

**FY 2017**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

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# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

For necessary expenses for the Occupational Safety and Health Administration, [552,787,000] \$595,023,000, including not to exceed [100,850,000] \$104,337,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary 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, [2016] 2017, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for

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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; *and (7) to take any action authorized by the Act with respect to certain employers with a low DART rate and employing 10 or fewer employees within the past twelve months, that operate processes where the potential for a catastrophic chemical incident exists, defined as any establishment that operates a process covered by 29 CFR 1910.119 or 40 CFR Part 68, except that this subparagraph (7) shall not apply to employers conducting farming, harvesting, or processing operations on farms: Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That \$10,537,000 shall be available for Susan Harwood training grants. (Department of Labor Appropriations Act, 2016.)*

# **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

## **EXPLANATION OF LANGUAGE CHANGE**

The Administration proposes amending the appropriations language under the Occupational Safety and Health Administration (OSHA) to allow targeted safety and health inspections of small establishments that have the potential for catastrophic incidents, specifically those covered by OSHA's Process Safety Management (PSM) regulations or the Environmental Protection Agency's (EPA's) Chemical Accident Prevention Provisions with the exception of certain specified small farms.

The current appropriations language limits OSHA's ability to conduct safety and health inspections of small businesses (10 or fewer employees) in industry codes that have lower-than-average workplace injury and illness rates. Neither the number of workers in a business, nor the level of injury and illness rates, are predictive of the potential for high-consequence catastrophic incidents, resulting in multiple casualties and extensive property damage, such as those caused by the West Fertilizer explosion in West, Texas. In order to prevent future catastrophic incidents, the Administration believes Congress should modify the appropriations language to allow targeted inspections of small establishments that have the potential for catastrophic incidents (e.g., those covered by OSHA's PSM standard or EPA's Chemical Accident Prevention Provisions). The language exempts small employers conducting farming, harvesting, or processing operations on farms.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## ANALYSIS OF APPROPRIATION LANGUAGE

<u>Language Provision</u>	<u>Explanation</u>
"... including not to exceed \$104,337,000 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, 2013, 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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“... and (7) to take any action authorized by the Act with respect to certain employers with a low DART rate and employing 10 or fewer employees within the past twelve months, that operate processes where the potential for a catastrophic chemical incident exists, defined as any establishment that operates a process covered by 29 CFR 1910.119 or 40 CFR 68, except that this subparagraph (7) shall not apply to employers conducting farming, harvesting, or processing operations on farms:”

This language authorizes OSHA to conduct targeted safety and health inspections of small establishments that have the potential for catastrophic incidents, specifically those covered by OSHA’s Process Safety Management regulations or the Environmental Protection Agency’s Chemical Accident Prevention provisions, but exempts employers conducting farming harvesting, or processing operations from this proviso.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>		<b>FY 2017 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>2,224</b>	<b>\$552,787</b>	<b>2,173</b>	<b>\$552,787</b>	<b>2,273</b>	<b>\$595,023</b>
<i>Subtotal Appropriation</i>	2,224	\$552,787	2,173	\$552,787	2,273	\$595,023
Offsetting Collections From:						
Reimbursements	3	\$2,306	3	\$2,305	3	\$2,305
<b>B. Gross Budget Authority</b>	<b>2,227</b>	<b>\$555,093</b>	<b>2,176</b>	<b>\$555,092</b>	<b>2,276</b>	<b>\$597,328</b>
Offsetting Collections deduction:						
Reimbursements	-3	-\$2,306	-3	-\$2,305	-3	-\$2,305
<b>C. Budget Authority Before Committee</b>	<b>2,224</b>	<b>\$552,787</b>	<b>2,173</b>	<b>\$552,787</b>	<b>2,273</b>	<b>\$595,023</b>
Offsetting Collections From:						
Reimbursement	3	\$1,237	3	\$2,305	3	\$2,305
<b>D. Total Budgetary Resources</b>	<b>2,227</b>	<b>\$554,024</b>	<b>2,176</b>	<b>\$555,092</b>	<b>2,276</b>	<b>\$597,328</b>
Unobligated Balance Expiring	-92	-\$420	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>2,135</b>	<b>\$553,604</b>	<b>2,176</b>	<b>\$555,092</b>	<b>2,276</b>	<b>\$597,328</b>

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2016 Enacted	FY 2017 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$552,787	\$595,023	+\$42,236
<b>Total</b>	<b>\$552,787</b>	<b>\$595,023</b>	<b>+\$42,236</b>
 <b>Full Time Equivalents</b>			
General Funds	2,173	2,273	100
<b>Total</b>	<b>2,173</b>	<b>2,273</b>	<b>100</b>

### FY 2017 Change

Explanation of Change	FY 2016 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	2,173	\$197,177	0	\$0	0	\$3,112	0	\$3,112
Personnel benefits	0	\$61,786	0	\$0	0	\$933	0	\$933
Two days less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees' Compensation Act (FECA)	0	\$1,152	0	\$0	0	\$244	0	\$244
Benefits for former personnel	0	\$70	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$10,291	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$2	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$24,300	0	\$0	0	\$815	0	\$815
Rental payments to others	0	\$0	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$3,254	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$973	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$651	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$76,841	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$38,500	0	\$0	0	\$2,246	0	\$2,246
Other Federal sources (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$1,337	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$8,789	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	\$11,259	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$2,077	0	\$0	0	\$0	0	\$0
Equipment	0	\$2,790	0	\$0	0	\$0	0	\$0

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FY 2017 Change

Explanation of Change	FY 2016 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Grants, subsidies, and contributions	0	\$111,387	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$151	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>2,173</b>	<b>+\$552,787</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$7,350</b>	<b>0</b>	<b>+\$7,350</b>
<b>B. Programs:</b>								
Enforcement Resources for Reporting Fatalities, Hospitalizations and Amputations	0	\$0	0	\$0	40	\$6,700	40	\$6,700
Enforcement Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$5,506	0	\$5,506
Database Consolidation	0	\$0	0	\$0	0	\$3,000	0	\$3,000
Enforcement Resources for EO on Chemical Industry	0	\$0	0	\$0	20	\$2,700	20	\$2,700
Additional Whistleblower Resources to Address Growing Volume of Complaints	0	\$0	0	\$0	14	\$2,572	14	\$2,572
Standards Resources to Support EO on Chemical Industry	0	\$0	0	\$0	3	\$2,450	3	\$2,450
Increase for State Plans	0	\$0	0	\$0	0	\$2,137	0	\$2,137
Consultative Services	0	\$0	0	\$0	0	\$2,000	0	\$2,000
Improved Tracking of Workplace Injuries and Illnesses	0	\$0	0	\$0	0	\$1,500	0	\$1,500
Restore Compliance Assistance Staffing	0	\$0	0	\$0	10	\$1,500	10	\$1,500
Federal Compliance Assistance								
Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$1,396	0	\$1,396
State Programs Whistleblower Staff	0	\$0	0	\$0	0	\$1,350	0	\$1,350
Data Analytics Unit	0	\$0	0	\$0	5	\$900	5	\$900
Request for Whistleblower Investigative Assistants	0	\$0	0	\$0	8	\$830	8	\$830
Technical Support Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$533	0	\$533
Whistleblower Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$496	0	\$496
Standards Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$404	0	\$404
Executive Direction Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$266	0	\$266
Statistics Restoration of Inflationary Built-ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$197	0	\$197
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>100</b>	<b>+\$36,437</b>	<b>100</b>	<b>+\$36,437</b>
<b>Total Increase</b>	<b>2,173</b>	<b>+\$552,787</b>	<b>0</b>	<b>\$0</b>	<b>100</b>	<b>+\$43,787</b>	<b>100</b>	<b>+\$43,787</b>

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	FY 2017 Change							
	FY 2016 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Two days less of Pay	0	\$0	0	\$0	0	-\$1,551	0	-\$1,551
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$1,551</b>	<b>0</b>	<b>-\$1,551</b>
<b>B. Programs:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$1,551</b>	<b>0</b>	<b>-\$1,551</b>
<b>Total Change</b>	<b>2,173</b>	<b>+\$552,787</b>	<b>0</b>	<b>\$0</b>	<b>100</b>	<b>+\$42,236</b>	<b>100</b>	<b>+\$42,236</b>

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request		Diff. FY17 Request / FY16 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Safety and Health Standards</b>	<b>79</b>	<b>20,000</b>	<b>85</b>	<b>20,000</b>	<b>88</b>	<b>23,173</b>	<b>3</b>	<b>3,173</b>
General Funds	79	20,000	85	20,000	88	23,173	3	3,173
<b>Federal Enforcement</b>	<b>1,420</b>	<b>208,000</b>	<b>1,510</b>	<b>208,000</b>	<b>1,570</b>	<b>225,972</b>	<b>60</b>	<b>17,972</b>
General Funds	1,420	208,000	1,510	208,000	1,570	225,972	60	17,972
<b>Whistleblower Programs</b>	<b>132</b>	<b>17,500</b>	<b>135</b>	<b>17,500</b>	<b>157</b>	<b>21,604</b>	<b>22</b>	<b>4,104</b>
General Funds	132	17,500	135	17,500	157	21,604	22	4,104
<b>State Programs</b>	<b>0</b>	<b>100,850</b>	<b>0</b>	<b>100,850</b>	<b>0</b>	<b>104,337</b>	<b>0</b>	<b>3,487</b>
General Funds	0	100,850	0	100,850	0	104,337	0	3,487
<b>Technical Support</b>	<b>103</b>	<b>24,469</b>	<b>108</b>	<b>24,469</b>	<b>108</b>	<b>25,404</b>	<b>0</b>	<b>935</b>
General Funds	103	24,469	108	24,469	108	25,404	0	935
<b>Compliance Assistance-Federal</b>	<b>309</b>	<b>68,433</b>	<b>247</b>	<b>68,433</b>	<b>257</b>	<b>72,783</b>	<b>10</b>	<b>4,350</b>
General Funds	309	68,433	247	68,433	257	72,783	10	4,350
<b>Compliance Assistance-State Consultations</b>	<b>0</b>	<b>57,775</b>	<b>0</b>	<b>57,775</b>	<b>0</b>	<b>59,775</b>	<b>0</b>	<b>2,000</b>
General Funds	0	57,775	0	57,775	0	59,775	0	2,000
<b>Compliance Assistance-Training Grants</b>	<b>0</b>	<b>10,537</b>	<b>0</b>	<b>10,537</b>	<b>0</b>	<b>10,537</b>	<b>0</b>	<b>0</b>
General Funds	0	10,537	0	10,537	0	10,537	0	0

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<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request		Diff. FY17 Request / FY16 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Safety and Health Statistics</b>	<b>35</b>	<b>34,250</b>	<b>41</b>	<b>34,250</b>	<b>46</b>	<b>40,095</b>	<b>5</b>	<b>5,845</b>
General Funds	35	34,250	41	34,250	46	40,095	5	5,845
<b>Executive Direction</b>	<b>54</b>	<b>10,973</b>	<b>47</b>	<b>10,973</b>	<b>47</b>	<b>11,343</b>	<b>0</b>	<b>370</b>
General Funds	54	10,973	47	10,973	47	11,343	0	370
<b>Total</b>	<b>2,132</b>	<b>552,787</b>	<b>2,173</b>	<b>552,787</b>	<b>2,273</b>	<b>595,023</b>	<b>100</b>	<b>42,236</b>
<b>General Funds</b>	<b>2,132</b>	<b>552,787</b>	<b>2,173</b>	<b>552,787</b>	<b>2,273</b>	<b>595,023</b>	<b>100</b>	<b>42,236</b>

NOTE: 2015 reflects actual FTE.

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<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
	Full-Time Equivalent				
	Full-time Permanent	2,224	2,173	2,273	100
	Reimbursable	3	3	3	0
	Total	2,227	2,176	2,276	100
	Average ES Salary	\$170,625	\$172,843	\$175,090	\$2,247
	Average GM/GS Grade	12/5	12/5	12/5	0
	Average GM/GS Salary	\$88,647	\$89,799	\$90,966	\$1,167
11.1	Full-time permanent	194,401	194,490	210,663	16,173
11.3	Other than full-time permanent	985	449	449	0
11.5	Other personnel compensation	2,863	2,238	2,238	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>198,249</b>	<b>197,177</b>	<b>213,350</b>	<b>16,173</b>
12.1	Civilian personnel benefits	59,170	62,938	69,180	6,242
13.0	Benefits for former personnel	65	70	70	0
21.0	Travel and transportation of persons	10,858	10,291	11,136	845
22.0	Transportation of things	85	2	2	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	24,347	24,300	25,751	1,451
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	3,523	3,254	3,254	0
24.0	Printing and reproduction	600	973	973	0
25.1	Advisory and assistance services	1,996	651	651	0
25.2	Other services from non-Federal sources	81,944	76,841	87,609	10,768
25.3	Other goods and services from Federal sources 1/	40,654	48,626	51,042	2,416
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	13,693	11,259	11,259	0
26.0	Supplies and materials	2,570	2,077	2,165	88
31.0	Equipment	3,505	2,790	3,556	766
41.0	Grants, subsidies, and contributions	111,387	111,387	114,874	3,487
42.0	Insurance claims and indemnities	141	151	151	0
	<b>Total</b>	<b>552,787</b>	<b>552,787</b>	<b>595,023</b>	<b>42,236</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	33,163	38,500	40,916	2,416
	DHS Services	1,235	1,337	1,337	0
	Services by Other Government Departments	6,256	8,789	8,789	0



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## SIGNIFICANT ITEMS IN FY 2016 APPROPRIATIONS' REPORTS

### Chemical Facility PSM

#### Statement of Managers:

Significant concerns remain about the Occupational Safety and Health Administration's (OSHA) use of guidance documents to change longstanding OSHA policy. In June and July of 2015, OSHA issued three guidance documents related to Executive Order 13650, "Improving Chemical Facility Safety and Security." They are Process Safety Management of Highly Hazardous Chemicals and Covered Concentrations of Listed Appendix A Chemicals, RAGAGEP in Safety Process Management Enforcement, and PSM Retail Exemption Interim Enforcement Policy. These along with other OSHA "letters of interpretation" attempt to change prevailing agency policies without proposing regulatory changes 3 under the requirements of the Administrative Procedures Act (5 U.S.C.551 et. seq.). OSHA has issued letters of interpretation on substantive policy matters that leave the agency open to liability that can be avoided by going through the proper rulemaking process, including notice and period of public comment. OSHA is expected to implement agency policy changes through the formal regulatory process. As such, the agreement directs that the revised enforcement policy relating to the exemption of retail facilities from coverage of the Process Safety Management of Highly Hazardous Chemicals standard (29 CFR 191 0.119(a)(2)(i)) issued by the Occupational Safety and Health Administration on July 22, 2015, shall not be enforced nor deemed by the Department of Labor to be in effect in fiscal year 2016 until: the Bureau of the Census establishes a new North American Industry Classification System code under Sector 44-45 Retail Trade for Farm Supply Retailers, and the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, has carried out all notice and comment rulemaking procedures and invited meaningful public participation in the rulemaking.

#### Response:

OSHA responded to the report language on December 23, 2015, by extending the enforcement delay for entities formerly covered by the PSM retail exemption, as follows:

OSHA's Process Safety Management (PSM) Standard states that its requirements do not apply to "retail

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facilities.” 29 CFR 1910.119(a)(2)(i). On July 22, 2015, OSHA issued a memorandum entitled “Process Safety Management of Highly Hazardous Chemicals and Application of the Retail Exemption (29 CFR 1910.119(a)(2)(i))” (Memorandum). In the Memorandum, OSHA interpreted the term “retail,” as used in the PSM standard, to apply to facilities “engaged in retail trade as defined by the current and any future updates to sectors 44 and 45” of the North American Industry Classification System Manual. This reflected a change from OSHA’s prior interpretation of “retail” which applied to facilities that obtained more than half of their income from direct sales to end users.

The July 22 Memorandum has, from its issuance, been subject to interim enforcement policies delaying active enforcement of the interpretation stated therein through July 22, 2016. This new policy rescinds all prior interim enforcement policies, including the PSM Retail Exemption Interim Enforcement Policy dated October 20, 2015, and replaces it with the following:

Through September 30, 2016, OSHA will not cite employers for violations of the PSM standard at facilities that it would not have cited applying the interpretation of the term “retail” that was in place prior to July 22, 2015.

OSHA posted the enforcement delay language to its public Web site here:

[PSM Retail Exemption Enforcement Delay Notice \[1910.119\(a\)\(2\)\(i\)\]](#).

Some of these issues are currently the subject of litigation in the United States Court of Appeals for the District of Columbia Circuit.

## **Enforcement versus Compliance Assistance**

House Report:

The Committee strongly supports the underlying mission of OSHA to promote a safe and healthy work place and protect workers from injury, illness, and death. The Committee disagrees with the manner in which this policy is being implemented. The fiscal year 2016 budget request states that OSHA supports the Department's strategic goals and objectives through “enforcement, standards, whistleblower protection, and compliance assistance and

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outreach programs.” Yet virtually all of the requested funding increase for OSHA is proposed for additional enforcement. Compliance assistance remains less than 25 percent of OSHA's overall budget. The Committee believes that overreliance on punitive enforcement at the expense of effective compliance assistance is a flawed approach. This approach is costly and overly burdensome on employers and is contrary to the intention of Executive Order 13563 to create a regulatory system that protects “public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.” The Committee recognizes that enforcement is a necessary component of an effective strategy to improve workplace safety but the Department's overreliance on enforcement has created an unnecessarily hostile environment between the federal government and private enterprises. The Department's Spring 2015 regulatory agenda affirms OSHA's aggressive, enforcement-focused agenda. Inspections and fines are costly, especially for the small businesses that are the primary drivers of job creation. The Committee believes that OSHA should partner with businesses to create safer workplaces. Compliance assistance is an important tool that is underutilized by OSHA. The Committee supports programs like the Voluntary Protection Programs that create safer workplaces by increasing compliance and avoiding costly inspections and fines. The Committee directs OSHA to reorient its approach and refocus its efforts and resources on helping companies to comply with workforce safety laws thereby freeing up funds being used for inspections and fines to create new jobs. The Committee recommendation for fiscal year 2016 reflects this reorientation.

Response:

OSHA achieves its mission of ensuring the safety and health of America's workers through a balanced approach. We recognize that most employers want to keep their employees safe and protect them from workplace hazards. For those employers, OSHA operates a robust and multifaceted compliance assistance program. But there are still far too many employers that cut corners on safety and neglect well recognized OSHA standards and basic safety measures. For those employers, enforcement remains an effective deterrent. OSHA's enforcement program specifically targets the most dangerous workplaces, where workers are most likely to be hurt on the job, and our

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penalty system takes into account the size and behavior of employers, with higher fines for repeated and willful violations. At the same time, OSHA provides extensive assistance to employers that want to protect their workers, through its website and publications, webinars, training programs and more, many geared toward small and mid-sized employers. In addition, OSHA provides free on-site consultations for small and medium-sized employers that want assistance in protecting their workers and complying with OSHA standards. In FY 2015, OSHA's On-site Consultation Program conducted more than 27,800 free visits to small and medium-sized business worksites, helping to remove more than 3.5 million workers from hazards nationwide. A full 87 percent of those visits were to businesses with fewer than 100 employees. In addition, OSHA compliance assistance specialists are available to help employers and workers understand hazards and how to control them. OSHA also remains committed to its cooperative programs, including the Voluntary Protection Programs (VPP) and Safety and Health Achievement Recognition Program (SHARP), under which businesses, labor groups, and other organizations work cooperatively with OSHA to help prevent injuries, illnesses and fatalities in the workplace. In March 2015, OSHA updated its SHARP size eligibility requirements to emphasize that this program is intended for small employers who operate exemplary Safety and Health Management Systems (SHMS) in high-hazard industries. The updated policy allows larger worksites already participating in SHARP to remain in the program for as long as they meet all other eligibility requirements, but also encourages these larger establishments to instead seek to participate in VPP. The new policy also recognizes that States may choose to offer larger worksites SHARP recognition using 100% State funds.

### **Complaints/Citations**

House Report: The Committee is aware that the statute clearly establishes that OSHA must receive an employee complaint to write citations. The Committee is concerned that OSHA is proceeding to unilaterally change this requirement to expand its own citation authority beyond the legally required complaint requirement.

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Response:

The OSH Act does not require an employee complaint as a predicate to an OSHA citation. Section 9 of the Act directs the Secretary to issue a citation to an employer if, “upon inspection or investigation, [he] believes” that an employer has committed a violation of the Act. Two different provisions of the Act authorize OSHA inspections and investigations. Section 8(a) authorizes inspections and investigations “during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner.” Separately, section 8(f) requires the Secretary to conduct an inspection of a work place if an employee or representative of employees notifies the Secretary of a violation or imminent danger, and the Secretary determines that there are reasonable grounds to believe that the violation or danger exists.

