leadership training and development to ensure future success in meeting agency goals and priorities. The agency will provide cost effective leadership training to ensure that future leadership has the necessary skills to support the agency's mission and operating plan goals, but also generates a pipeline of diverse, future leaders who have the desire to advance their careers in the agency. OSHA's learning culture also ensures that employees at every level are positively engaged in their work and their development. The agency will develop and train leaders to meet the continuing challenges brought about by emerging hazards, such as infectious disease (e.g., COVID-19), climate change, new industries, changes in technologies, and shifting demographics. OSHA will also develop and train personnel at all levels, including CSHOs, Whistleblower Investigators, technical staff, and managers to meet the challenges to carrying out the Administration's policies. In FY 2023, OSHA will also continue to support and hold meetings with four advisory committees: 1) National Advisory Committee on Occupational Safety and Health (NACOSH); 2) Maritime Advisory Committee for Occupational Safety and Health (MACOSH); 3) Advisory Committee on Construction Safety and Health (ACCSH); and 4) Federal Advisory Council on Occupational Safety and Health (FACOSH).

In FY 2022, OSHA will support the four advisory committees mentioned above. OSHA is currently soliciting members for FACOSH. All of OSHA's advisory committees consist of memberships that have a balanced representation of workers and employers, and include other qualified individuals, such as government officials, safety and health professionals, and members of the public. These committee members will advise agency leadership on existing and emerging worker protection issues affecting agency policies and programs. For example, a priority for this administration is heat stress, and NACOSH has established work group that plans to meet three times a year to address the issue. Topics will include feedback on guidance and rulemaking questions. With input from the advisory committees, the Administration will rebuild the agency and its leadership so that it is ready to serve American workers and businesses.

EXECUTIVE DIRECTION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	2,990	3,459	3,704	245
11.3	Other than full-time permanent	46	46	46	0
11.5	Other personnel compensation	182	182	182	0
11.9	Total personnel compensation	3,218	3,687	3,932	245
12.1	Civilian personnel benefits	1,088	1,269	1,356	87
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	56	56	56	0
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	658	658	658	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	16	15	15	0
25.2	Other services from non-Federal sources	280	280	280	0
25.3	Other goods and services from Federal sources 1/	3,991	3,896	3,994	98
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	115	115	115	0
26.0	Supplies and materials	59	59	59	0
31.0	Equipment	15	15	15	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	9,496	10,050	10,480	430
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,399	3,495	3,593	98
	DHS Services	2	2	2	0
	Services by Other Government Departments	1,590	399	399	0

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CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$245
Personnel benefits	88
Federal Employees' Compensation Act (FECA)	-1
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	98
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$430**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$10,480	33
Program Increase	\$0	0
Program Decrease	\$0	0