If an employer objects to an inspection, the Secretary must obtain a judicial warrant to conduct the inspection. *Marshall v. Barlow’s, Inc.*, 436 U.S. 307 (1978). The warrant must be supported by “administrative probable cause,” which can be shown *either* by specific evidence that a violation is likely to exist, *or* by a showing that the business was chosen for an inspection based on “a general administrative plan for the enforcement of the Act derived from neutral sources.” 436 U.S. at 321. The first of these criteria will likely be the case for an inspection initiated by an employee complaint; however, the second will not likely involve an employee complaint.

## **Injury and Illness Incident Rates**

House Report:

BLS data on injury and illness incidence and fatality rates show a steady decline since 2003. While these rates are currently among the lowest on record, the most recent data indicates that rates have not significantly declined since 2009. The Committee questions whether the Department's intensified enforcement efforts since that time are achieving the expected results. Furthermore, the Committee notes the trend since 2003 has largely occurred in the absence of new regulations. The Committee sees no evidence to support the need for sweeping new regulations of the kind currently being promulgated by OSHA, especially given the significant impact they have on small businesses. The Committee questions the necessity of the proposed Injury and Illness Prevention Program (I2P2) regulation. The idea of an injury and illness program has

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existed in some variation for more than 30 years, and the Department has had voluntary safety and health guidelines in place since 1989, which have enabled companies to establish policies and procedures specific to their own workplaces. Still unclear is how this proposed regulation incorporates the recommendations from the 1998 panel that was convened to consider the Safety and Health Program Standard, the predecessor to the I2P2 proposal. This panel cited several criticisms of a federally-mandated safety and health programs and recommended to OSHA that it consider various concepts other than just a blanket, one-size fits-all regulation. The Committee is concerned that this regulation, as currently proposed, would impose additional and costly burdens on employers and subject currently effective safety programs to a new regulatory regime that may result in more fines and penalties but not necessarily safer workplaces.

Response:

OSHA has reclassified the Injury and Illness Prevention Program activity as a long-term action on the regulatory agenda and is not presently engaged in active rulemaking on the topic. Rather, the agency has focused its efforts on updating the 1989 Guidelines on Safety and Health Program Management. In November 2015, the agency released a draft update of the guidelines for a 90-day public comment period, which will close on February 15, 2016 (<http://www.osha.gov/shpmguidelines/index.html>). The agency held a public meeting in December 2015 on the guidelines and plans a second public meeting in March 2016. The guidelines are being updated to reflect what has been learned over the last 30 years. Two areas of particular emphasis are: improvements to help small- and medium-sized business more effectively protect their workers, and additional guidance to improve communication and coordination on multi-employer worksites.

## Crystalline Silica

House Report:

The Committee understands that OSHA remains in the process of promulgating regulations to reduce the permissible exposure limit to crystalline silica. The Committee understands that silicosis and other silica-related illnesses are serious and can be deadly. The Committee is concerned, however, that OSHA has grossly underestimated the costs of implementing the proposed new standard. The Committee urges OSHA to delay

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enforcement of any new standard until it can demonstrate the effectiveness of equipment designed to accurately measure workers' exposure to silica and until it can demonstrate that methods for reducing workers' exposure to silica across all applicable industries can be feasibly implemented in a cost effective manner. The Explanatory Statement accompanying the fiscal year 2015 Appropriations Act urged OSHA to consider all currently available technology as it develops any new standard for workers exposure to silica dust. The Committee believes that personal protective equipment such as airstream helmets and respirators should be part of an all-of-the-above approach to limiting workers' exposure to respirable silica. Employers and workers should have the flexibility to choose from all available technologies that are proven to be effective at reducing workers' exposure to silica rather than the environmental control approach put forward in the proposed rule. Lowering workers' exposure to respirable silica is the goal. The Committee urges OSHA to allow the maximum flexibility possible with all currently available technology to meet any new standard for workers' exposure to silica dust.

Response:

OSHA has been carefully reviewing the extensive comments and other submissions in the rulemaking record concerning the agency's proposed silica rule, including evidence relating to the costs of the rule as well as methods used to measure and limit workers' exposure to respirable crystalline silica. OSHA is committed to developing a silica rule that is based upon the best available evidence, protects workers from significant health risks, and is feasible for all affected industries.

## **Solid Ammonium Nitrate**

House Report:

The Committee understands that OSHA is reviewing its standards related to the storage of ammonium nitrate and urges OSHA to propose any necessary changes under existing regulations on Explosives and Blasting Agents (29 C.F.R. 1910.109) and not to add ammonium nitrate to the list of chemicals covered under OSHA's Process Safety Management Standards of Highly Hazardous Chemicals (29 C.F.R. 1910.119). The Committee believes that changes to improve the safety of storing ammonium nitrate should be made based on scientific review of current

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standards rather than through a one-size-fits-all approach under OSHA's Process Safety Management Standards.

Response:

OSHA will use the formal rulemaking process to determine whether the scientific evidence justifies adding ammonium nitrate to the PSM standard. This process gives ample opportunity for public comment and consideration of all information pertaining to whether coverage of ammonium nitrate should be added to PSM.

## **Nail Salons**

Senate Report:

The Committee is aware of recent reports of unhealthy and dangerous working conditions in some nail salons. While OSHA has previously awarded several grants that support training and compliance assistance in this area, the Committee notes that employment for nail salon workers is projected to grow by 16 percent from 2012 to 2020—faster than the average for all occupations. Therefore, the Committee directs the agency to allocate funds within the Susan Harwood grants program to strengthen safety and health competencies in the nail salon industry, as well as to train workers to understand the requirements of OSHA regulations and standards and how to assert their rights.

Response:

OSHA annually announces through a Federal Register Notice the availability of Susan Harwood Training Grant Program funds to address safety and health hazards by developing materials and/or conducting training for employers and employees on targeted topics. OSHA will continue to solicit nail salons as a topic in the Susan Harwood Grant Program requests for proposals. OSHA will review all grant proposals and fund nail salon safety and health topics as appropriate.

## **VPP**

Senate Report:

The Committee recognizes that fewer injuries mean lower worker's compensation and healthcare costs, and safer, more productive workers. Statistical evidence for the Voluntary Protection Program's [VPP] success is impressive. The average VPP worksite has a Days Away Restricted or Transferred [DART] case rate of 52 percent below the average for its industry. These sites typically do not start out with such low rates. Reductions in injuries and illnesses begin when the site commits to the VPP approach



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to safety and health management and the challenging VPP application process. OSHA shall dedicate not less than \$3,500,000 per year for the purpose of administering the VPP in its Federal Compliance Assistance budget. OSHA shall not reduce funding levels or the number of full time employees administering the VPP, the Safety and Health Achievement Recognition Program [SHARP], or Federal Compliance Assistance, and shall not collect any monies from participants for the purpose of administering these programs.

Response:

OSHA is committed to using all available approaches to achieve safer and healthier workplaces for America's workers. Compliance assistance, including cooperative programs such as VPP and SHARP, is an important element of OSHA's operations. Based on proposed funding levels for FY 2017, OSHA will dedicate no less than \$3,500,000 for administering VPP and does not anticipate a reduction in full time employees devoted to VPP, SHARP, or Federal Compliance Assistance. Additionally, OSHA does not intend to implement a fee-for-service element for these programs at the proposed resource levels.

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## AUTHORIZING STATUTES

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

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<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2007					
Base Appropriation	\$483,667			\$486,925	2,173
2008					
Base Appropriation...1/	\$490,277	\$486,000	\$486,000	\$486,001	2,126
2009					
Base Appropriation...2/3/	\$501,674		\$484,528	\$513,042	2,147
2010					
Base Appropriation	\$563,620	\$554,620	\$535,700	\$558,620	2,335
2011					
Base Appropriation...4/	\$573,096			\$558,619	2,300
2012					
Base Appropriation...5/	\$583,296		\$535,251	\$564,788	2,305
2013					
Base Appropriation...6/7/	\$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				2,273

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

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

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

4/ Reflects a \$1,117 reduction pursuant to P.L. 112-10 and a Non-Expenditure transfer of the same amount from DM to restore to FY 2010 Enacted Level.

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

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

7/ 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.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

The Occupational Safety and Health Administration (OSHA) was established by the Occupational Safety and Health Act of 1970 (OSH Act) (Public Law 91-596). OSHA's mission is to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance. Strong evidence demonstrates that OSHA's actions prevent work-related injuries, illnesses and deaths by empowering workers and encouraging employers to eliminate hazards.

OSHA also is responsible for administering 22 whistleblower laws and protecting the rights of workers to identify and report problems in the workplace without fear of retaliation. This supports the Department of Labor's (DOL) Strategic Plan and the Secretary's vision of providing workers a voice in the workplace so that they may actively participate in the protection and promotion of their workplace rights without risking retaliation. Workers are more likely to have a voice in the workplace if they are better informed of their employment rights, and better able to freely exercise those rights without fear of adverse consequences.

In FY 2017, OSHA is requesting \$595,023,000 and 2,273 FTE, an increase of \$42,236,000 and 100 FTE above the FY 2016 Enacted level. The FY 2017 Budget request will enable the agency to expand compliance assistance and outreach to employers and vulnerable workers, as well as support additional on-site consultation services to help small employers comply with the law and ensure safe workplaces. The Budget would also improve enforcement and standard-setting efforts to improve safety at chemical facilities to prevent devastating accidents like the West, Texas explosion that killed 15 workers and wounded an additional 220. The Budget also includes additional personnel to respond to the new reporting regulation requiring employers to report work-related hospitalizations, as well as amputations and losses of an eye. Additionally, due to inflationary cost increases related to compensation, benefits, and rent, the FY 2016 request included resources for built-ins in these areas. Funding for these costs was not provided for OSHA in FY 2016 appropriations. The FY 2017 request includes resources to cover these personnel and rent costs as a program increase.

Improved **effectiveness** will result from several funding increases, including an increase for Enforcement to support the implementation of the Rapid Response Investigation protocols to manage the workload resulting from the enhanced reporting requirements in the 2014 revisions to the Recordkeeping Standard; an increase for Federal Compliance Assistance resources, which will restore 10 of the approximately 35 compliance assistance specialists who have been cut enabling OSHA to provide critical outreach to vulnerable and hard-to-reach communities and support OSHA's cooperative programs; an increase that will enable the On-site Consultation Program to meet the minimum staffing levels required to support rapid response investigations and perform more than 1,000 additional Consultation visits; and an increase for Whistleblower Protection resources, which will improve investigation timeliness and quality.

Working with the Department, OSHA will build upon efforts for consolidated and shared Information Technology (IT) services to maximize **efficiencies** and make smart use of taxpayer dollars. For example, OSHA is requesting \$3,000,000 to consolidate several databases within the DOL's centralized data center to make more program data publicly available, enhance data

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analysis, modernize technology and increase security. The consolidations will reduce OSHA's operating cost by five percent enabling the agency to invest for other IT enhancements and maximize the use of its resources. The agency is also requesting \$1,500,000 for a new injury and illness tracking system, which will enable employers in certain industries to electronically submit injury and illness data to OSHA. With the requested funding, OSHA will increase the number of establishments that provide data from 80,000 to 500,000.

The Department's budget submission for FY 2017 supports OSHA's commitment to achieving the following Strategic Objectives included in the Department's 2014-2018 Strategic Plan: *Secure safe and healthy workplaces, particularly in high-risk industries (Strategic Objective 2.1)* and *Protect workers' rights (Strategic Objective 3.2)*. OSHA will use rigorous enforcement, science-based rulemaking and compliance assistance, outreach and training to achieve these crucial objectives. Specifically, OSHA will support these objectives through a series of performance measures, including:

- Number of Federal OSHA and State Plan safety inspections;
- Number of Federal OSHA and State Plan health inspections;
- Number of Local Emphasis or National Emphasis Programs;
- Average age of pending whistleblower investigations;
- Average days to complete the new whistleblower complaint screening process;
- Number of whistleblower investigations completed;
- Number of persons trained in OSHA training programs;
- Chemical samples analysis average turnaround days;
- Number of Voluntary Protection Programs new approvals and re-approvals;
- Number of Strategic Partnerships;
- Number of Alliances; and
- Number of On-Site Consultation initial visits.

OSHA will use four broad categories to guide its activities. Through enforcement, standard development, whistleblower protection, and compliance assistance and outreach programs, the agency promotes and improves overall compliance with workplace safety and health standards, thus supporting the Department's Strategic Goals and Objectives.

**Enforcement:** OSHA will continue its commitment to the enforcement of occupational safety and health standards and regulations to improve compliance and deter employers who put their workers' lives at risk. Enforcement activities reflect the authority vested in OSHA by Congress to enforce workplace safety and health standards under the OSH Act. OSHA's enforcement strategies aim to improve agency effectiveness and efficiency by targeting the most egregious and persistent violators through a combination of special enforcement programs (e.g., the Severe Violator Enforcement Program (SVEP), Corporate-wide Settlement Agreements (CSAs), and Special Emphasis Programs (SEPs)) and outreach initiatives.

OSHA improves compliance by completing mandated enforcement activity and strategically scheduling programmed inspections and outreach in high-risk areas. With more employers in compliance, OSHA anticipates a continued decrease in workplace injuries, fatalities, and

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illnesses – the ultimate outcome for American workers and a critical component of the Secretary’s vision.

In FY 2017, OSHA will conduct 35,352 inspections to correct workplace hazards, thereby reducing injuries and illnesses. As the agency conducts more complex inspections, it is important to accurately determine the resources needed for such inspections. OSHA established a system that uses historical data to estimate an Enforcement Unit (EU) value for enforcement activities (e.g., process safety management (PSM) inspections, musculoskeletal disorder inspections or activities resolved by OSHA’s complaint resolution process). An OSHA enforcement activity fits into a specific category and is assigned a certain number of EUs. For example, a PSM inspection, which is highly complex and takes on average 60 to 90 days, will receive more EUs than a traditional safety inspection, which may take a day or two. This system is expected to more accurately track how OSHA uses its enforcement resources, forecast future needs and account for the shift of resources to more complex enforcement activities. OSHA plans to conduct 43,696 EUs of enforcement activity in FY 2017, an increase of 2,696 EUs from FY 2016.

OSHA will work with its State Plan partners so that their occupational safety and health programs are at least as effective as Federal OSHA’s, particularly with regard to enforcement programs, which are integral to the Department’s strategic goals and objectives. Federal OSHA will continue to work with the State Plans to make sure that: resources are utilized efficiently; federal and state initiatives are consistent; and there is an increased emphasis on enforcement directed at high-hazard establishments and vulnerable workers. Requested increases in State Programs will enable State Plan states to increase their enforcement effort, conducting 43,471 inspections in FY 2017, an increase of 430 inspections from FY 2016.

**Standards:** Setting enforceable standards based on rigorous scientific research is a high priority for OSHA because rulemaking has proven to be effective at changing behavior and improving worker safety and health. OSHA’s standards and guidance cover many serious occupational safety and health hazards in a wide range of workplaces. Numerous studies and OSHA lookback reviews have demonstrated the effectiveness of various OSHA standards in reducing workplace hazards, injuries, illnesses, and fatalities.<sup>1,2,3,4,5,6,7</sup> Reductions in workplace hazards may occur even before the standards are promulgated, because employers may begin compliance efforts when they hear that OSHA is focusing on a particular workplace hazard.

The regulatory agenda for OSHA is intended to support the Department’s Strategic Plan by securing safe and healthy workplaces, particularly in high-risk industries. One of OSHA’s

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<sup>1</sup> Suruda, Anthony MD, MPH; Whitaker, Brad MSPH; Blowski, Donald PhD, PE; Philips, Peter PhD; Sesek, Richard MPH PhD (2002). *Impact of the OSHA Trench and Excavation Standard on Fatal Injury in the Construction Industry*. Journal of Occupational & Environmental Medicine: Volume 44(10), pp. 902-905.

<sup>2</sup> OSHA final report for the Excavation Standard lookback review (March 2007).

<sup>3</sup> Levin, S. M., Goldberg, M. and Doucette, J. T. (1997), The effect of the OSHA lead exposure in construction standard on blood lead levels among iron workers employed in bridge rehabilitation. *American Journal of Industrial Medicine*, 31: 303–309.

<sup>4</sup> OSHA final report for the Lead in Construction Standard lookback review (August 2007).

<sup>5</sup> Tracy B. Agerton, Francis J. Mahoney, Louis B. Polish and Craig N. Shapiro (1995), *Impact of the Bloodborne Pathogens Standard on Vaccination of Healthcare Workers with Hepatitis B Vaccine*. *Infection Control and Hospital Epidemiology*, Vol. 16, No. 5 (May, 1995), pp. 287-291.

<sup>6</sup> OSHA final report for the Grain Handling lookback review (February 2003).

<sup>7</sup> OSHA final report for the Lockout/Tagout Standard lookback review (January 2000).

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current highest rulemaking priorities is a crystalline silica rule aimed at curbing worker exposure, which can cause lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease and kills hundreds of workers and sickens thousands more each year.

Other rulemaking priorities include walking and working surfaces, improved tracking of workplace injuries and illnesses, and occupational exposure to beryllium.

Many standards, especially those for chemical exposures, remain dangerously out-of-date.

There are no Permissible Exposure Limits (PELs) for most of the thousands of chemicals used in American workplaces, and the science that forms the basis for the vast majority of existing PELs dates from the 1960s or earlier. OSHA will continue work to update the Process Safety Management (PSM) standard and other chemical standards, as well as related guidance.

As the Government Accountability Office (GAO) reported in their 2012 study “Multiple Standards Lengthen OSHA’s Standards Setting,” the complexity of the current rulemaking process makes it prohibitively difficult to issue new standards in a reasonable amount of time. OSHA is exploring new ways to approach the problem of workplace exposure to hazardous substances, including both enforcement and standard-setting.

**Whistleblower Protection and Workers’ Rights:** To achieve the strategic goal of protecting workers’ rights, OSHA enforces 22 whistleblower laws, including Section 11(c) of the OSH Act, ensuring that workers can exercise their legal rights and identify problems in their organizations without fear of retaliation. The other 21 whistleblower statutes enforced by OSHA cover airline, commercial motor carrier, consumer product, food safety, environmental, financial reform, health care reform, nuclear, pipeline, public transportation agency, railroad, maritime, automotive manufacturing, and securities laws. The Department requests additional resources in FY 2017 to continue to build its whistleblower investigative capacity and quality and improve its response to the increasing volume of new cases, which rose from 3,073 in FY 2014 to 3,288 in FY 2015. OSHA will also make improvements to its whistleblower investigator training and program management, allowing for better data collection, analysis, and efficiency.

**Compliance Assistance and Outreach:** The budget request will support OSHA’s proactive outreach, training and targeted assistance that will focus on critical safety and health issues and promote and protect opportunities for the most vulnerable workers, including limited-English proficiency workers, as well as temporary workers. There are new challenges to face with the growth of the temporary workforce, number of vulnerable workers in the most dangerous occupations, and increasing transience of workers. To address these challenges, OSHA must continually improve its efforts so that workers are empowered to get the information they need about the hazards they face, their rights under the law and their ability to exercise their rights without fear of retaliation. The agency will also continue two major campaigns launched under this administration: preventing heat-related illnesses and fatalities, and preventing fatal falls in construction. Both these campaigns target workers who are at greater risk than others, including new workers, temporary workers, or those returning to work after a week or more off.

In addition, OSHA will work with businesses of all sizes through its cooperative programs, including Voluntary Protection Programs (VPP), Strategic Partnerships and Alliances to help prevent injuries, illnesses and fatalities. In particular, VPP recognizes employers and workers in industry and federal agencies who have implemented effective safety and health management

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systems and who maintain injury and illness rates below the national average for their industries. With the requested increase for Federal Compliance Assistance, OSHA expects to increase its cooperative program activity in FY 2017, increasing number of approved VPP sites by 20 to 335, Strategic Partnerships by two to 12, and Alliance by four to 15.

OSHA will continue to provide technical and compliance assistance to small businesses. OSHA's On-site Consultation Program, the agency's premier small business health and safety assistance program, will use the requested funding to continue to provide free and confidential workplace safety and health advice to small and medium-sized businesses in all States across the country, with priority given to high-hazard worksites. Since 2012, OSHA has been working with the Department of Labor Office of the Assistant Secretary for Policy (OASP) Chief Evaluation Office (CEO) to examine various factors affecting the On-site Consultation Program. For example, the study entitled, "Evaluation of the OSHA On-site Consultation Program (OSC): The Effect of High-Rate Letters on OSC Requests," was completed in 2015 and provided preliminary evidence that the high-rate letters increase requests for the Consultation Program. A second study is underway on to estimate the impact of the Consultation Program on future injury/illness rates in the nursing home industry.

## BUDGET ACTIVITIES

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

*Safety and Health Standards:* The Safety and Health Standards budget activity request for FY 2017 is \$23,173,000 and 88 FTE, an increase of \$3,173,000 and three FTE from the FY 2016 Enacted level. This includes a program increase of \$2,450,000 and three FTE, which will enable the agency to implement Executive Order (EO) 13650 to modernize OSHA's PSM Standard, improve other chemical-related standards and develop related guidance materials.

*Federal Enforcement:* The Federal Enforcement budget activity request for FY 2017 is \$225,972,000 and 1,570 FTE, an increase of \$17,972,000 from the FY 2016 Enacted level. This includes program increases totaling \$9,400,000 and 60 FTE. Of the requested funding, \$2,700,000 and 20 FTE would enable OSHA to implement EO 13650 by enhancing enforcement efforts at chemical facilities. An additional \$6,700,000 and 40 FTE is requested to support the additional inspection workload resulting from a new electronic recordkeeping regulation requiring employers to report work-related hospitalizations, as well as amputations and losses of an eye.

*Whistleblower Programs:* The Whistleblower budget activity request for FY 2017 is \$21,604,000 and 157 FTE, an increase of \$4,104,000 and 22 FTE from the FY 2016 Enacted level. This request includes a program increase of \$3,402,000 for: 10 FTE for field Investigators to address increased workload in FY 2016; seven FTE for Investigative Assistants to reduce the administrative burden on whistleblower Investigators and supervisors and improve case processing efficiency; and five FTE to handle training and program management activities including statistical analysis, IT development, and auditing functions.



## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

State Programs: The State Programs budget activity request for FY 2017 is \$104,337,000, an increase of \$3,487,000 from the FY 2016 Enacted level. The request includes an increase of \$1,350,000 to give State Plan States the resources to enhance enforcement of their safety and health whistleblower protection programs. An additional request of \$2,137,000 will provide State Plan States with the resources to run programs that are as effective as OSHA's Federal Enforcement.

Technical Support: OSHA requests \$25,404,000 and 108 FTE for the Technical Support activity, an increase of \$935,000 from the FY 2016 Enacted level.

Federal Compliance Assistance: The Federal Compliance Assistance budget activity request for FY 2017 is \$72,783,000 and 257 FTE, an increase of \$4,350,000 and 10 FTE from the FY 2016 Enacted level. The request includes an increase of \$1,500,000 to restore 10 Compliance Assistance Specialist positions, which would enable OSHA to provide employers and workers training, assistance, or information about OSHA programs and initiatives such as new standards, national emphasis programs, and emerging issues.

State Compliance Assistance: The State Compliance Assistance budget activity request for FY 2017 is \$59,775,000, an increase of \$2,000,000 from the FY 2016 Enacted level. The increase would allow OSHA to restore minimum staffing levels for Consultation Projects, train Consultants to perform PSM inspections, and support Rapid Response Investigations required under OSHA's revised rule for reporting fatalities and severe injuries.

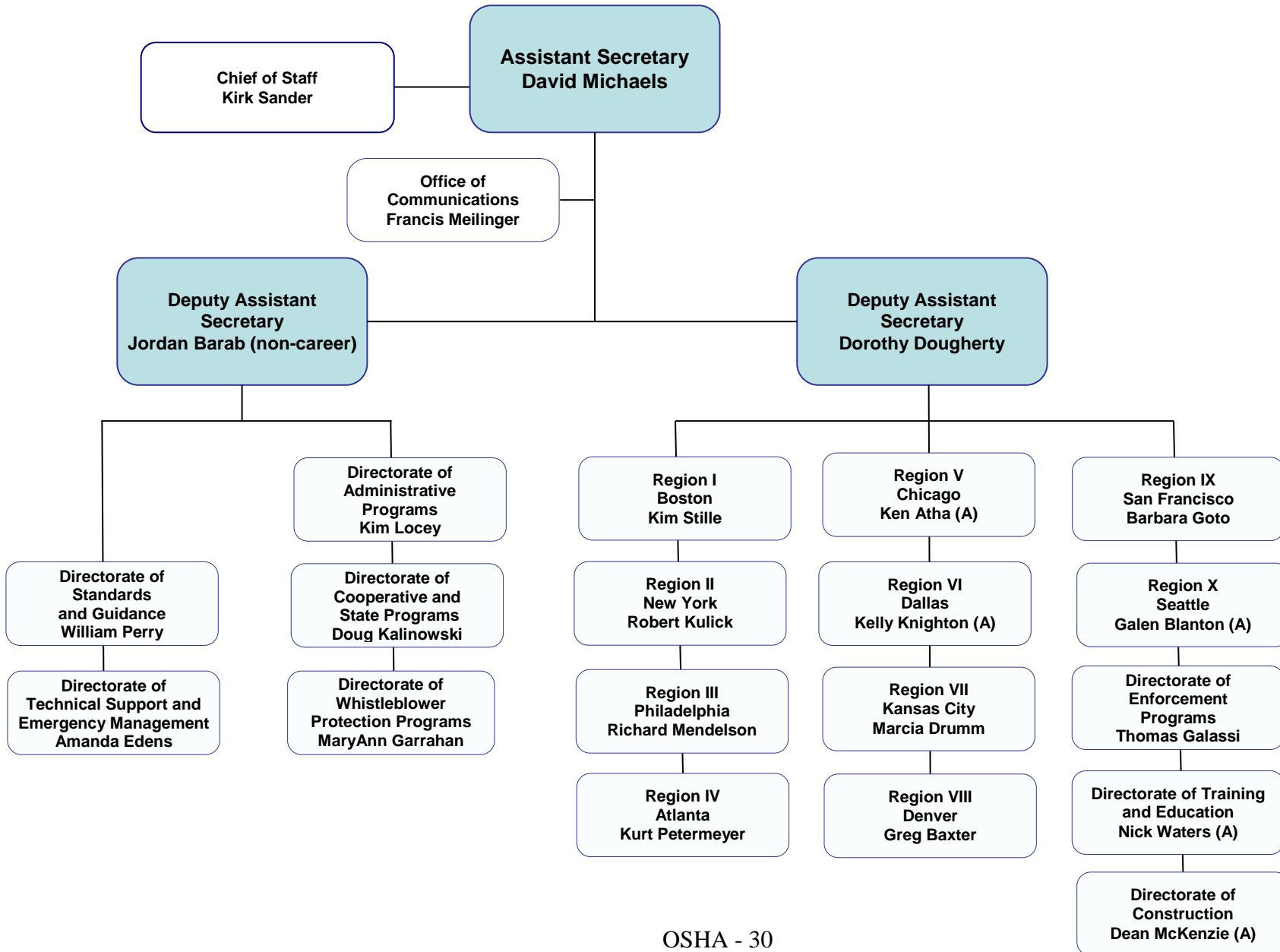
Training Grants: The Compliance Assistance – Training Grants budget activity request for FY 2017 is \$10,537,000, which is level with the FY 2016 Enacted level.

Safety and Health Statistics: The Safety and Health Statistics budget activity request for FY 2017 is \$40,095,000 and 46 FTE, an increase of \$5,845,000 from the FY 2016 Enacted level. This includes program increases totaling \$5,400,000 and five FTE. The request includes a program increase of \$3,000,000 to consolidate OSHA's existing databases within DOL's consolidated database center. OSHA also is asking for \$1,500,000 to support a new injury and illness tracking system. An additional request of \$900,000 and five FTE would support a new data analytics unit.

Executive Direction: The Executive Direction budget activity request for FY 2017 is \$11,343,000 and 47 FTE, an increase of \$370,000 from the FY 2016 Enacted level. This activity provides overall leadership, direction, and support for agency operations.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## ORGANIZATION CHART



## SAFETY AND HEALTH STANDARDS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>20,000</b>	<b>20,000</b>	<b>23,173</b>	<b>3,173</b>
FTE	79	85	88	3

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 90.

### **Introduction**

The development of occupational safety and health standards and guidance is a key component to achieving effective, efficient government that works better, costs less and supports economic growth consistent with the President’s Management Agenda. OSHA aims to use regulatory safeguards to eliminate or reduce hazards with the broadest and most serious consequences as identified through rigorous scientific investigation. OSHA’s standards and guidance documents cover many serious occupational safety and health hazards in a wide range of workplaces, including construction, general industry, and maritime. Numerous studies and OSHA lookback reviews have demonstrated the effectiveness of various OSHA standards in reducing workplace hazards, injuries, illnesses, and fatalities.<sup>8,9,10,11,12,13,14</sup> Reductions in workplace hazards may occur even before the standards are promulgated because employers may begin compliance efforts when they hear that OSHA is focusing on a particular workplace hazard.

As envisioned by Congress in adopting the Occupational Safety and Health Act of 1970 (OSH Act), occupational safety and health standards provide employers and employees with a blueprint to follow when establishing safe and healthful working conditions in an establishment. When these standards are promulgated, updated as appropriate, and enforced, they form the basis for improved working conditions and reductions in workplace-related fatalities, illnesses, and injuries. At the same time, OSHA standards preserve jobs and encourage economic growth.

The standard-setting process is complex, carrying with it the force of law, and involving many different steps and comprehensive stages of review so that standards protect workers by the most effective and least burdensome means possible. OSHA’s rules must be accompanied by analyses that clearly establish the risk of the hazard being addressed, offer proof that the new standard will reduce that risk, and make sure that the proposed requirements are technologically and economically feasible. The agency must meet the legal and administrative requirements under

<sup>8</sup> Suruda, Anthony MD, MPH; Whitaker, Brad MSPH; Blowski, Donald PhD, PE; Philips, Peter PhD; Sesek, Richard MPH PhD (2002). *Impact of the OSHA Trench and Excavation Standard on Fatal Injury in the Construction Industry*. Journal of Occupational & Environmental Medicine: Volume 44(10), pp. 902-905.

<sup>9</sup> OSHA final report for the Excavation Standard lookback review (March 2007).

<sup>10</sup> Levin, S. M., Goldberg, M. and Doucette, J. T. (1997), *The effect of the OSHA lead exposure in construction standard on blood lead levels among iron workers employed in bridge rehabilitation*. American Journal of Industrial Medicine, 31: 303–309.

<sup>11</sup> OSHA final report for the Lead in Construction Standard lookback review (August 2007).

<sup>12</sup> Tracy B. Agerton, Francis J. Mahoney, Louis B. Polish and Craig N. Shapiro (1995), *Impact of the Bloodborne Pathogens Standard on Vaccination of Healthcare Workers with Hepatitis B Vaccine*. Infection Control and Hospital Epidemiology, Vol. 16, No. 5 (May, 1995), pp. 287-291.

<sup>13</sup> OSHA final report for the Grain Handling lookback review (February 2003).

<sup>14</sup> OSHA final report for the Lockout/Tagout Standard lookback review (January 2000).

## **SAFETY AND HEALTH STANDARDS**

the OSH Act, other applicable legislation passed by Congress, and Executive Orders. To produce the best regulatory decision-making, these analyses require sophisticated technical research and multiple opportunities to collect comments and information from the public and affected workers and industries. OSHA’s scientific analyses that support these rules must also be peer-reviewed, and a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel must be conducted when the proposed standard has the potential to produce a significant impact on small businesses. All of OSHA’s standards must conform to requirements under the Data Quality Act. Once finalized, OSHA standards become: (1) obligatory safety and health requirements for employers; (2) the basis for federal enforcement actions; (3) a minimum level of effectiveness for state occupational safety and health standards; and (4) a point of reference for compliance assistance and outreach efforts to reduce workplace fatalities, injuries, and illnesses.

The agency's regulatory activities are also complemented by the development of non-regulatory guidance products that cover a wide variety of occupational safety and health hazards. Guidance products allow the agency to inform workers and employers about new or emerging safety and health issues more expeditiously than through the formal rulemaking process, enabling OSHA to recommend measures that employers and employees can implement to address new safety and health issues. In both its regulatory and non-regulatory efforts, the agency uses a scientific, common sense, and plain-language approach so that safety and health hazards are effectively addressed and that steps to improved workplace safety and health are easily understood.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2012	\$19,962	99
2013	\$18,918	96
2014	\$20,000	96
2015	\$20,000	90
2016	\$20,000	85

### **FY 2017**

OSHA requests \$23,173,000 and 88 FTE for the Safety and Health Standards activity, an increase of \$3,173,000 from the FY 2016 Enacted level. This includes a program increase of \$2,450,000 and three FTE for resources to support EO 13650 titled, “Improving Chemical Facility Safety and Security,” to respond to and prevent incidents such as the 2013 West Fertilizer catastrophe in West, Texas. The request also includes \$403,873 for the restoration of FY 2016 inflationary built-ins not provided.

OSHA will use the requested increase to modernize its process safety management (PSM) standard and other chemical-related standards (e.g., ammonium nitrate storage updates and clarifications in the explosives and blasting agents standard), and to develop several related guidance documents in consultation with other federal agencies. The PSM standard has been effective in improving process safety and preventing chemical plant catastrophes in the United States and protecting workers (and, by extension, communities) from many of the hazards

## **SAFETY AND HEALTH STANDARDS**

associated with uncontrolled releases of highly hazardous chemicals. However, major incidents, such as the 2013 West Fertilizer explosion, have continued to occur. While some are the result of employers' failure to follow the existing regulations, others suggest the need for strengthening the regulation and expanding its scope. While these catastrophic incidents may be infrequent, they can cause multiple fatalities and injuries. The proposal will help OSHA overcome obstacles to effective enforcement, implement advancements in management practices for reducing risk and controlling hazards, and protect workers from previously unregulated chemical hazards.

In FY 2017, OSHA expects to publish final rules on beryllium and revised respirator fit test methods. Additionally, the agency will issue notices of proposed rulemaking on infectious diseases, emergency preparedness and response, and an update to the hazard communication standard to accommodate the latest revisions of the Globally Harmonized System of Chemical Hazard Communication (GHS). It should be noted that, when finalized, the infectious diseases standard is expected to improve not only worker protections, but also yield substantial ancillary benefits to patients and the health insurance system (including Medicare and Medicaid) through reduced healthcare-associated infections. The agency also expects to issue a request for information on revisions to the standard on powered industrial trucks. This retrospective review is in accordance with E.O. 13563, "Improving Regulation and Regulatory Review."

### **FY 2016**

In FY 2016, OSHA will prioritize moving to final rule those proposed rules for which the record has closed, including Crystalline Silica. Additionally, the agency will move to finalize its recordkeeping modernization rule and the substantial update to regulations in Subparts D and I, which address walking working surfaces and fall protection. The agency will also complete a final rule to update our standard on eye and face protection. The agency expects to issue two notices of proposed rulemaking on revised respirator fit testing methods and the fourth iteration of our Standards Improvement Project (SIP). Both of these proposals will result in substantial burden reductions for the public. Additionally, the SIP proposal includes the removal of requirements to include social security numbers on medical and exposure records from all OSHA standards in an effort to improve the security of personal identity information.

In FY 2016, OSHA expects to conclude two SBREFA panels on process safety management and backing operations in construction. The agency has created a workgroup for one of OSHA's federal advisory committees to help the agency develop draft regulatory text on emergency preparedness and response. The agency has added several new topics to the regulatory agenda that it intends to explore through stakeholder meetings or requests for information. These include: shipyard scaffolding and fall protection, updates to power presses standards, lockout/tag-out, revocation of obsolete permissible exposure limits, 1-bromopropane, and tree care. Most of these new topics are retrospective reviews that the agency has identified in accordance with E.O. 13563. OSHA will also produce additional guidance products. Much of this work is centered on safety and health management systems. Substantial work will be done in FY 2016 to further additional rulemaking in FY 2017 on those rules on the agency's regulatory agenda that have not yet reached the final rule stage. During FY 2016, OSHA will also work towards development of a final rule on beryllium and proposed rules on infectious diseases and an update to the hazard communication standard to accommodate the latest revisions to GHS.

## **SAFETY AND HEALTH STANDARDS**

### **FY 2015**

In FY 2015, OSHA issued three Final Rules (i.e., Confined Spaces in Construction; Whistleblower Complaints under Sarbanes-Oxley Act; and Whistleblower Complaints under the National Transit Systems Security Act and the Federal Railroad Safety Act) and three Notices of Proposed Rulemaking (i.e., Beryllium; an update to Eye and Face Protection; Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness). The agency also initiated SBREFA reviews for one rule (Infectious Diseases). In addition, OSHA produced a variety of guidance products, including fact sheets, films and e-tools, such as a tool for developing safety and health programs and a tool to train interested persons in hazard recognition. OSHA also did substantial work on revising and updating the 1989 guidelines. Additionally, OSHA issued Requests for Information on Chemical Management and Permissible Exposure Limits and Communication Tower Safety.

OSHA devoted substantial resources to continue analyzing the record to develop a final rule for Occupational Exposure to Silica to be issued in FY 2016. OSHA also convened an expert working group under the National Advisory Committee for Occupational Safety and Health to assist the agency in developing revised standards for emergency response workers.

OSHA continued substantial work toward improving chemical facility safety in coordination with the interagency Chemical Facility Safety and Security Working Group, established under E.O. 13650, which directed OSHA and other agencies to better address the prevention of explosions such as the one that occurred in West, Texas through new regulations, enforcement, and interagency cooperation. Lastly, OSHA met all of its obligations under the Federal Action Plan published in a report to the President in FY 2014.

## SAFETY AND HEALTH STANDARDS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Safety and Health Standards</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
OSHA-STAN-01	Notices of Proposed Rulemaking	4	3	2	3
OSHA-STAN-02	Final rules	4	3	4	2
OSHA-STAN-03	Guidance/Informational Materials	20	20	27	27
OSHA-STAN-04	SBREFA Reviews	3	1	2	2

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

## **SAFETY AND HEALTH STANDARDS**

### **Workload Summary**

In FY 2017, OSHA projects that it will focus on issuing two final rules. These include a final rule on beryllium, as well as the burden-reducing rule on additional Respirator Fit Test methods. The agency also expects to issue three notices of proposed rulemaking, including: infectious diseases, emergency response and preparedness, and an update to the hazard communication standard (necessary to meet U.S. treaty obligations related to globally harmonized systems (GHS)). Additionally, OSHA plans to initiate SBREFA review on two rules. The agency also will produce guidance products. It should be noted that many of the agency's rulemaking activities are retrospective reviews to revise and update existing standards in ways that will better protect workers and, where possible, reduce burden on employers.



## SAFETY AND HEALTH STANDARDS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	8,906	8,740	9,446	706
11.3	Other than full-time permanent	19	75	75	0
11.5	Other personnel compensation	95	84	84	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>9,020</b>	<b>8,899</b>	<b>9,605</b>	<b>706</b>
12.1	Civilian personnel benefits	2,896	2,848	3,121	273
13.0	Benefits for former personnel	0	14	14	0
21.0	Travel and transportation of persons	205	173	206	33
22.0	Transportation of things	6	0	0	0
23.1	Rental payments to GSA	1,023	987	1,066	79
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	0	0	0	0
24.0	Printing and reproduction	280	775	775	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	3,476	2,069	3,896	1,827
25.3	Other goods and services from Federal sources 1/	2,878	4,002	4,210	208
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	50	214	220	6
31.0	Equipment	25	19	60	41
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	141	0	0	0
	<b>Total</b>	<b>20,000</b>	<b>20,000</b>	<b>23,173</b>	<b>3,173</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,419	3,977	4,185	208
	DHS Services	29	25	25	0
	Services by Other Government Departments	430	0	0	0

# SAFETY AND HEALTH STANDARDS

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$140
Personnel benefits	42
Two days less of Pay	-69
Federal Employees' Compensation Act (FECA)	10
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	33
Rental payments to others	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	164
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** **\$320**

**Net Program** **\$2,853**

**Direct FTE** **3**

	Estimate	FTE
<b>Base</b>	<b>\$20,320</b>	<b>85</b>
<b>Program Increase</b>	<b>\$2,853</b>	<b>3</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

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<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>208,000</b>	<b>208,000</b>	<b>225,972</b>	<b>17,972</b>
FTE	1,420	1,510	1,570	60

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 1,541.

### **Introduction**

This 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). Compliance with the OSH Act is obtained by balancing both cooperative and enforcement components. OSHA’s cooperative programs provide essential training and outreach to employers and the worker community. Furthering these collaborative efforts is essential to promoting safe and healthy workplaces. Additionally, to ensure compliance with OSHA standards, reduce workplace hazards, and prevent fatalities, OSHA also conducts physical inspections of worksites and facilities, and where violations are found, levies penalties and requires abatement of hazards. OSHA utilizes a mix of unprogrammed inspections (e.g., investigating complaints, including claims of imminent danger, and serious accidents involving fatalities, amputations, and in-patient hospitalizations) and programmed inspections (proactive, objective approaches to specific workplace hazards or high-hazard workplaces identified by researching injury/illness data and emerging threats).

OSHA’s enforcement strategies target the most egregious and persistent violators through a combination of special enforcement programs and outreach initiatives. By reaching the most hazardous worksites, OSHA not only helps secure safe and healthy workplaces and reduce workplace injuries, illnesses, and deaths, but also protects the vulnerable workers who are most likely to work under hazardous conditions.

OSHA’s mandate to assure America’s workers have safe and healthy workplaces also supports economic growth. Injured workers are unable to participate in the workforce, and their medical costs are a burden on both their families and the economy. The agency prevents injuries, saves employers money, and protects jobs when it dis-incentivizes endangering the health of workers. As noted in a 2012 study published in *Science* entitled “Randomized Government Safety Inspections Reduce Worker Injuries with no Detectable Job Loss,<sup>15</sup>” enforcement inspections result in safer workplaces and provide employers significant savings through reduced workers’ compensation costs.

OSHA enforcement supports President Obama’s Second Term Management Agenda and its goal of effective, efficient government that works better, costs less, and supports economic growth. Additionally, it supports DOL’s strategic objective of *securing safe and healthy workplaces*,

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<sup>15</sup> Levine, D., Toffel, M., & Johnson, M. (2012). *Randomized government safety inspections reduce worker injuries with no detectable job loss*. *Science*, 336(6083), 907-911.

## FEDERAL ENFORCEMENT

*particularly in high-risk industries*, through strategically scheduled inspections and outreach in high-risk areas, in addition to mandated enforcement activity.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$207,754	1,583
2013	\$207,929	1,542
2014	\$207,785	1,542
2015	\$208,000	1,541
2016	\$208,000	1,510

### FY 2017

OSHA requests \$225,972,000 and 1,570 FTE for the Enforcement activity, an increase of \$17,972,000 and 60 FTE from the Enacted level. This includes a program increase of \$2,700,000 and 20 FTE to support the EO 13650, “Improving Chemical Facility Safety and Security.” It also includes an increase of \$6,700,000 and 40 FTE to manage the increase in investigations resulting from new reporting of hospitalizations and amputations. In FY 2017, OSHA plans to conduct enforcement activity for an Enforcement Unit (EU) value of 43,696. This will be an increase of 2,696 EUs from FY 2016. OSHA will continue its strong commitment and emphasis on the enforcement of occupational safety and health standards and regulations as an effective deterrent to employers who put their workers’ lives at risk. The agency will build on current efforts to further its mission and priority performance goal to reduce workplace injuries, illnesses and fatalities through enforcement. The request also includes \$5,505,638 for the restoration of FY 2016 inflationary built-ins not provided.

### Chemical Facility Safety

As a co-chair of the Chemical Facility Safety and Security Working Group tasked with implementing the EO 13650, “Improving Chemical Facility Safety and Security,” OSHA along with other agencies, including the Department of Homeland Security and the Environmental Protection Agency (EPA), is working to identify and implement ways to enhance safety and security at chemical facilities, and improve response procedures when events occur. In light of the 2013 West Fertilizer catastrophe in West, TX, and the potential for other low frequency but high impact events, including those at PSM-covered chemical plants and refineries, OSHA is requesting funding for additional Compliance Safety and Health Officers (CSHOs) to conduct PSM inspections and staff in the Directorate of Enforcement Programs to assist with the research and support of highly technical abatement solutions for the anticipated increase in PSM workload. It is critical that OSHA has sufficient numbers of trained inspectors in this area to maintain a high level of expertise. The CSHOs will conduct the labor-intensive inspections of highly complex sites. Without the additional inspectorate resources, the agency will have to divert CSHO staff from other programmed inspections.

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## Reporting Hospitalizations and Amputations

To manage the expected increase in investigations resulting from OSHA's rule that requires employers to report hospitalizations and amputations, the agency is requesting resources to hire and train additional CSHOs needed to ensure the abatement of hazards. The final rule required employers to report work-related fatalities to OSHA within eight hours of the fatality and all work-related in-patient hospitalizations, as well as amputations and losses of an eye, to OSHA within 24 hours of the injury. Analysis of the final rule projects that 112,000 work-related hospitalizations and an additional 5,000 amputations not requiring hospitalizations occur each year nationwide. The first year the rule was in effect, analysis of the data collected from employer reported hospitalizations and amputations shows that OSHA can expect an increased workload of at least 12,000 severe injury reports. Given the magnitude of the increase, OSHA plans to handle a percentage of the reports through a process similar to the current policy regarding non-formal complaints. With this process, shortly after the hospitalization or injury, a CSHO will engage with the employer and if the incident meets certain criteria and the employer commits to abating the problem, the employer generally will not receive an on-site inspection. The employer will be required to report to the local Federal OSHA area office on measures taken to abate or correct the hazards reported. While the use of this non-formal process will help manage some of the increased workload resulting from new reports to the agency, it will not manage the entire workload increase. Without the additional 40 FTE, the agency will be forced to shift resources from programmed inspections to respond to the reports, limiting enforcement staff and presence in high hazard industries. These additional FTE would also be available to handle inspections on an as-needed basis. The first year of the employer reported injury and illness data shows that OSHA's programmed inspection percentage dropped from 53 percent to 47 percent.

## Programmed Inspections and Emphasis Programs

In FY 2017, OSHA will heavily utilize National, Regional and Local Emphasis Programs to direct enforcement resources to the most hazardous worksites and industries and to address emerging threats to worker safety. The additional 40 FTE brought on board for severe injury reporting can also support OSHA's Emphasis Programs as well as the use of Corporate-Wide Settlement Agreements (CSAs) to abate hazards throughout the corporate structure of large employers who exhibit a pattern of non-compliance corporate-wide. The agency also will rely on the Severe Violators Enforcement Program (SVEP) in FY 2017 to target employers who have demonstrated recalcitrance or indifference to the OSH Act. These targeting efforts enable the agency to direct key resources based on the safety and health conditions of the workplace.

## **FY 2016**

In FY 2016, OSHA plans to conduct a total of 33,615 federal inspections and target a total EU value of 41,000, which is the baseline for the Enforcement Weighting System. With the new Enforcement Weighting System, OSHA looks to increase its enforcement activities in specific categories of high hazard areas of employment. OSHA will continue its strong commitment and emphasis on the enforcement of occupational safety and health standards and regulations as an

## FEDERAL ENFORCEMENT

effective deterrent to employers who put their workers' lives at risk. The agency will build on current efforts to further its mission to reduce workplace injuries, illnesses and fatalities through enforcement.

### Enforcement Weighting System

OSHA will fully implement the Enforcement Weighting System in FY 2016. The system was first piloted in FY 2014 and continued in FY 2015. In order to more accurately capture the different resources used to conduct more complex inspections (e.g., process safety management inspections, musculoskeletal disorder inspections or activities resolved by OSHA's complaint resolution process), OSHA established a system that uses historical data to estimate an "enforcement unit" (or "EU") for enforcement activities. Each enforcement activity is assigned a specific number of EUs as determined by the level or resources it uses. For example, a PSM inspection will receive more EUs than a traditional safety inspection. The EUs vary for each enforcement activity based on the weighting resources used. This system is expected to more accurately capture the effort and effectiveness of OSHA's enforcement program than simply counting inspections conducted. OSHA will use the enforcement weighting system and EU estimates to better identify and track how resources are used to conduct a variety of enforcement activities and forecast the resources it will need for the future. It will also allow OSHA to account for and shift resources towards more complex hazards and provide greater protections to workers.

### Programmed Inspections and Emphasis Programs

In FY 2016, OSHA will continue its focus on National, Regional and Local Emphasis Programs to direct enforcement resources at the most hazardous worksites and industries and to address emerging threats to worker safety. The agency will continue to use CSAs to abate hazards throughout the corporate structure of large employers who exhibit a pattern of non-compliance corporate-wide. The agency also will rely on SVEP in FY 2016 to target employers who have demonstrated recalcitrance or indifference to the OSH Act. These targeting efforts enable the agency to direct key resources based on the safety and health conditions of the workplace.

Although OSHA revised the Process Safety Management Chemical Facilities National Emphasis Program and issued a National Emphasis Program on Amputations, these enforcement efforts may not be fully implemented in FY 2016 due to lack of additional personnel. OSHA anticipates full implementation in FY 2017 with the award of additional FTE.

### Responding to Workers' Voices

Responding to worker complaints will remain a priority for OSHA in FY 2016. OSHA will continue to enhance its complaint-based inspection system, improving the procedures for filing a complaint electronically and converting it to a formal complaint. Simplifying and enhancing the receipt and analysis of complaints is necessary for providing optimal protection to American workers and enhancing their voices, a key focus for the agency.

# FEDERAL ENFORCEMENT

## FY 2015

### Total Inspections and Increased Focus on Health

OSHA conducted a total of 35,822 federal inspections – 28,905 safety inspections and 6,917 health inspections - an increase of 99 health inspections from FY 2014 even though there was a net loss of CSHOs during the fiscal year. OSHA planned to shift its emphasis in enforcement to health inspections, however the reporting of hospitalizations and amputations greatly shifted work away from programmed inspections to unprogrammed inspections, the vast majority of which were safety inspections.

### Enforcement Weighting System

In FY 2015, OSHA worked to perfect and mainstream a new method to track enforcement activity called the Enforcement Weighting System. As discussed above, the system uses metric called an Enforcement Unit (EU). OSHA's shift to accounting for more complex inspections was occurring within a measurement framework that simply counted the total number of inspections, with little consideration of the varying degree of resources requirements for different types of inspections. An accurate reflection of the contribution of these complicated types of enforcement activities was needed.

### The Temporary Worker Initiative

OSHA has assured better protection to American workers by developing compliance assistance and enforcement guidance tailored to a rapidly changing workplace. One example of this is the agency's initiative to develop a better understanding of those in the temporary worker industry. Temporary workers represent a unique sector of the workforce, as shared areas of responsibility and often difficult communication/coordination challenges are created when workers are employed by one company, but managed by another. This challenge is further complicated because many temporary workers are low income and/or are not native speakers of English. This makes it less likely that these workers are aware of their rights under the OSH Act, or how to obtain redress when those rights are violated by one or both companies. This area of the economy has seen faster-than-average growth in employment in the last several years, meaning that the numbers of workers which may be exposed to risk in these complex scenarios is increasing.

To address this problem, OSHA worked with the industry to gather information on the nature of the challenges these workers face; created and disseminated bulletins, which will assist employers; continued coding and categories in its data collection which will allow a more careful and nuanced tracking of these cases going forward; and continued guidance and training for OSHA compliance officers so that they are better informed and prepared to address the safety and health needs of this population. OSHA continued developing all of these strategies in its approach to this issue throughout FY 2015.

## **FEDERAL ENFORCEMENT**

### Programmed Inspections and Emphasis Programs

In FY 2015, OSHA continued to expand its use of Emphasis Programs which directed enforcement resources at the most hazardous worksites and industries and addressed emerging threats to worker safety. It was critical to use these targeting tools because, with the elimination of the OSHA Data Initiative (ODI), OSHA conducted approximately 1,000 fewer Site Specific Targeting (SST) inspections in FY 2015 compared to FY 2014.



## FEDERAL ENFORCEMENT

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Federal Enforcement</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
<b>Federal Compliance Inspections</b>					
OSHA-FCI-01op	Safety Inspections	29,883	28,905	27,061	28,261
OSHA-FCI-02op	Health Inspections	7,602	6,917	6,554	7,091
OSHA-FCI-05	Federal Agency Inspections	563	853	850	860
OSHA-FCI-08	Phone and Fax non-formal investigations	17,709	17,444	17,750	17,800
OSHA-FCI-06	Enforcement Units	--	--	41,000	43,696
OSHA-FCI-09	Severe Injury Reporting – Rapid Response Investigations	--	--	5,880	6,370
OSHA-FCI-10	Severe Injury Reporting – Severe Injury Inspections	--	--	4,440	4,810
OSHA-PG-01op	Construction fatality rate decrease from baseline (Rate is deaths per 100,000 workers).	8.6	8.2	8.6	8.6
OSHA-PG-02op	General industry fatality rate decrease from baseline (Rate is deaths per 100,000 workers).	0.9	0.8	0.9	0.9
OSHA-PG-03op	Federal Agency total case rate for injuries and illnesses	2.48	2.48	2.48	2.48

## FEDERAL ENFORCEMENT

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
OSHA-PG-04op	Federal Agency lost time case rate for injuries and illnesses	1.19	1.19	1.19	1.19
OSHA-SST-02	Site Specific Targeting (SST)	775	--	0	0
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
OSHA-CMPL-01op	Percent of worker complaints that have an inquiry initiated within one working day or an on-site inspection initiated within five working days	95%	95%	95%	95%
OSHA-CMPL-03	Formal complaints received	9,000	9,287	9,000	9,000

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

## FEDERAL ENFORCEMENT

### Workload Summary

OSHA will continue its strong commitment to and emphasis on the enforcement of standards and regulations that serve as an effective deterrent to employers who put their workers' lives at risk. The agency plans to build on current efforts to further achieve its priority of reducing workplace injuries, illnesses and fatalities through enforcement. In FY 2015, OSHA completed a total of 35,822 federal inspections (28,905 safety inspections and 6,917 health inspections). The agency continued an aggressive hiring and training effort to increase the CSHO staff within limits. In FY 2016, OSHA will perform 33,615 inspections and will shift to using the Enforcement Weighting System with the goal of 41,000 EUs. In FY 2017, with additional CSHO resources, OSHA plans to accumulate 43,696 EUs (or 35,352 inspections as compared with the previous measure.). OSHA continues to shift its enforcement emphasis from safety to health, to ensure health issues are being identified as significant sources of serious hazards to workers in America. Health inspections are more resource- and time-intensive for OSHA. In FY 2017, there will also be an increase in LEP/NEP inspections, in part, resulting from the increased activity under the chemical facilities and refinery NEPs.

In FY 2017, OSHA looks to increase its enforcement activity utilizing the additional compliance officers requested. The additional CSHO resources will enable OSHA to increase its response to the additional workload resulting from the new requirements of the recordkeeping and reporting rule related to in-patient hospitalizations and amputations. The agency anticipates responding to the majority of these severe injury reports through rapid response investigations (RRIs), with the remainder being responded to through severe injury report inspections (SIRs). A RRI is a new, more robust, form of the traditional phone and fax non-formal investigation. The severe injury reports will continue to shift the agency's inspection activity more towards unprogrammed activity. Without the additional inspection resources, the agency will have to shift compliance officers from the field conducted programmed inspections to handle the volume of RRIs and SIRs expected. Therefore, the number of inspections overall will drop along with the important programmed inspections. Two new measures were added to report on activity associated with RRIs and SIRs, with FY 2016 as the baseline year utilizing the first calendar year of data, which is the only data available.

The CSHO FTE requested in FY 2017 will also enable OSHA to conduct more than 300 additional inspections. The additional CSHO resources in FY 2017 will result in an increase in NEP inspections and support the EO 13650, "Improving Chemical Facility Safety and Security," enacted following the 2013 West Fertilizer catastrophe in West, TX. OSHA will be able to conduct more resource-intensive inspections under the revised and re-invigorated chemical facilities NEP, which incorporates refineries. Without the additional inspection resources, the agency would conduct at least 103 fewer inspections by diverting CSHO resources from other programmed inspections and industries.

As described above, in FY 2017, OSHA will continue to use its Enforcement Weighting System, which was piloted in FYs 2014 and 2015 and fully implemented in FY 2016. OSHA is adding a new workload measure to track the enforcement weighting system: total EUs. However, the agency is still assessing the effect of the new severe-injury reporting requirement on agency resources, including its effect on total EUs. FY 2016 will be a baseline year. For FY 2017, with

## FEDERAL ENFORCEMENT

refined EU enforcement counting data and as OSHA perfects EU value estimates, the agency intends to increase its percent of inspections that fall into an EU inspection category.

For FY 2017, OSHA plans to continue its balanced enforcement approach and utilize enforcement tools for greater impact. To better target interventions and initiatives, the agency analyzes data on workplace safety and health. In FY 2015, OSHA utilized the following targeted programs to reduce workplace injuries, illnesses, and fatalities: Site Specific Targeting Program (SST); National and Local Emphasis Programs (NEPs and LEPs); the Severe Violators Enforcement Program (SVEP); and Corporate/Enterprise-Wide Settlement Agreements (CSAs).

The SST program will be phased out by FY 2016 and replaced with other targeting methods and initiatives. OSHA's NEPs and LEPs target high-hazard industries and also the particular types of hazards that lead to severe illnesses, injuries, or death. The agency continues to work with a number of ongoing NEPs (such as chemical processing, hexavalent chromium, amputations, trenching, and isocyanates). In FY 2016, the agency plans to expand NEPs and LEPs to target additional hazards to workers. OSHA plans to conduct 27,005 emphasis program inspections, an increase of 612 inspections from the FY 2015 target and of 1,155 inspections from the FY 2014 target.

SVEP increases focus on the most severe violators, leveraging enforcement actions to minimize those workplace hazards most likely to lead to injuries, illnesses, and death. Employees benefit from the focus on abatement of serious workplace hazards. In FY 2015, OSHA's Regions reported over 500 SVEP cases, with 60 percent being construction. Twenty-three general-industry related inspections resulting from referrals from ten SVEP cases were also conducted.

A CSA is an enforcement tool used when an employer is found to have a significant patterns of non-compliance with the OSH Act across multiple locations. This wider-ranging abatement program maximizes performance measures, such as the total number of employees removed from workplace hazards. In FY 2015, there were 16 active CSAs. CSA-related activities vary on a case-by-case basis and depend upon the terms of the CSA. OSHA ensures that an employer fully implements a CSA by conducting monitoring inspections and requiring abatement and audit documentation throughout the life of the CSA.

Construction employment poses a greater risk to worker safety and health. An analysis in 2010 indicated that construction accounted for seven percent of employment but 17 percent of fatalities. OSHA expects the number of construction inspections to be 16,471 in FY 2016, and 17,550 in FY 2017. The agency has also designed its C-Target program to establish OSHA's presence throughout the construction industry, primarily through inspection of construction job sites with multiple contractors.

## FEDERAL ENFORCEMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	124,371	124,222	134,183	9,961
11.3	Other than full-time permanent	577	216	216	0
11.5	Other personnel compensation	1,946	1,391	1,391	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>126,894</b>	<b>125,829</b>	<b>135,790</b>	<b>9,961</b>
12.1	Civilian personnel benefits	38,069	40,966	44,746	3,780
13.0	Benefits for former personnel	0	34	34	0
21.0	Travel and transportation of persons	7,383	7,675	7,845	170
22.0	Transportation of things	16	1	1	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	7,055	8,168	8,680	512
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	1,851	1,700	1,700	0
24.0	Printing and reproduction	34	11	11	0
25.1	Advisory and assistance services	800	147	147	0
25.2	Other services from non-Federal sources	2,449	2,674	4,515	1,841
25.3	Other goods and services from Federal sources 1/	18,962	18,959	20,214	1,255
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	1,541	258	258	0
26.0	Supplies and materials	1,084	780	852	72
31.0	Equipment	1,862	795	1,176	381
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	3	3	0
	<b>Total</b>	<b>208,000</b>	<b>208,000</b>	<b>225,972</b>	<b>17,972</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	16,667	17,137	18,392	1,255
	DHS Services	432	587	587	0
	Services by Other Government Departments	1,863	1,235	1,235	0

# FEDERAL ENFORCEMENT

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$1,988
Personnel benefits	596
Two days less of Pay	-991
Federal Employees' Compensation Act (FECA)	70
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	274
Rental payments to others	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	1,129
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** **\$3,066**

**Net Program** **\$14,906**

**Direct FTE** **60**

	Estimate	FTE
<b>Base</b>	<b>\$211,066</b>	<b>1,510</b>
<b>Program Increase</b>	<b>\$14,906</b>	<b>60</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## WHISTLEBLOWER PROGRAMS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>17,500</b>	<b>17,500</b>	<b>21,604</b>	<b>4,104</b>
FTE	132	135	157	22

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 135.

### **Introduction**

This activity supports enforcement of 22 whistleblower protection statutes, including Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act), which prohibits any person from discharging or in any manner retaliating against any employee who has exercised their rights under the Act. The whistleblower protection statutes administered by OSHA protect employees who report violations of various airline, commercial motor carrier, consumer product, food safety, environmental, financial reform, health care reform, nuclear, pipeline, public transportation agency, railroad, maritime, automotive manufacturing, and securities laws. The FY 2017 request supports the Department's Strategic Objectives of *securing safe and healthy workplaces, particularly in high-risk industries*, and *protecting workers' rights*.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2012	\$15,873	119
2013	\$15,043	115
2014	\$17,000	131
2015	\$17,500	135
2016	\$17,500	135

### **FY 2017**

In FY 2017, the whistleblower budget activity requests \$21,604,000 and 157 FTE, an increase of \$4,104,000 and 22 FTE over the FY 2016 Enacted level. This includes a net program increase of \$3,402,000 for: 10 FTE for field whistleblower investigators to address increased workload in FY 2016; seven FTE for investigative assistants to reduce the administrative burden on whistleblower investigators and supervisors and improve case processing efficiency; and five FTE to handle training and program management activities, including statistical analysis, IT development, and auditing functions. Using the strategies described below, the additional FTE will enable OSHA to complete 3,400 investigations, 200 more investigations than expected in FY 2016. Also, the agency will reduce the average age of pending investigations by 10 days and reduce the average processing time of investigations by two days. The request also includes \$496,013 for the restoration of FY 2016 inflationary built-ins not provided.

Over the past few years, OSHA has made great strides in improving its Whistleblower Protection Program and will utilize requested funds to build on those successes. OSHA will use the

## WHISTLEBLOWER PROGRAMS

resources for 10 additional field staff to further bolster its investigative activities. As the volume of new complaints continues to increase each year, OSHA needs more field investigators to keep up with the growing demand for whistleblower investigations. For example, from FY 2013 to FY 2015, the number of complaints received increased by 29 percent, from 5,842 to 7,517, which is partially attributable to the popularity of the new online complaint form that OSHA launched in the first quarter of FY 2014.

To assist with the program's large and growing volume of administrative work, OSHA is requesting seven FTE for investigative assistant positions. These additional resources will significantly alleviate the administrative burden that is currently shouldered by the regions' whistleblower investigators, first-line supervisors, and Assistant Regional Administrators (ARAs) who currently must conduct routine administrative work in addition to handling their caseloads. Specifically, OSHA needs new resources to better handle the administrative tasks that accompany each complaint and public inquiry that OSHA receives, including processing correspondence, screening new complaints, and compiling responses to information requests. A pilot of the investigative assistant position in one region resulted in more than 150 administrative closures and more than 30 "docket/dismiss" cases, a significant workload reduction for field investigators, which freed them up to conduct investigations.

An additional FTE is being requested in FY 2017 to enhance whistleblower training. OSHA will continue to develop its new whistleblower protection training program that will include new courses on basic and advanced investigative techniques for conducting whistleblower investigations. OSHA recently revised its Whistleblower Investigation Training and Education Directive. The program requires a three-year training plan for whistleblower investigators. Online web-based training modules will be developed to enhance technical training on several of the 22 whistleblower statutes. In FY 2017, there will be approximately 15 weeks of classes. As the courses are developed in response to the revised directive, there will be a need for an additional two weeks of classes to support the addition of one new course. Without the additional dedicated training FTE, the agency cannot realistically deliver the required training to investigators as outlined in the three-year training plan. In addition to conducting training, the instructor will also be responsible for the development of new courses and the redesign of existing courses and webinars.

An additional four FTE for program management will enable the agency to effectively manage the growing number of Requests for Review (RFR) of complaints filed under Section 11(c), International Safe Container Act (ISCA) and Asbestos Hazard Emergency Response Act (AHERA), as well as improved policy and procedural guidance and instruction to ensure continued compliance and consistency throughout the Program. These resources will allow OSHA to complete the organization of the Directorate of Whistleblower Protection Programs (DWPP), specifically, the customization of the operational branches to enhance the process-flow of the Directorate, as well as establish subject-matter experts (SMEs) to improve support and guidance provided to the regions. Finally, OSHA will continue to oversee the Whistleblower Protection Advisory Committee (WPAC), which actively engages stakeholders to discuss whistleblower-related trends and emerging issues, as well as the effectiveness of the agency's Whistleblower Protection Programs.



## WHISTLEBLOWER PROGRAMS

The agency also needs stronger whistleblower data, and more robust analysis of this data, to more effectively and efficiently utilize whistleblower resources. OSHA has worked extensively to improve the functionality of the whistleblower database, but existing resources have not permitted improvements to its statistical utility. As the program's investigative staff expands, the importance of audit activities to monitor the quality of the agency's whistleblower investigations will grow as well. Audits of whistleblower activities provide OSHA with critical, detailed information on the investigative program's strengths, weaknesses, and potential vulnerabilities, which helps the agency to more effectively marshal its resources and continually refine its policies and procedures. Additionally, audit results aid in OSHA's efforts to develop new training materials and tools for whistleblower managers and investigators in the field. Evaluating the performance of the program's investigative functions will be essential to ensuring that OSHA does not sacrifice quality in its efforts to keep up with workers' growing need for investigations in FY 2017 and beyond.

The FY 2017 Statistics budget activity request also positions the agency to fund the development of web-based applications to provide information to the public about the 22 statutes administered by OSHA, and to lead complainants through an interactive process for filing a complaint. The applications will provide: critical information in a format that will be easily understood by vulnerable workers about their rights; a step-by-step interactive process for filing a complaint; various statutory requirements on coverage and timing; and easy to understand information about the process for investigation and full consideration of a complaint. The funds will also be used to develop software applications that would be used by agency whistleblower investigators on mobile devices and personal computers to more accurately capture data needed to comprehensively investigate complaints. The software applications will enable the agency to replace its current whistleblower database with a modern, consolidated enterprise and an online complaint form that will allow the public to submit from the Internet. Finally, the software applications will be developed to work with the Department's plans for: a data warehouse and data mining, analytic tools for understanding trends in complaints; and to develop predictive modeling of where the agency should best invest its whistleblower program resources.

### **FY 2016**

In FY 2016, OSHA will continue to build on improvements achieved in recent years. The agency expects to receive 3,200 cases and to complete 3,200 cases. OSHA completed a comprehensive redesign of its training curriculum by issuing its first-ever training directive titled "Mandatory Training Program for OSHA Whistleblower Investigators, TED 01-00-020" on October 8, 2015. To the extent that resources allow, OSHA plans to continue to offer comprehensive training to staff through webinars and in-person training courses to provide staff with the most up-to-date tools and information available.

In FY 2015, OSHA established an Assistant Regional Administrator for Whistleblower Programs in each region, and expanded its Alternative Dispute Resolution (ADR) program nationwide. Even in the face of rising caseloads, these two improvements will help OSHA keep pace with investigative demands in FY 2016 by improving the quality and efficiency of investigations. OSHA plans to add additional functionalities to its software application to monitor the successes and outcomes of the ADR program.

## WHISTLEBLOWER PROGRAMS

OSHA recently-issued a Quality Review Tool for conducting reviews of case files that share similar features or outcomes. OSHA believes that using the tool in focused audits and as a part of routine supervisory review will be an important part of assuring quality and consistency in whistleblower investigations.

The agency will continue its efforts to improve support of whistleblower investigations in FY 2016. The Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act were finalized on November 9, 2015. OSHA plans to re-issue its Whistleblower Investigations Manual (WIM) with a first-ever chapter dedicated to information disclosure policies and procedures and update the agency's investigative standard and incorporate all previously-issued policy memoranda into the Manual. The agency plans to issue additional guidance memoranda to the field to address emerging issues, such as new case law, superseding affected segments of the Manual until they are eventually revised. OSHA also plans to continue to hold regular meetings with partner agencies to ensure effective and efficient sharing of information, to coordinate joint investigations, and to learn and share best practices. Finally, OSHA will continue to improve upon its administrative review program for complaints filed under Section 11(c) of the OSH Act, AHERA, and ISCA. OSHA also plans to complete its comprehensive national Outreach Plan, consolidating regional and national efforts into one, unified procedural document on external training, education, and technical assistance.

### **FY 2015**

OSHA continued to build upon process improvement successes in FY 2015. The agency received 3,288 new cases, while completing 3,273 cases. During FY 2015, OSHA ordered 75 reinstatements and \$24,869,335 in damages to complainants. Using the additional resources that it received in FY 2014 and FY 2015, OSHA further bolstered its investigative activities by expanding its regional management structure creating an ARA for Whistleblower Programs in each region. This structure has allowed for improved investigation quality, efficiency, and effectiveness, an essential part of OSHA's efforts to keep up with investigative demand, which continues to rise year after year. Though OSHA cannot control the volume of complaints it receives, the investigative efficiencies created by this structure has assisted OSHA in further reducing the backlog of pending investigations without sacrificing investigation quality. In FY 2015, OSHA moved forward with internal improvement initiatives that it launched in FY 2014. First, OSHA expanded the availability of its ADR program, which was previously piloted in two regional programs, to all ten regions. This expansion of the ADR program to all regions allows for greater opportunities to resolve complaint disputes through voluntary settlement agreements. Additionally, OSHA strengthened its basic whistleblower training offerings by designing and developing new courses and curricula in FY 2015, and by providing additional training through webinars. These training improvements are key to OSHA's efforts to assure quality and consistent whistleblower investigations for years to come.

OSHA also continued its efforts to improve its support of regional investigative activities by strengthening relationships with partner agencies in the field and at the national level, and by making further improvements to its administrative review program of complaints filed under

## **WHISTLEBLOWER PROGRAMS**

Section 11(c) of the OSH Act, AHERA, and ISCA. Building on improvements made over the past four years, OSHA further developed the functionality of the whistleblower database to better capture investigative activity and produce meaningful case management reports. Additionally, OSHA developed a new quality-based tool for use during case file reviews, further reinforcing the agency's national quality assurance program. Finally, OSHA revised and updated guidance materials, including the remedies and settlements chapter in the Whistleblower Investigations Manual, and published new procedural regulations to promote consistent application of policies and practices across all regions, such as the investigative standard clarification memorandum.

## WHISTLEBLOWER PROGRAMS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Whistleblower Programs</b>					
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
OSHA-WB-09op	Average age of pending whistleblower investigations.	365	317	340	330
OSHA-WB-10op	Average days to complete new complaint screening process.	20.0	15.2	17.0	15.0
OSHA-WB-01	Whistleblower investigations completed	3,050	3,273	3,200	3,400
A	Section 11(c) of the Occupational Safety and Health Act	1,739	1,951	1,871	1,953
B	Asbestos Hazard Emergency Response Act and International Safe Container Act	2	3	2	3
C	Environmental Laws: (CAA, CERCLA, FWPCA, SDWA, SWDA, TSCA)	61	52	50	69
D	Energy Reorganization Act	61	41	45	69
E	Surface Transportation Assistance Act	408	428	430	442
F	Wendell H. Ford Aviation Investment and Reform Act for the 21st Century	90	119	99	105
G	Corporate and Criminal Fraud Accountability Act, Title VIII of the Sarbanes Oxley Act	164	149	160	173
H	Pipeline Safety Improvement Act	6	8	8	8
I	Federal Railroad Safety Act	392	369	390	420

## WHISTLEBLOWER PROGRAMS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
J	National Transit Systems Security Act	18	11	23	24
K	Consumer Product Safety Improvement Act	3	13	4	5
L	Affordable Care Act	20	24	23	30
M	Seaman's Protection Act	7	9	9	9
N	Food Safety Modernization Act	44	47	48	50
O	Consumer Financial Protection Act	30	40	32	34
P	Moving Ahead for Progress in the 21st Century Act (MAP-21)	5	9	6	6

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

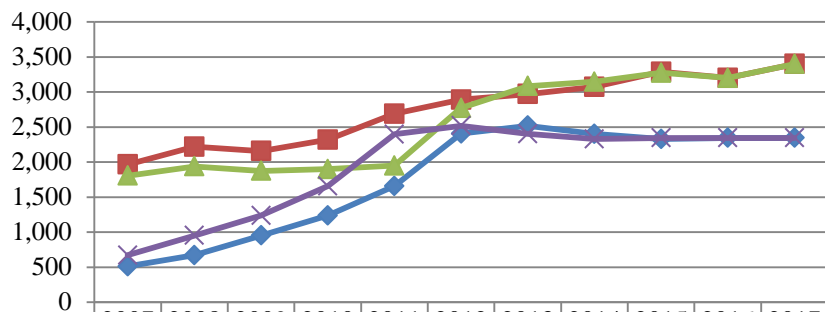
# WHISTLEBLOWER PROGRAMS

## Workload Summary

OSHA’s Whistleblower Protection Programs is entirely complaint-driven, and as such, the agency cannot control the number of new complaints that it receives each year. Over the past decade, the number of new whistleblower complaints filed with OSHA has grown steadily. OSHA anticipates that the volume of incoming whistleblower complaints will continue to increase in part because the agency’s recent customer service initiatives have made it easier for workers to report alleged retaliation by their employers. For example, the agency implemented an online form for whistleblower complaints in December 2013, which increased the number of incoming complaints received by the agency. OSHA anticipates that this filing option will contribute to continued growth in the number of new docketed whistleblower complaints received each year.

In 2015, 3,288 new cases were docketed for investigation, compared to just 1,842 new cases docketed in FY 2006. OSHA estimates that it will receive approximately 3,200 new docketed cases in FY 2016, and based on current data trends, OSHA expects to receive 3,400 docketed cases to investigate in FY 2017. OSHA completed 3,273 cases in FY 2015, but the time required to develop new whistleblower staff coupled with a flat budget allocation may result in a slight decrease in completed investigations for FY 2016. OSHA estimates that it will be able to complete 3,200 whistleblower investigations in FY 2016.

OSHA also receives several thousand complaints and inquiries each year (over 4,200 in FY 2015) that are not appropriate for investigation, but must be nonetheless screened, processed, and referred to other agencies as appropriate. As a result, OSHA’s whistleblower supervisors and investigators have seen a substantial increase in their workloads. With the additional investigator and investigative assistant FTE requested in FY 2017, OSHA will see an improvement in the timeliness of complaint screening in FY 2017 and beyond.



◆ Starting Inventory (Pending Cases at Start of FY)	510	671	952	1,237	1,657	2,405	2,517	2,402	2,329	2,344	2,344
■ New Cases Filed	1,966	2,219	2,158	2,319	2,689	2,889	2,969	3,073	3,288	3,200	3,400
▲ Cases Completed	1,805	1,938	1,873	1,899	1,949	2,771	3,083	3,146	3,273	3,200	3,400
✕ Ending Inventory (Starting Inventory + New Cases Filed) - (Cases Completed)	671	952	1,237	1,657	2,397	2,517	2,402	2,329	2,344	2,344	2,344

## WHISTLEBLOWER PROGRAMS

OSHA's estimate also takes into account that adding seven investigative assistants to regions and Directorate of Whistleblower Protection Programs (DWPP) will alleviate the investigative staff's administrative burden. In addition to their primary duties, whistleblower investigators and Regional Supervisory Investigators (RSIs) currently handle all administrative tasks without the assistance of dedicated support staff, including correspondence processing, intake of new complaints, and responding to public inquiries and requests for information. Adding these investigative assistants will provide additional resources to process more cases per year, help reducing the age of pending cases and the days needed to complete the new complaint screening process.

The additional funding in FY 2017 will also be used for training resources. Comprehensive training for all of OSHA's whistleblower staff on the policies and case law applicable for investigating complaints under 22 statutes is a challenge, but providing thorough and up-to-date training is essential to prepare the staff to effectively and consistently carry out the program's enforcement responsibilities. Additional training resources will help OSHA to meet targets under its Average Age of Pending Whistleblower Investigations and Average Days to Complete the New Complaint Screening Process performance measurements, which appear in the Department's Strategic Plan for FY 2014-2018. Also, State Plans which operate their own approved OSHA programs must include worker protection equivalent to Section 11(c) of the Act. The investigators in the State Plans need the same investigatory training, and therefore they add to the list of students eligible for these classes.

OSHA completed the development of a new Whistleblower Investigators Competency Model, similar to the model the agency has for its Compliance Safety and Health Officers. The Competency Model provides the framework for a significant retooling of the whistleblower training curriculum. Consistent with the creation of new positions at OSHA's Training Institute dedicated to training whistleblower staff, the content of the classes is being revamped. OSHA has shifted its training strategy to a model with a series of courses that focus on investigative processes such as interviewing techniques, legal aspects, case management and documentation, settlement and negotiation techniques, and similar skills that are neutral to the statutes themselves. Training of staff on the correct process and procedures is expected to have several positive results: better quality of work product, through comprehensive and accurate investigations and legally-sufficient and well-documented files; improved merit rate, by applying the correct burden of proof, shorter lapse time – building on ongoing efforts to reduce the inventory of aged cases and backlog which have already yielded results, and enhanced customer service for both complainants and respondents.

## WHISTLEBLOWER PROGRAMS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	11,077	11,141	13,692	2,551
11.3	Other than full-time permanent	12	3	3	0
11.5	Other personnel compensation	109	97	97	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>11,198</b>	<b>11,241</b>	<b>13,792</b>	<b>2,551</b>
12.1	Civilian personnel benefits	3,404	3,511	4,339	828
13.0	Benefits for former personnel	0	8	8	0
21.0	Travel and transportation of persons	504	471	1,100	629
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	852	247	272	25
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	9	370	370	0
24.0	Printing and reproduction	1	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	473	104	104	0
25.3	Other goods and services from Federal sources 1/	679	1,527	1,573	46
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	176	17	27	10
31.0	Equipment	204	3	18	15
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	1	1	0
	<b>Total</b>	<b>17,500</b>	<b>17,500</b>	<b>21,604</b>	<b>4,104</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	679	1,285	1,331	46
	DHS Services	0	6	6	0
	Services by Other Government Departments	0	236	236	0



# WHISTLEBLOWER PROGRAMS

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$178
Personnel benefits	53
Two days less of Pay	-89
Federal Employees' Compensation Act (FECA)	9
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	8
Rental payments to others	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	46
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** **\$205**

**Net Program** **\$3,899**

**Direct FTE** **22**

	Estimate	FTE
<b>Base</b>	<b>\$17,705</b>	<b>135</b>
<b>Program Increase</b>	<b>\$3,899</b>	<b>22</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## STATE PROGRAMS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>100,850</b>	<b>100,850</b>	<b>104,337</b>	<b>3,487</b>
FTE	0	0	0	0

### **Introduction**

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

OSHA's request supports DOL's Strategic objective of securing safe and healthy workplaces, particularly in high-risk industries. State Plan states conduct enforcement and regulatory activities, administer their 11(c) whistleblower protection programs, as well as a wide range of outreach, compliance assistance, and cooperative programs; and extensive training programs for workers and small businesses. Private-sector consultation is provided in all of the State Plans either through participation in the separately funded Section 21(d) program or, in three states, directly under their State Plans. OSHA works with the States to ensure that the safety and health policies of the State Programs are at least as effective as Federal OSHA's policies, particularly with regard to enforcement programs. OSHA also works with the States to use resources efficiently, ensuring that Federal and State initiatives are consistent, and include an increased emphasis on enforcement directed at high-hazard establishments. To increase consistency across OSHA programs, OSHA encourages States to participate in the development of national policy, and will require States to administer state enforcement programs that are at least as effective as national initiatives. Annually, OSHA monitors and evaluates State Plan performance. To accomplish this, OSHA meets with the State Plans collectively three times a year to discuss policy issues, and an additional three times with the State Plan Board. Additionally, OSHA monitors each State Plan individually through regular review of their State Activity Mandated Measure (SAMM), quarterly meetings, and an annual evaluation of State Plan performance. These efforts help OSHA to ensure that State Plans are maintaining policies and procedures that are at least as effective as OSHA's. Deficiencies are identified for State Plan corrective action.

# STATE PROGRAMS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$104,196	0
2013	\$98,746	0
2014	\$100,000	0
2015	\$100,850	0
2016	\$100,850	0

## FY 2017

OSHA requests \$104,337,000 for the State Programs activity for FY 2017, an increase of \$3,487,000 from the FY 2016 Enacted level. The request includes an increase of \$2,137,000 to move towards parity between the State Plans and Federal OSHA and restore the reduction to State Programs resulting from the FY 2013 sequestration. The request also includes an increase of \$1,350,000, which will enable State Plans to hire additional staff to assist with administering the 11(c) whistleblower protection programs.

In FY 2017, OSHA anticipates that with the increase in funding State Plans will conduct a total of 43,471 inspections, with 33,113 safety inspections and 9,928 health inspections, an increase of 430 inspections from FY 2016 and in-line with FY 2015 results. For FY 2017, the \$2,137,000 enforcement increase represents a two percent increase overall. OSHA expects a one percent decrease due to inflationary costs, which will result in a one percent increase in inspections. The proposed funding increase for FY 2017 will allow State Plans to continue to maintain programs that are at least as effective as the federal program.

A portion of the proposed funding increase will provide for one additional 11(c) Whistleblower position in each State Plan to better protect workers from retaliation for reporting unsafe or unhealthy working conditions or employer conduct that jeopardizes the safety and health of workers, with the goal of increasing investigation capacity by 700 in future years. In FY 2017, OSHA expects an increase of approximately 270 11(c) investigations as newly hired investigators are trained and gain experience. An increase in resources is critical for State Plans to effectively manage the growing caseload of 11(c) complaints, and reduce or eliminate case backlog. This increase will help State Plans ensure that whistleblower investigations are completed in a more timely fashion without sacrificing investigation quality.

State Plans will work with OSHA to use resources efficiently; ensure that federal and state initiatives are consistent; and emphasize enforcement at high-hazard establishments. OSHA will also continue to encourage State Plan participation in the development of national policy and adoption of federal program changes, and will require State Plans to effectively support national emphasis programs and other national initiatives. For example, OSHA will continue to work with the State Plans in adopting at least as effective penalty policies as federal OSHA, including

## STATE PROGRAMS

complying with the new statutory requirement to link penalties to the Consumer Price Index and implement a catch-up increase at the outset.

OSHA will conduct Follow-up Federal Annual Monitoring Evaluation (FAMEs) in FY 2017 to assess FY 2016 State Plan operations. As the second part of a bi-annual process, these FAMEs will focus on tracking the progress made by State Plans in addressing FY 2015 FAME findings and recommendations. State Plans will provide progress reports, as established through their corrective action plans, to demonstrate progress against deficiencies carried through the FY 2016 Follow-up FAMEs. Additionally, OSHA will continue to review State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and State Activity Mandated Measures (SAMM). Collectively, this information is used within the FAME process to evaluate State Plan effectiveness.

### **FY 2016**

In FY 2016, OSHA anticipates that State Plans will conduct a total of 43,041 inspections, with 33,113 safety inspections and 9,928 health inspections, a decrease of 430 inspections from FY 2015. The proposed flat funding for FY 2016 will pose a challenge for State Plans to continue to maintain programs that are at least as effective as the federal program, in the face of continued cost-of-living increases. This funding level will continue the trend of reduced enforcement presence within State Plans, which saw State Plans' collective enforcement inspection levels drop below 50,000 for the first time in history following sequestration.

OSHA will continue to work with State Plans to ensure adoption of at least as effective standards and policies. For example, OSHA will monitor California's, Oregon's, Kentucky's and Washington's progress in adopting fall protection requirements for residential construction that are at least as effective as OSHA's.

OSHA will also continue to encourage State Plan participation in the development of national policy and adoption of federal program changes, and will require State Plans to effectively support national emphasis programs and other national initiatives. For example, the State Plans' support and participation in the national Heat Campaign is ongoing and growing each year, with use of YouTube videos, online trainings, press releases, public billboards, mobile training vehicles, and other innovative outreach efforts. In addition, State Plans will continue to support the national initiative of Preventing Falls in Construction by issuing public service announcements, creating e-tools and holding outreach seminars.

In addition, OSHA will continue to monitor and work with the State Plans as they implement the revised Recordkeeping standard or roll out state specific standards that are at least as effective as OSHA's revised standard. Finally, OSHA expects to continue working interested states, including Montana, on the possible establishment of OSHA-approved State Plans.

OSHA will conduct Comprehensive Federal Annual Monitoring Evaluation (FAMEs) in FY 2016 to assess FY 2015 State Plan operations. As the first part of a bi-annual process, these FAMEs will include mandatory on-site case file review, focus on identifying new findings and observations, and serve to measure progress made by State Plans in addressing FY 2014 FAME

## STATE PROGRAMS

findings and recommendations. State Plans will provide progress reports, as established through their corrective action plans, to demonstrate progress against deficiencies carried through the FY 2014 Follow-up FAMEs. Additionally, OSHA will continue to review State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and State Activity Mandated Measures (SAMM). Collectively, this information is used within the FAME process to evaluate State Plan effectiveness.

### **FY 2015**

In FY 2015, OSHA received a \$400,000 increase to fund the federal portion of a new Public Employee Only State Plan in Maine. This new plan now provides coverage for 82,125 Maine state and local government workers. Under the OSH Act, state and local government workers are specifically excluded from federal OSHA jurisdiction and can receive formal OSHA coverage only through an OSHA-approved State Plan.

The remaining \$450,000 of the FY 2015 increase was distributed to bring all of the State Plans to 96.8 percent of their FY 2013 Base Award Level. In the face of inflation over the years, this small lagging increase was insufficient to maintain staffing and enforcement activity, and as a result, there was sharp decrease of 3,204 inspections from FY 2014 levels (46,909) to FY 2015 levels (43,471). Nevertheless, OSHA's State Plan partners have strived to maintain programs that are at least as effective as the Federal program, while working with OSHA to use resources efficiently; ensure that Federal and State initiatives are consistent; and emphasize enforcement at high-hazard establishments. However, this job becomes harder and harder as inflation takes its toll and State Plan funding continues to fall flat.

OSHA has also continued to encourage State Plan participation in the development of national policy and adoption of federal program changes, and has required State Plans to effectively support national emphasis programs and other national initiatives. Adequately funding State Plan enforcement can yield significant benefits as State Plans can promulgate standards that are more stringent than federal OSHA's standards and they can adopt unique, more progressive standards and policies. For example, several State Plans already have state standards for workplace violence, including New York, Washington, Maryland and Oregon. In addition, 16 State Plans already have some type of Safety and Health Management Systems (SHMS) requirements in place. State-specific initiatives, such as these, have helped pave the way for OSHA to advance guidance documents, policies and standards to address new issues concerning workers' safety and health.

Throughout FY 2015, OSHA has worked with State Plans to correct deficiencies identified through Complaints About State Plan Administration (CASPsAs), and has monitored the progress to close out recommendations issued through this process. Specifically, in FY 2015, OSHA addressed an issue raised in a prior year CASPA by rejecting Arizona's standard for fall protection in residential construction on the grounds that it was not "at least as effective as" OSHA's standard. As a result, Arizona adopted OSHA's standard identically and now requires adequate fall protection for residential construction workers throughout the state. OSHA has also continued working with California, Kentucky, Washington and Oregon as they move towards

## STATE PROGRAMS

making changes to ensure their fall protection standards in the residential construction industry are at least as effective as OSHA's.

In addition, OSHA made strides in FY 2015 towards returning full coverage to Hawaii's State Plan (HIOSH). Throughout FY 2015, federal OSHA tapered its enforcement support, training, mentoring and outreach assistance. HIOSH exceeded the inspection goal of 640 for FY 2015 by completing 660 inspections. HIOSH has also successfully resumed enforcement coverage of general industry, except PSM, during FY 2015. Moving forward, HIOSH and OSHA have come to agreement on several targeted milestones concerning staffing and training for enforcement and whistleblower staff, developing PSM expertise and a more robust compliance assistance program.

OSHA has also moved forward with the process to certify the New Jersey State and Local Government State Plan. OSHA is working to publish a final determination on certification after completing a thorough review of the State and Local Government State Plan to ensure it has completed its developmental steps while maintaining the integrity of New Jersey's existing State Plan, which covers private sector employees.

OSHA conducted Follow-up FAMEs in FY 2015 to assess FY 2014 State Plan operations. As the second part of a bi-annual process, these FAMEs primarily served to measure progress made by State Plans in addressing FY 2013 FAME findings and recommendations. State Plans provided progress reports, as established through their corrective action plans, to demonstrate progress against deficiencies identified in the FY 2013 FAMEs. Additionally, OSHA reviewed State Plan outcomes against metrics established in the 23(g) grants, annual performance plans, and SAMM. Collectively, this information was used within the FAME process to evaluate State Plan effectiveness.

## STATE PROGRAMS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>State Programs</b>				
<b>Strategic Goal 2 - Improve workplace safety and health</b>				
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
<b>State Enforcement Inspections</b>				
OSHA-State- Safety 01	35,670	33,444	33,113	33,444
OSHA-State- Health 02	11,005	10,027	9,928	10,027
<b>Total</b>	<b>46,675</b>	<b>43,471</b>	<b>43,041</b>	<b>43,471</b>
<b>Consultation Visits</b>				
OSHA- Private Sector (KY, PR, WA) Consultation- 01	2,500	2,374	2,350	2,373
OSHA- Public Sector Consultation- 02	1,597	1,796	1,778	1,796
OSHA- Number of Operational Grants Grants-09	28	28	28	28
OSHA-Coop- Cooperative Programs 01	103	334	330	333



## STATE PROGRAMS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
OSHA- Outreach/Training Participants Outreach-01	117,319	246,403	243,963	246,402
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>				
<b>Strategic Objective 3.2 - Protect workers' rights</b>				
OSHA- Total Number of 11(c) Investigations Completed State11(c)-01	--	1,120	1,108	1,378

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

## STATE PROGRAMS

### Workload Summary

Grants under section 23(g) cover salaries, fringe benefits, rent, equipment costs, and other expenses, which are all impacted by inflationary costs. Many State Plans routinely contribute more than the federal match (overmatch) of funds to their programs. These funds help State Plans meet the real costs of the program and promote a level of quality and consistency. However, fiscal challenges at the state level have resulted in a decrease in overmatch funding. Due to stagnant, and at times declining, funding between FY 2010 and FY 2014, State Plans saw a decrease in staffing and as a result, their enforcement inspection totals dropped below 50,000 in FY 2014 for the first time in history. A slight increase in funding in FY 2015 only provided State Plans to be funded at 96.8 percent of their FY 2013 Base Award Levels and inspection numbers showed a sharp decrease as a delayed reaction to inflation. Flat funding in FY 2016 will further stunt any anticipated growth and combined with continued inflation, is expected to result in a further decrease in enforcement activity. Total inspections are expected to drop one percent from 43,471 in FY 2015 to 43,041 in FY 2016. An enforcement funding increase in FY 2017 of \$2,137,000 is approximately two percent of the total State Plan budget and will effectively only get State Plans back to the FY 2015 enforcement activity levels (and FY 2015 was still only 96.8 percent of the FY 2013 Base Award Levels). This increase in FY 2017 will allow the State Plans to enhance their enforcement, compliance assistance and anti-retaliation efforts, but does not allow a significant amount of growth.

While the bulk of the proposed increase in FY 2017 is expected to fund State Plan enforcement activities, OSHA also expects that State Plans will show an increase their outreach, training and cooperative program efforts for employers and workers in their states. These numbers increased significantly in FY 2015 due in part to increased outreach efforts, and in part to improved tracking and reporting by State Plans. In FY 2017, OSHA anticipates that State Plans will reach 246,402 outreach and training participants and have approximately 333 cooperative program participants.

As part of the total \$3,487,000 FY 2017 increase, \$1,350,000 was requested to support anti-retaliation efforts and the hiring of one additional 11(c) anti-retaliation investigator in each State Plan. As these investigators are hired and trained to reach full performance, an additional 270 investigations are anticipated in FY 2017 with State Plans completing a total of 1,378 anti-retaliation investigations during the year. This increased capacity will be instrumental in reducing the backlog of State Plan 11(c) investigations and allowing for more timely responses to this type of complaint.

The State Plans will continue to adopt enforcement policies and procedures, emphasis programs, and standards to help protect the nation's workers. State Plans also undertake unique state-specific initiatives, such as in FY 2014, when New York passed state legislation requiring safe patient handling programs in health care facilities. The Public Employees Safety and Health (PESH) program's Healthcare Strategic Plan Committee worked diligently with healthcare facilities and task force groups to educate all involved about injuries suffered while providing residential/patient care and the benefits to all when effective safe patient handling programs are implemented. This also resulted in a safe patient handling video. In addition, North Carolina's Agricultural Safety and Health (ASH) Bureau developed a safety and health training model for

## STATE PROGRAMS

agriculture employees in the field. It was so successful in North Carolina that ASH was asked to present the training in the State of Tennessee as well. A color brochure describing the condition known as Green Tobacco Sickness was also distributed to those employees who work in tobacco fields. Specific safety and health training was provided for 100 tobacco growers on subjects such as heat stress and green tobacco sickness. Finally, Washington has made progress on their Annual Performance Goal to increase Hispanic outreach. The 2013 baseline was 118 events and 15,800 participants. During FY 2014, the State Plan staffed 169 events drawing the attention of 17,184 participants exceeding the goal by 14.2 percent and 8.6 percent respectively. An unanticipated benefit has resulted from holding these events as Washington's Division of Occupational Safety and Health has received 766 complaints which may not otherwise have been received. All of these complaints have been resolved or referred to the appropriate program or authority for resolution.

## STATE PROGRAMS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
41.0	Grants, subsidies, and contributions	100,850	100,850	104,337	3,487
	<b>Total</b>	<b>100,850</b>	<b>100,850</b>	<b>104,337</b>	<b>3,487</b>

# STATE PROGRAMS

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments \$0

Grants, subsidies, and contributions 0

**Built-Ins Subtotal \$0**

**Net Program \$3,487**

**Direct FTE 0**

	Estimate	FTE
<b>Base</b>	<b>\$100,850</b>	<b>0</b>
<b>Program Increase</b>	<b>\$3,487</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## TECHNICAL SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>24,469</b>	<b>24,469</b>	<b>25,404</b>	<b>935</b>
FTE	103	108	108	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 113.

### **Introduction**

Technical Support is a necessary component of the agency’s enforcement program, including the identification of hazardous substances and investigation of workplace hazards. This activity also supports other OSHA activities including: standards development, cooperative programs, and emergency management.

Major component functions include:

- 1) Technical expertise and advice with respect to general industry, maritime and construction issues;
- 2) Specialized engineering assistance to investigate and determine causes of major catastrophes at worksites involving injuries and fatalities;
- 3) Emergency preparedness, response/recovery, and management;
- 4) Variance determinations and laboratory accreditation;
- 5) Chemical analysis, equipment calibration and repair;
- 6) Maintenance of dockets, including electronic comments, and technical and scientific databases;
- 7) Literature searches to support rulemaking, compliance activities and to respond to public safety and health information requests;
- 8) Medical services to support OSHA’s Compliance Safety and Health Officer (CSHO) Medical Program;
- 9) Medical, toxicological, and epidemiological investigation in support of field enforcement actions;
- 10) Technical assistance for outreach services and products to labor unions, other government agencies and industry associations; and
- 11) Emerging information surveillance programs including multi-media searches and quick/target information dissemination to support OSHA’s national office and field staff as well as the public.

OSHA provides direct support to field activities with the necessary technical resources and tools that enable compliance officers to identify, investigate, and control workplace hazards. To facilitate the evolving needs of industry and adaptation to changing technologies, OSHA’s Variance Program provides technical expertise to evaluate alternative compliance approaches that prove equally effective as OSHA safety and health standards. Additionally, OSHA’s Nationally Recognized Testing Laboratory (NRTL) Program makes sure that independent third-party organizations are qualified to approve (i.e., test and certify) particular types of equipment

## TECHNICAL SUPPORT

to protect workers from hazards, such as electric shock, electrocution, explosions, burns, and fire. The activities of this program support the DOL's Strategic Objective of *securing safe and healthy workplaces, particularly in high risk industries*.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$25,819	120
2013	\$24,343	116
2014	\$24,344	113
2015	\$24,469	113
2016	\$24,469	108

### FY 2017

OSHA requests \$25,404,000 and 111 FTE for the Technical Support activity, an increase of \$935,000 from the FY 2016 Enacted level. This budget activity includes 108 direct FTE and three FTE funded through Reimbursable funding (i.e., reimbursed through funding agreements with other organizations). OSHA will use the funding to continue to enhance its efforts to identify emerging hazards, engage employers and workers, and develop innovative approaches in encouraging employers to take proactive steps to protect workers. As emerging technologies are developed and quickly moved into markets, new hazards are not always recognized. New technologies can also create traditional hazards, but in new settings, affecting a new workforce without adequate knowledge or understanding of the recognized risks. The request also includes \$532,575 for the restoration of FY 2016 inflationary built-ins not provided.

During FY 2017, the agency will continue to develop and provide support for a variety of physical, chemical, biological, and radiological hazards by advancing new sampling and analytical technology in the areas of hazard assessment and providing expert assistance in air monitoring techniques. Topics to be addressed include determining the explosiveness of dusts, investigating the causality of material failures, investigating diacetyl exposure in coffee roasting worksites, and modeling chemical exposures. OSHA will continue to update the OSHA Technical Manual (OTM), including Legionella and Cranes, and develop guidance materials to foster consistent enforcement and compliance assistance efforts. OSHA will support the agency's enforcement efforts, particularly for hazards related to communication towers.

OSHA's field staff, supported by its Health Response Team (HRT), is the agency's front line in responding to complex investigations, including disasters, both natural and man-made. OSHA will continue to maintain its efforts to build the expertise of its internal staff by enhancing their technical knowledge to support the agency's overall readiness. In FY 2017, OSHA will continue to invest in its emergency preparedness and response capabilities by providing training and online resources to its staff, improving the use of information-sharing resources, and addressing the collection of safety and health data. The agency will build on and enhance its integration into the government-wide emergency response community and its implementation of the National



## **TECHNICAL SUPPORT**

Response Framework so that response to worker safety and health is always a top concern. In addition, OSHA will continue coordination with other government agencies to protect front line workers from emerging infectious diseases such as Ebola, Middle East Respiratory Syndrome coronavirus, Q Fever, and Highly Pathogenic Avian Influenza viruses. OSHA will support agency field staff in their emergency response activities with laboratory services, equipment, and technical resources. In addition, OSHA will develop products such as print and electronic worker safety and health information tools and resources.

### **FY 2016**

In FY 2016, OSHA plans to maintain its Technical Support of field enforcement operations through its laboratories and expert support of the investigations, and occupational medicine staff. OSHA will evaluate and develop print and electronic materials to address emerging hazards, such as: hazards associated with scissor lifts, occupational infectious disease outbreaks, such as Ebola, Campylobacter, Salmonella and Legionella, and volatile organic carbon exposures in hydraulic fracturing.

In FY 2016, OSHA will provide important Technical Support to the agency's enforcement efforts in the construction industry, as the agency works to reduce fatalities, injuries, and illnesses among construction workers. OSHA staff will provide support of other high priority enforcement operations, including advancing new sampling and analytical technology in the areas of hazard assessment and providing expert assistance in air monitoring techniques. In addition, OSHA continues to focus on emergency preparedness, response and recovery efforts, including skilled responder preparation and advanced planning to respond to emergencies when they occur. Coordination, technical assistance, and support to disaster response and recovery continue to be provided to assure worker safety and health, such as the support provided in recent events such as Superstorm Sandy recovery and response, tornadoes and flooding in the Midwest, the mudslide in Washington State, and severe storms in the Pacific. OSHA will continue to play a leading role in major efforts to prepare the Nation for potential infectious disease outbreaks. In addition, OSHA supports agency field staff with laboratory services, equipment, and technical resources. These products will include print and electronic worker safety and health information tools and resources.

The agency maintains a cadre of professionals, such as its HRT, with the technical skills to respond in the field and to address the wide range of worker safety and health issues that may arise during and following disasters is in direct support of the agency's mission. OSHA maintains its efforts to build the expertise of its internal staff by enhancing their technical knowledge to support the agency's overall readiness to respond to a wide range of disasters, both natural and man-made. In FY 2016, OSHA will continue to invest in its emergency preparedness and response capabilities by providing training and online resources to its staff, improving the use of information-sharing resources, and addressing the collection of safety and health data. OSHA plans to develop print and electronic resources and assisting with interagency initiatives which further the implementation of the National Response Framework.

OSHA will continue to provide important Technical Support to the agency's enforcement efforts in various industries, as the agency works to reduce fatalities, injuries, and illnesses among

## TECHNICAL SUPPORT

workers. In FY 2016, OSHA staff will maintain a stable level of effort in support of enforcement operations, including advancing new sampling and analytical technology in the areas of hazard assessment and providing expert assistance in air monitoring techniques and complex hazard assessment techniques.

### **FY 2015**

In FY 2015, OSHA continued support field enforcement operations and focus emergency preparedness, response, and recovery efforts, including skilled responder preparation and advanced planning and preparation to respond to emergencies when they occurred. OSHA responded to the threat of an Ebola outbreak by providing technical assistance and resources to help protect workers who were at risk for occupational exposure to the Ebola virus and related hazards.

Coordination, technical assistance, and support to disaster response and recovery was provided to assure worker safety and health. The agency continued to coordinate emergency preparedness, response, and recovery efforts with the Federal Emergency Management Agency (FEMA) and other federal agencies, and state and local response partners, and provided technical expertise and support during actual events. The Federal Government engaged in planning efforts related to 15 vastly different emergency situations that would put response and recovery workers in hazardous situations where OSHA needs to engage to protect the safety and health of these workers.

OSHA's field staff, supported by its HRT, is the agency's front line in response to any disaster. OSHA continued its efforts to build the expertise of its internal staff through enhancing their technical knowledge to support the agency's overall readiness to respond to a wide range of disasters, both natural and man-made. In FY 2015, OSHA invested in its emergency preparedness and response capabilities by providing training and online resources to its staff, improving the use of information-sharing resources, and addressing the collection of safety and health data.

OSHA enhanced its efforts to identify emerging hazards and engage employers and workers, through innovative approaches to encourage employers to take proactive steps that protect workers. During FY 2015, examples of topics the agency evaluated and developed include print and electronic materials to address acclimatization issues related to heat illness, 3D printing processes such as 3D welding, and peracetic acid in poultry processing.

OSHA developed new and revised existing, OSHA Technical Manual (OTM) Chapters, highlighting emerging safety and health issues. In FY 2015, Fall Protection in Construction, Electrical Safety, Combustible Dust, Ethanol Processing, and Legionella OTM Chapters were developed or updated. These chapters provide instruction to OSHA staff on technical safety and health topics and foster consistent enforcement and compliance assistance efforts. In addition, information was disseminated to field staff on topics such as hydraulic fracturing hazards. OSHA also updated electronic assistant tools in FY 2015.

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OSHA continued providing important Technical Support to the agency's enforcement efforts in the construction industry, as the agency worked to reduce fatalities, injuries, and illnesses among construction workers. In FY 2015, OSHA staff maintained a stable level of effort in support of enforcement operations, including advancing new sampling and analytical technology in the areas of hazard assessment and providing expert assistance in air monitoring techniques.

## TECHNICAL SUPPORT

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Technical Support</b>				
<b>Strategic Goal 2 - Improve workplace safety and health</b>				
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
OSHA-SLTC- 01    Average turnaround (days in lab)	14	10	14	14
OSHA-SLT- 02    Chemical samples analyzed	18,000	15,611	18,000	18,000
OSHA-SLT- 05    Equipment units serviced	12,000	13,845	12,000	12,000
OSHA-SLT- 06    Average service turnaround (days)	35	21	25	25
OSHA-SLT- 07    E-tools Active on OSHA's Web page	39	40	39	37
OSHA-SLT- 08    Safety & Health Topics Web Pages	167	162	167	178

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

# TECHNICAL SUPPORT

## Workload Summary

In FY 2017, OSHA will continue to maintain a stable level of effort in support of enforcement operations. The agency will continue to use new sampling and analytical technology in hazard assessment, provide expert assistance in air monitoring techniques, and develop and/or update technical health and safety resources for internal and external users, as well as explore new tools to more effectively communicate to the intended audiences. These resources include the OSHA Technical Manual (OTM), Hazard Alerts and Fatal Fact Sheets that will address issues such as fall protection, hazards related to hydrofluoric acid, Legionnaire's disease, and anhydrous ammonia at storage and dispensing facilities. In addition, OSHA will support enforcement and rulemaking on emerging safety and health issues related to the oil and gas industry, healthcare workers including those working at nursing home and rehabilitation centers, peracetic acid, medical record keeping, and workplace violence.

OSHA's Salt Lake Technical Center (SLTC) anticipates continued high utilization of services for both compliance activity and industrial hygiene inspections in FY 2017. The laboratory will be prepared to analyze approximately 18,000 industrial hygiene samples. Additionally, the SLTC professional staff will continue to conduct in-depth investigations to develop or validate sampling and analytical methods to assess worker exposure to silica, beryllium, peracetic acid, food flavorings, and other topics as priorities shift. SLTC will continue to provide field support for the identification of unknown hazardous substances, determine the explosiveness of dusts, investigate causality of material failures, and model chemical exposures. OSHA's SLTC-based Health Response Team will provide expert assistance to enforcement and compliance assistance staff, and be available to provide support to other federal agencies on myriad chemical, physical, and biological hazards. The agency will also continue to provide coordination, technical assistance, and support for emergency preparedness, disaster response and recovery, and infectious disease preparedness and response, including unrecognized or underreported disease outbreaks of enteric pathogens in poultry workers to assure worker safety and health.

In FY 2017, the Cincinnati Technical Center (CTC) will continue to support the agency's enforcement program. CTC will service approximately 12,000 pieces of occupational safety and health equipment with an average turnaround time of 25 days in FY 2016, and maintain this rate in FY 2017. This reduction is due to improvements which CTC has made in order to increase efficiencies in handling the servicing of technical equipment by modernizing and automating existing calibration systems. CTC has also added additional systems allowing for the handling of equipment in-house versus sending it to an outside source. This reduces turnaround time back to the field.

OSHA also will continue to provide technical expertise to evaluate alternative compliance approaches that prove equally as safe as OSHA regulations through the administration of OSHA's Variance Program. Additionally, OSHA will continue to implement the Nationally Recognized Testing Laboratory (NRTL) Program which ensures that independent third-party organizations are qualified to approve (i.e., test and certify) particular types of equipment to protect workers from hazards such as electric shock, explosions, and fire. Activities will include the implementation of the revised NRTL Program Directive and exploring the need for rulemaking in order to improve program administration.

## TECHNICAL SUPPORT

OSHA will maintain support of enforcement operations, including advancing new sampling and analytical technology in the areas of hazard assessment and providing expert assistance in air monitoring techniques. The technical and docket support for regulatory activities will continue to proceed in accordance with the agency's Regulatory Agenda. OSHA continues to review and evaluate technical data in order to more effectively identify and implement strategic initiatives. Further, OSHA continues to develop and disseminate print and electronic resources to workers on priority hazards and other emerging workplace safety and health issues, including fall protection in construction, Legionnaire's disease, health care and workplace violence.

The agency will also continue to provide coordination, technical assistance, and support for emergency preparedness, disaster response and recovery, and infectious disease preparedness and response to assure worker safety and health. Emergency preparedness and response activities are coordinated through the agency's interactions with FEMA, EPA, USCG, NOAA, HUD, and other federal partners. In the past, OSHA provided data management and technical expertise related to emergency events, such as Hurricane Sandy recovery, tornadoes and flooding in the Midwest, the Refugio oil spill, and severe storms in the Pacific. Working collaboratively with the White House National Security Council, HHS, EPA, DOT, States, and other partners, OSHA increased preparedness for infectious disease outbreaks and continued to protect the safety and health of workers who may have had exposure to infectious agents, including Ebola virus, Middle East Respiratory Syndrome coronavirus, and Highly Pathogenic Avian Influenza viruses.

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	10,852	10,317	10,735	418
11.3	Other than full-time permanent	143	1	1	0
11.5	Other personnel compensation	253	208	208	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>11,248</b>	<b>10,526</b>	<b>10,944</b>	<b>418</b>
12.1	Civilian personnel benefits	3,370	3,123	3,348	225
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	258	308	308	0
22.0	Transportation of things	11	1	1	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	3,697	3,326	3,497	171
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	481	388	388	0
24.0	Printing and reproduction	36	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	1,887	1,941	1,941	0
25.3	Other goods and services from Federal sources 1/	2,472	2,511	2,632	121
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	152	188	188	0
26.0	Supplies and materials	475	830	830	0
31.0	Equipment	382	1,327	1,327	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>24,469</b>	<b>24,469</b>	<b>25,404</b>	<b>935</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,787	2,091	2,212	121
	DHS Services	148	68	68	0
	Services by Other Government Departments	537	352	352	0

# TECHNICAL SUPPORT

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$165
Personnel benefits	50
Two days less of Pay	-83
Federal Employees' Compensation Act (FECA)	37
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	112
Rental payments to others	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	121
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** **\$402**

**Net Program** **\$533**

**Direct FTE** **0**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$24,871</b>	<b>108</b>
<b>Program Increase</b>	<b>\$533</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## COMPLIANCE ASSISTANCE - FEDERAL

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>68,433</b>	<b>68,433</b>	<b>72,783</b>	<b>4,350</b>
FTE	309	247	257	10

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 254.

### **Introduction**

OSHA is committed to improving its compliance assistance activities to ensure workers and businesses are educated about, and involved in, improving workplace safety and health. Federal Compliance Assistance advances agency programs that deliver targeted outreach and assistance; provide workplace safety and health training; inform workers about the hazards they face and their rights under the law; inform employers about how to make their workplaces safe and compliant with the Occupational Safety and Health Act of 1970 (OSH Act); and ensure that OSHA inspectors and investigators are experts in their field. The agency realizes that the vast majority of employers want to do the right thing and protect their workers from harm on the job and OSHA is committed to providing them assistance. For those employers, technical assistance, compliance assistance, educational materials and training are available. This activity also supports OSHA’s array of cooperative programs, such as the Voluntary Protection Programs (VPP) which recognize employers with exemplary safety and health programs, and promotes partnerships and alliances with industry associations, unions, consulates, and other groups to improve workplace safety and health.

OSHA will continue to use compliance assistance activities to help inform workers about workplace hazards and their rights and to give small businesses and other employers the information they need to protect workers by complying with OSHA requirements. OSHA will continue to focus on high-hazard industries, vulnerable workers – including temporary workers and workers with limited-English proficiency – and support for new or revised standards. The agency will continue to seek out and establish alliances, partnerships, and other cooperative relationships with organizations to better reach small businesses and workers within priority industries and populations. OSHA will continue to improve the Voluntary Protection Programs (VPP) with special emphases on program consistency and oversight, data integrity, and reevaluation of policies for VPP sites with injury and illness rates higher than industry averages.

The request supports the President’s Management Agenda and its goal of effective and efficient government that works better, costs less and supports a strong economy and job creation. The FY 2017 request seeks to promote opportunities and protections for American workers, including temporary and other vulnerable workers. It also supports the Department’s Strategic Objectives of *securing safe and healthy workplaces, particularly in high-risk industries* and *protecting workers’ rights*.

## COMPLIANCE ASSISTANCE - FEDERAL

Compliance assistance activities include:

- 1) Providing assistance and programs (e.g., publications, websites) to address the needs of hard-to-reach workers, some of whom may be limited English proficient;
- 2) Administering the VPP, which recognizes employers and workers in industry and federal agencies who have implemented effective safety and health management systems and who maintain injury and illness rates below the national average for their industries;
- 3) Providing assistance and programs to address the needs of small businesses and their employees;
- 4) Providing opportunities to work cooperatively with small businesses, trade associations, universities, unions, and professional organizations to address workplace safety and health issues for their employees;
- 5) Providing training through the OSHA Training Institute (OTI) to increase the technical safety and health competence of OSHA's compliance officers, as well as other federal, state and private-sector employees;
- 6) Providing outreach and information through a vast variety of media, including OSHA's website, targeted information and outreach campaigns, publications, and guidance materials;
- 7) Developing compliance assistance materials, including hazard and industry-specific guidance for methods of complying with OSHA standards and ensuring a safe workplace; and
- 8) Administering the OTI Education Centers Program, Outreach Training Program and Resource Center Loan Program.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2012	\$76,355	295
2013	\$61,444	281
2014	\$69,433	262
2015	\$68,433	254
2016	\$68,433	247

### **FY 2017**

OSHA requests \$72,783,000 and 257 FTE for FY 2017, an increase of \$4,350,000 from the FY 2016 Enacted level. The FY 2017 request would restore roughly a third of the Compliance Assistance Specialists (CASs) that have been cut because funding has not been fully restored to FY 2012 levels. The loss of these CASs has strained the agency's ability to provide outreach, training and assistance to both workers and employers. With the requested increase of \$1,500,000 and 10 FTE, OSHA will be able to hire additional CASs to manage the outreach, compliance assistance, and cooperative program efforts at the local level where the agency has the best chance of reaching underserved worker populations, including those with limited-English proficiency and those least likely to know their rights under the OSH Act, as well as small and medium-sized business owners who may not fully understand the hazards in their

## COMPLIANCE ASSISTANCE - FEDERAL

workplaces and their responsibilities under the OSH Act, resulting in a more effective and efficient workforce and reductions in workplace injuries and illnesses. The request also includes \$1,396,482 for the restoration of FY 2016 inflationary built-ins not provided.

The additional CASs will enable OSHA to focus on high-hazard industries, vulnerable workers – including temporary workers and workers with limited-English proficiency, and support for new or revised standards. The agency will expand participation in strategic outreach events (e.g., successful national campaigns), enhance outreach on enforcement initiatives (e.g., emphasis programs, and policy clarifications), and collaborate with its cooperative partners to develop industry-sector specific outreach opportunities and address critical hazards in selected high-hazard industries, such as healthcare. OSHA will continue to seek out and establish alliances, partnerships, and other cooperative relationships with organizations to better reach small businesses and workers within priority industries and populations. OSHA will continue to improve the Voluntary Protection Programs (VPP) in FY 2017 with special emphases on program consistency and oversight, data integrity, and reevaluation of policies for VPP sites with injury and illness rates higher than industry averages.

A priority of OSHA's Compliance Assistance program is ensuring that Federal OSHA and State Plan whistleblower investigators, particularly new investigators, have the necessary training and expertise to investigate complaints under an array of whistleblower protection statutes. The final course outlined in the Training and Education Directive, Report Writing, will be developed this year. Online web-based training modules will be developed to enhance technical training on several of the 22 Whistleblower Statutes. In FY 2017, there will be approximately 15 weeks of classes. As the courses are developed in response to the revised Directive, there will be a need for an additional two weeks of classes to support the addition of one new course.

Similarly, Federal OSHA Compliance Safety and Health Officers (CSHOs) and State Plan compliance officers and consultation staff require training to evaluate new work processes and hazards in all types of workplaces, in an ever-changing economy. The agency also plans to add courses on specific hazards and industries, and provide additional online courses.

The OSHA Training Institute (OTI) in Arlington Heights, Illinois will continue to present basic and advanced occupational safety and health courses for federal and state compliance personnel and state consultation staff. Newly hired compliance officers undergo a mandatory three-year training program to ensure competency and professionalism in conducting safety and health inspections. Safety and health inspectors take seven mandatory OTI courses and up to four additional technical courses in the first five years on the job. To promote improvement in the workplace, OTI courses stress hazard recognition and abatement as well as the application of OSHA standards, policies, and procedures.

Journey level compliance officers will continue to attend technical courses in the period beyond the first three years of their careers in high hazard areas such as fall protection, process safety management, combustible dust, oil and gas, cranes and rigging scaffolds, trenching, steel erection, machine guarding, noise, and confined spaces. Another priority for OSHA is the development of hazard- and industry-specific courses for compliance officers (e.g., chemical process safety management). As part of this effort, OSHA will redirect some of its resources to

## COMPLIANCE ASSISTANCE - FEDERAL

hire outside experts where the agency does not have in-house expertise. Examples of such emerging areas include hazards associated with combustible dust, flammable chemicals, and fire protection.

OSHA will continue to implement the agency's training program for OSHA managers by offering the new introductory management course along with the following courses: coaching staff, leadership assessment, media relations, and advanced legal aspects. Additionally, OSHA will create two supervisory development courses focused on the particular needs of OSHA managers.

Continued efforts will be taken to provide training that is geographically closer to State Plan compliance officers and consultants. Additional distance learning content will be available through various initiatives. OSHA will expand access to archived webinars, provide access to web-based only content, and deploy new virtual training delivery methods.

OSHA will continue to support the OTI Education Centers and the Outreach Training Program, which will increase training opportunities for employers and workers in the private and public sectors. Also, OSHA will continue to add resources in modern media formats, in both English and Spanish, to the Resource Center to increase training resources available to the public.

### **FY 2016**

Through its compliance assistance programs, OSHA's National, Regional, and Area Offices will continue to work with businesses, associations, labor groups, and other organizations to help prevent fatalities, injuries and illnesses in the workplace. In FY 2016, OSHA will use compliance assistance activities to help inform workers about workplace hazards and their rights. OSHA will continue to focus its compliance assistance and outreach activities on high-hazard industries, vulnerable workers, such as temporary workers and workers with limited English proficiency, and support for new or revised standards. For example, the agency will continue its efforts to inform employers about the 2015 changes in reporting requirements and refine agency tools and resources on incident investigation, and it will again lead major national efforts that will reach hundreds of thousands of workers and employers, such as the Campaign to Prevent Heat Illness in Outdoor Workers and the Fall Prevention Campaign. This assistance will focus not only on specific hazards and OSHA standards, but also encourage the implementation of Safety and Health Program Management Systems, which establish management systems that have been proven effective in protecting workers.

OSHA will continue to improve the Voluntary Protection Programs (VPP) in FY 2016 with special emphasis on program consistency and oversight, data integrity, and reevaluation of policies for VPP sites with injury and illness rates higher than industry averages. In FY 2016, OSHA will fully implement policy changes to expand the role of its Special Government Employees (SGEs). With the implementation of the new policies detailed in the revised SGE Manual, SGEs will now assist in the review of VPP applications, site annual self-evaluations, and mentoring. It is expected that these changes will lead to an increase in VPP evaluations conducted and new VPP applications processed.

## COMPLIANCE ASSISTANCE - FEDERAL

Additionally OSHA will continue working closely with VPP participants, particularly around the area of chemical safety and security. OSHA will work with VPP participants in the chemical industry to identify leading indicators and metrics that can be used to best ensure that PSM programs in VPP participants lead the chemical industry in building safety and health management systems that excel in PSM measures.

OSHA will complete revisions to the VPP Policy and Procedures Manual, which is the key policy directive for VPP. The new manual will ensure all policy and procedure changes since 2008 (last revision) are integrated and establish any additional policy changes to address the remaining outstanding recommendations from the Office of the Inspector General (OIG) in December 2013 and OSHA's internal VPP Team. The agency will complete any remaining recommendations made by the VPP Workgroup and monitor program policy changes made in response to the OIG audit. Additionally, OSHA will evaluate the need to revise the existing Federal Register Notice for VPP to include only the framework for managing the VPP and reserving the implementation of program elements for the Policies and Procedures Manual. Finally, OSHA will address any policy changes necessary to align with section 11(c) of the OSH Act as it relates to the tenants of VPP.

OSHA will also continue to pursue a new or enhanced VPP Automated Database System (VADs). Implementation will allow OSHA to work towards consolidating VPP applicant and participant data, validate the transition of data as it is being completed, and explore enhancing functionality of these systems to allow for electronic reporting by VPP participants.

The agency will continue to seek out and establish Alliances, OSHA Strategic Partnerships, and other cooperative relationships with organizations to better reach small businesses and workers within priority industries and populations. In FY 2016, OSHA will launch a national Alliance with the recycling industry and sign an additional 10 new regional and local Alliances, including Alliances with consulates to reach immigrant workers from Mexico and other countries. These Alliances are highly effective in amplifying OSHA's message of prevention, and in making OSHA's resources more accessible to employers and workers who are otherwise very difficult to reach. For example, OSHA has regional and local Alliances with fifty consulates that, in turn, reach their citizens working in the United States, many of whom face serious hazards at work but may be afraid to approach OSHA directly. Our national Alliances and Strategic Partnerships also offer unique technical and hands-on training to OSHA compliance officers on subjects for which the agency has limited internal capability, such as the growing use of lasers in the workplace and hands-on training with cranes, cherry pickers, and other construction equipment.

In addition, OSHA will complete its effort to implement its revised Alliance Program Directive (issued in FY 2015) and have every national Alliance operate under a written work plan with well-defined objectives, timetables and evaluation criteria; it will also begin efforts to extend this approach to regional and local Alliances. OSHA will also expand existing data collection, and use systems enhanced in FY 2015 to better characterize the volume, type, audience, and impact of agency outreach, through both its field compliance assistance specialists, and its cooperative program partners.

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A priority of OSHA's Compliance Assistance program is ensuring that Federal OSHA and State Plan whistleblower investigators receive training on the 22 whistleblower protection statutes administered by the agency. OSHA recently revised its Whistleblower Investigation Training and Education Directive. The program requires a three-year training plan for Whistleblower Investigators. Currently there are approximately nine weeks of classes. As new courses are developed in response to the revised Directive, there will be a need for an additional six weeks of classes to support the addition of two new courses.

Similarly, Federal OSHA compliance safety and health officers (CSHOs) and State Plan compliance officers and consultation staff require training emerging workplace hazards and high-hazard industries. Newly hired compliance officers undergo a mandatory three-year training program to ensure competency and professionalism in conducting safety and health inspections. Safety and health inspectors take seven mandatory OTI courses and up to four additional technical courses in the first three years on the job. To promote improvement in the workplace, OTI courses stress hazard recognition and abatement as well as the application of OSHA standards, policies, and procedures.

Another priority for OSHA is the development of hazard- and industry-specific courses for compliance officers (e.g., chemical process safety management). As part of this effort, OSHA will redirect some of its resources to hire outside experts where the agency does not have in-house expertise. Examples of such emerging areas include workplace violence in psychiatric care institutions, and hazards associated with tunneling.

OSHA will invest in additional online training. Currently, web-based courses are envisioned for cranes and rigging components and terminology, oil and gas well operations including hydraulic fracturing, industrial hygiene sampling and documentation, tower safety, and an overview of whistleblower statutes for compliance staff. Additional web-based course updates include confined space, machine guarding, grain handling, and workplace violence. Upfront costs for e-learning management software, online course development, and hosting of online courses will quickly be recovered through decreased staff travel costs. OSHA will evaluate and invest in additional virtual training technology to enhance its delivery of distance learning. OSHA will continue offering training at central sites that are geographically closer to State Plan compliance officers and consultants.

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

OSHA will implement the agency's management training program by offering courses in coaching staff, leadership assessment, media relations, and advanced legal aspects. Additionally, as specified in the training program for OSHA managers, DTE will develop an introductory management course. This course will be designed and developed using the OSHA Manager Competency Model as a guide and will supplement the Department's Management Training Program.

## COMPLIANCE ASSISTANCE - FEDERAL

OSHA will continue to support the OTI Education Centers and the Outreach Training Program, which will increase training opportunities for employers and workers in the private and public sectors. Also, OSHA will continue to add resources in modern media formats, in both English and Spanish, to the Resource Center to increase training resources available to the public.

### **FY 2015**

OSHA continued to work with other agencies in FY 2015 to maximize its efforts and develop resources and materials that support the Department's Strategic Plan and promote and protect opportunities for American workers. OSHA focused its compliance assistance and outreach activities on high-hazard industries, vulnerable workers, and support for new and revised standards. A primary focus was to educate employers about the changes in the reporting requirements and reach out to employers that are now required to maintain records under the revisions to OSHA's Recordkeeping and Reporting Occupational Injuries and Illnesses standard. OSHA selectively and strategically developed and updated publications and webpages, translated existing materials into other languages, and developed low-literacy resources to fill gaps in outreach materials related to these agency priorities.

The agency also continued to seek out and establish Alliances, Strategic Partnerships, and other cooperative relationships with organizations to better reach small businesses and workers within priority industries and populations. As an example, OSHA signed and initiated work under two National Alliances with the oil and gas industry and agricultural retail industry. The agency also signed a National Alliance with the National Center for Transgender Equality in direct support of the Secretary of Labor's emphasis on diversity and equality in the workplace.

The enacted reduction in funding in FY 2015, and the resulting impact on compliance assistance staffing, required a more measured pursuit of these goals. To cite an example, compliance assistance staff had far less ability to disseminate important information about OSHA initiatives, policy changes, and priorities, such as the recent changes in recordkeeping and reporting. Other outreach efforts, such as the very successful events conducted jointly with consulates and those in support of OSHA's initiatives on fall prevention and temporary workers, both significant issues within workplaces across the US, were also negatively affected.

The agency leveraged technology to expand the reach of its outreach efforts by using distance learning tools, such as webinars and WebEx sessions, to provide safety and health information to employers and workers through both its cooperative partners and at a local level through its CASs. For example, the Alliance with the American Staffing Association hosted a webinar on temporary workers in FY 2014 and repeated it in FY 2015, in which dozens of employers participated; and the American Society of Safety Engineers conducted a two-day virtual symposium on workplace hazard identification for their members in FY 2015. OSHA continued to work with the Department to refine its social media messaging on occupational safety and health issues in the news that were important to the agency.

As part of the Department's customer service initiative, OSHA implemented the outreach/compliance assistance component of its customer service plan. This plan included activities to improve customer service for workers and small businesses, such as consolidating,

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expanding, and elevating visibility of web-based frequently asked questions, piloting the use of a customer relationship management system to provide workers with real-time statuses on discrimination investigations, expanding the field based Ambassador program to get basic OSHA information into the hands of new small businesses, and increasing marketing and awareness of OSHA's free On-site Consultation Program for small businesses by partnering with Small Business Development Centers across many of its Regions.

Through its cooperative programs, OSHA's National, Regional, and Area Offices continued to work with businesses, associations, labor groups, and other organizations to help prevent fatalities, injuries and illnesses in the workplace. For example, OSHA continued to improve the VPP in FY 2015 with special emphasis on maintaining the integrity of the program, building on strategies devised and initiated in FY 2014, such as program policy changes regarding fatalities at VPP sites, and continued working with VPP-PSM Stakeholders to identify appropriate PSM-related metrics that allow OSHA to identify robust PSM programs. The Office of Partnerships and Recognition continued collaborations with VPP sites covered by PSM and with the Directorate of Standards and Guidance to identify PSM best practices used by the VPP sites, including establishing mechanisms to communicate these practices to the PSM industry. In addition, the agency drew on the experience of its VPP partners during an evaluation of the 1989 Safety and Health Management Guidelines.

OSHA continued to implement changes resulting from the recommendations during the Department's OIG Report and VPP Workgroup. The recommendations focus on program consistency and oversight, data integrity, and reevaluation of policies for VPP sites with injury and illness rates higher than industry averages. The remaining OIG recommendation regarding the use of a single database to aid in consistency throughout the VPP requires additional research, funding and technical support for a new database system. The agency continued to research software programs and maintained the existing data infrastructure. Once suitable software is identified, appropriate steps will be taken by the agency to identify and implement a solution. The enacted reduction in funding and the resulting impact on staffing will require a more measured approach to implement these initiatives.

As a result of reduced funding, OSHA took a more measured approach to implement these initiatives. Only 40 new VPP sites were approved during the period, and overall the program saw an overall reduction of 75 active federal VPP sites from FY 2014 to FY 2015. OSHA's inability to meet the demands for new site approvals has resulted in a backlog of VPP applicants in several Regions, with the wait period extending out several years in some instances. However, OSHA's priority remained on maintaining the integrity of the program by focusing on VPP reapprovals to ensure active VPP participants continue to meet the tenets of the program. In addition, OSHA was not able to move beyond the exploratory stage to address the data related findings identified by OIG in their 2013 report. Funding declines also negatively impacted the identification, development, and sharing of best practices from these sites with other workplaces to address key initiatives, such as that on temporary workers.

Through its Strategic Partnerships, the agency continued to work on a national level with the Electrical Transmission and Distribution industry to decrease worker fatalities, injuries and illnesses and assist employers with the implementation of the new OSHA Subpart V standards.



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In addition, OSHA initiated work to more effectively evaluate the impact of existing Alliances and to align their activities to support the agency's goals within the Department's Strategic Plan. OSHA signed 20 new Alliances, including Alliances with consulates to reach immigrant workers from Mexico and other countries.

A priority of OSHA's compliance assistance program was ensuring that Federal OSHA and State Plan whistleblower investigators have the necessary training and expertise to investigate complaints under an array of whistleblower protection statutes. The agency continued development of a redesigned training curriculum for whistleblower investigators. In support of the new curricula, OSHA updated the introductory Whistleblower training course and developed a new Whistleblower interviewing course. This curriculum includes the 22 whistleblower protection statutes currently under the jurisdiction of the OSHA Whistleblower Program. The program was also designed to incorporate any new whistleblower protection statutes that may be enacted in the future.

Similarly, Federal OSHA Compliance Safety and Health Officers (CSHOs) and State Plan compliance officers and consultation staff needed training to evaluate new work processes and hazards in all types of workplaces. OSHA addressed the remaining backlog in training that developed as a result of reductions implemented during Sequestration. The agency added a course to address health hazards in various high hazard industries.

To supplement the Department's Management Training Program OSHA developed a new training program for field Supervisors and other Regional or National Office managers. This new program includes courses on coaching staff, supervisory development, leadership assessment, resource management, media relations and advanced legal aspects for enforcement.

Another priority for OSHA was the development of hazard- and industry-specific courses for compliance officers (e.g., chemical process safety management). As part of this effort, OSHA hired outside experts when it did not have in-house expertise. Examples of such areas include process safety management, fall protection, demolition, and the oil and gas industry.

The agency also invested in additional online training. Currently, web-based courses are envisioned for cranes and rigging components and terminology, oil and gas well operations including hydraulic fracturing, industrial hygiene sampling and documentation, principles of electricity and electrical equipment, and an overview of whistleblower statutes for compliance staff. Upfront costs for e-learning management software, online course development, and hosting of online courses will quickly be recovered through decreased staff travel costs.

In addition, OSHA provided training at central sites that are geographically closer to the compliance officers and State Plan consultants. There are additional costs associated with taking a course to training sites across the country (e.g., travel for instructors, training classroom fees, shipping fees for course materials and equipment, and administrative costs to prepare for the course delivery), but moving a variety of courses to off-site training locations reduced the training travel costs for the field offices.

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The agency continued to document courses taught by OTI and use data from its internal evaluation processes to make continuous improvements in course curriculum. OTI presented courses, webinars, and additional online training that support agency goals and priorities and that meet the needs of OSHA staff. OSHA also developed compliance assistance materials for new standards that were issued in FY 2015 including permit-required confined spaces in construction.

OSHA supported the OTI Education Centers by providing additional curriculum materials and new course offerings needed to meet the goals of the agency and the Department. Additionally, OSHA supported the Outreach Training Program through the development of new training materials for Outreach trainers to use in training high risk industries and at risk populations, including individuals with limited English proficiency. These programs increased training opportunities for employers and workers in the private and public sectors. The OTI Education Centers and Outreach Training Program were funded through revenues generated through course fees; only oversight of the programs was funded through the federal budget. OSHA added new resources in modern media formats, in both English and Spanish, to the Resource Center to increase training resources available to the public.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Compliance Assistance-Federal</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
<b>Number of Persons Trained:</b>					
OSHA-ST-01op	Number of persons trained: federal OSHA	5,500[p]	6,689	5,500[p]	5,700[p]
OSHA-ST-02	Number of persons trained: State Plan	3,500	1,576	3,100	3,000
OSHA-ST-03	Number of persons trained: State Consultations	120	485	520	620
OSHA-ST-04	Number of persons trained: Private Sector	10	2	10	10
OSHA-ST-05	Number of persons trained: Federal Agency	400	1,228	400	400
<b>Resource Center Lending:</b>					
OSHA-ST-06	Items lent	3,000	1,234	2,000	2,000
<b>Education Centers:</b>					
OSHA-ST-08	Number of persons trained in Education Centers	43,000	52,255	44,000	46,000

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Outreach Training Program</b>					
OSHA-ST-09	Number trained in Outreach Training Program	700,000	826,646	725,000	750,000
OSHA-VPP-01op	New VPP Approvals and Re-Approvals	285	386	315	335
OSHA-CAF-01	Strategic Partnerships	12	10	10	12
OSHA-CAF-02	Alliances	11	20	11	15
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
OSHA-ST-10	Cumulative Number of Training Hours of Federal OSHA Students Trained at OTI	61,000	108,157	61,000	61,000

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

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### Workload Summary

With the funding requested in FY 2017, OSHA will continue to target its compliance assistance and outreach activities on high-hazard industries, vulnerable workers, such as temporary workers and workers with limited English proficiency, and support for new or revised standards.

In FY 2016, OSHA will strive to maintain its outreach and compliance assistance efforts and level the downward trend over the last several years, reaching more employers and workers through strategic outreach events such as its successful Fall Prevention Stand-Down. However, with no funding increase during FY 2016 existing resources will be overextended. OSHA will continue to focus its compliance assistance and outreach activities in support of the Department's Strategic Objective 2.1 "Secure safety and healthy workplaces, particularly in high-risk industries." OSHA will provide outreach to chemical plants, construction, health care, oil and gas, and other high risk industries, including high-hazard industries, as well as to vulnerable workers, such as temporary workers and workers with limited-English proficiency.

OSHA's request for \$1,500,000 to restore 10 Compliance Assistance Specialist (CAS) positions in the regions in FY 2017 will provide an increase of approximately 300,000 in the number of people reached for FY 2017. With increased staffing, CASs will be better able to meet directly with employers, community groups and professional associations to ensure they have the tools they need to provide a safe workplace for their workers. Increased staffing will also provide more effective outreach to help employers comply with new and revised standards (e.g., reporting and recordkeeping, confined spaces in construction, silica, etc.), and support its key enforcement initiatives.

In FY 2017, OSHA will continue to recognize VPP sites. In FY 2015, OSHA approved or reapproved 386 VPP sites, a larger than normal number of VPP visits, because it was finalizing visits conducted in FY 2014 in an effort address the existing re-approval backlog, a direct response to an internal VPP review in FY 2011 and the Office of the Inspector General (OIG) evaluations. OSHA will continue to prioritize this activity in FY 2016 and FY 2017. OSHA expects to conduct 315 VPP approvals or reapprovals in FY 2016. With the additional CASs, OSHA expects to approve or reapprove 335 VPP sites in FY 2017, an increase of 20 sites from its FY 2016 target. OSHA will recognize employers and workers in the private industry and federal agencies who have implemented effective safety and health management systems and maintain injury and illness rates below national BLS averages for their respective industries.

In FY 2016, OSHA will make effective use of its Special Government Employees (SGEs), including more of these individuals on onsite evaluation teams, which enabled the agency to complete additional VPP onsite visits with its existing resources. In FY2017, with the planned increase in SGE activities, OSHA hopes to continue to improve its backlog, deal with more PSM VPP sites requiring more CAS time, and allow for CASs to concentrate on those activities reserved for federal employees.

Additionally, OSHA will focus building other cooperative relationships with organizations to better reach small businesses and workers within high-risk industries. The agency will work with

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employers, trade and professional associations, unions, community and faith-based groups, and Consulates to establish 12 Strategic Partnerships and 15 Alliances, increases from FY 2016.

OSHA will continue to present basic and advanced occupational safety and health courses for federal and state compliance personnel and state consultation staff, including mandatory training for newly hired compliance officers, technical courses for journey-level compliance officers and training for whistleblower investigators. The OTI will leverage the agency's resources by increasing the participation of expert staff from the OSHA National and field offices. These subject matter experts have the specialized knowledge that is important to maintaining quality training course curricula and to providing the agency's perspective on safety and health issues.

OSHA will also continue to provide occupational safety and health training and education to workers, employers and public sector personnel by leveraging the resources of the OTI Education Centers Program, the Outreach Training Program, and the Resource Center Lending Program. In FY 2017, OSHA expects to reach an additional 2,000 people through the Education Centers and an additional 25,000 people through the Outreach Training Program. These initiatives promote safety and health in the workplace by providing training on numerous occupational and safety topics to professionals, labor representatives, and employers, such as the 10- and 30-hour outreach training on hazards in construction, general industry, maritime, and disaster site operations to workers.

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	28,997	30,400	32,544	2,144
11.3	Other than full-time permanent	82	80	80	0
11.5	Other personnel compensation	357	335	335	0
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>29,436</b>	<b>30,815</b>	<b>32,959</b>	<b>2,144</b>
12.1	Civilian personnel benefits	8,265	9,762	10,711	949
13.0	Benefits for former personnel	65	14	14	0
21.0	Travel and transportation of persons	2,359	1,313	1,326	13
22.0	Transportation of things	46	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	10,577	10,832	11,453	621
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	983	360	360	0
24.0	Printing and reproduction	136	187	187	0
25.1	Advisory and assistance services	0	22	22	0
25.2	Other services from non-Federal sources	3,719	3,007	3,007	0
25.3	Other goods and services from Federal sources 1/	9,997	10,987	11,581	594
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	1,800	512	512	0
26.0	Supplies and materials	531	124	124	0
31.0	Equipment	519	351	380	29
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	147	147	0
	<b>Total</b>	<b>68,433</b>	<b>68,433</b>	<b>72,783</b>	<b>4,350</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	8,771	10,173	10,767	594
	DHS Services	626	630	630	0
	Services by Other Government Departments	600	184	184	0

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## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$486
Personnel benefits	146
Two days less of Pay	-242
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	363
Rental payments to others	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	594
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** **\$1,453**

**Net Program** **\$2,897**

**Direct FTE** **10**

	Estimate	FTE
<b>Base</b>	<b>\$69,886</b>	<b>247</b>
<b>Program Increase</b>	<b>\$2,897</b>	<b>10</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



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<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>57,775</b>	<b>57,775</b>	<b>59,775</b>	<b>2,000</b>
FTE	0	0	0	0

### **Introduction**

OSHA’s On-site Consultation Program is the agency’s premier small- and medium-sized business safety and health assistance program. Small- and medium-sized businesses often cannot afford to hire in-house safety and health expertise or outside consultants. This activity supports the provision of free and confidential workplace safety and health advice in all states across the country, with priority given to high-hazard worksites. OSHA distributes funding to Consultation Projects as authorized by Section 21(d) of the Occupational Safety and Health Act of 1970 (OSH Act). This program is separate from and independent of OSHA’s enforcement program.

By strategically scheduling Consultation visits and outreach efforts in high-risk areas, the On-site Consultation Program can leverage OSHA enforcement efforts to have the greatest effect on overall compliance. With more employers in compliance, workplace injuries, fatalities, and illnesses decline, as do costs associated with lost productivity and workers’ compensation claims. Increasing the availability of OSHA’s On-site Consultation Program services supports America’s long-term competitiveness by enabling small business owners and entrepreneurs to access key services that will protect workers, reduce expenses, and position small businesses to take advantage of new opportunities and new markets as the economy continues to improve. Through On-site Consultation efforts, OSHA encourages companies to voluntarily adopt recommended hazard reduction strategies, implement a structured safety and health management system, and use the system to achieve superior safety and health performance – thereby supporting the Departmental Strategic Objective of securing safe and healthy workplaces, particularly in high-risk industries.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2012	\$57,890	0
2013	\$54,862	0
2014	\$57,775	0
2015	\$57,775	0
2016	\$57,775	0

### **FY 2017**

OSHA requests \$59,775,000 for FY 2017, an increase of \$2,000,000 from the FY 2016 Enacted level. The requested funding increase would enable the On-site Consultation Program to meet

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

minimum staffing levels to support rapid response investigations and provide process safety management program assistance. Increasing staff levels will ensure On-site Consultation Projects will be able to offer expertise to small businesses in areas of both occupational safety and health. Supporting rapid response investigations will increase worker protection and prevent occupational injuries and illness. Properly trained and qualified On-site Consultants can reduce fatalities and injuries, along with major catastrophes, by providing improved outreach and training to address Process Safety Management (PSM)-related workplace hazards. With additional staff resources, OSHA's On-site Consultation Program will conduct a projected 27,937 visits to workplaces and identify over 100,000 serious hazards, thereby removing more than 2.5 million workers from exposure to these hazards in FY 2017.

### *Meeting Minimum Staffing Levels*

OSHA is requesting \$720,000 to enable the Consultation Projects to fill, train, and provide adequate program support for eight existing vacancies for eight Consultation Projects that have struggled to compete for qualified staff in very competitive marketplaces. Since FY 2011, eight states and territories have experienced unusual challenges in efforts to hire staff and/or retain the minimum staffing levels necessary to operate an effective program that is able to address both safety and health concerns of the small businesses served by these offices.

### *Supporting Rapid Response Investigations*

On January 1, 2015, OSHA's final rule, revising its occupational injury and illness recordkeeping and reporting regulations, became effective. The rule expanded the list of severe work-related injuries and illnesses that all covered employers must report to OSHA, adding the requirement to report all inpatient hospitalizations, amputations and loss of an eye within 24 hours. In response to the increase of reported incidences, OSHA determines whether to conduct an inspection or refer affected small businesses to the free On-site Consultation services that do not result in fines or citations. OSHA has determined that these referrals have resulted in an increase of approximately 600 additional requests annually for On-site Consultation services. OSHA is therefore requesting \$1,080,000 for eight new staff nationally to meet the increased workload.

### *Providing Process Safety Management Training*

In response to Executive Order 13650, Improving Chemical Facility Safety and Security, requirements, OSHA is enhancing PSM evaluation procedures. PSM requires a set of interlinked and interdependent approaches to manage hazards associated with chemical processing industries. Because of the complex and interrelated nature of this approach to identifying, abating, and managing hazards in these environments, it is necessary for consultants to be specifically trained in PSM. Currently, the majority of OSHA's On-site Consultation Projects totally lack or have very limited numbers of PSM-trained consultants. To provide OSHA PSM training to On-site Consultation consultants, \$200,000 is requested to train eight percent of the On-site Consultation consultants each year.

## **FY 2016**

In FY 2016, OSHA will continue to support its On-site Consultation Program, which offers free and confidential workplace safety and health advice to small businesses in all states across the

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country, with priority given to high-hazard worksites. OSHA will continue to distribute funding to Consultation Projects as authorized by Section 21(d) of the OSH Act, and will monitor the effective and efficient use of these funds. The On-site Consultation Program uses consultants from State agencies or universities to work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing safety and health management systems. OSHA's On-site Consultation Program will conduct a projected 26,930 visits to workplaces and identify over 100,000 serious hazards, thereby removing more than 2.5 million workers from exposure to these hazards in FY 2016.

On-site Consultation Projects will continue to focus their efforts on the identification, assessment, and abatement of workplace hazards. Consultants will also assist with outreach and education efforts to support OSHA's enforcement and regulatory activities and promote the rights of workers in small businesses. To better assist small businesses with practical and affordable solutions to hazard abatement, On-site Consultation Projects will improve communication of Low Cost/No Cost abatement methods gleaned from visits and provide this information in innovative and web-assessable formats.

On-site Consultation Projects will continue to promote the Safety and Health Achievement Recognition Program (SHARP) to small businesses in FY 2016. SHARP recognizes small business employers who operate an exemplary injury and illness prevention program. Worksites that have been accepted by OSHA into SHARP are small business models for worksite safety and health and are exempt from OSHA programmed inspections while in SHARP. OSHA anticipates approximately 87 new companies participating in the program in FY 2016. OSHA will monitor and refine, as needed, SHARP policies, including those established to address actions following enforcement inspections and the reporting of severe injuries at SHARP or Pre-SHARP Worksites as well as policy regarding procedures and guidance for conducting initial On-site Consultation Visits, and SHARP and Pre-SHARP evaluations at worksites covered by Process Safety Management of Highly Hazardous Chemicals, 29 CFR 1910.119. To create a strong and effective recognition program for construction worksites, OSHA will continue to work with the On-site Consultation Projects to implement the SHARP National Construction Pilot Program which will run from FY 2015 through FY 2020.

The Consultation Program will continue to support key OSHA initiatives and programs, including its temporary worker initiative, Heat Illness and Fall Prevention, outreach and education to vulnerable workers—including Spanish-speakers, members of the Asian American Pacific Islander community, and others with limited English proficiency — and outreach related to hazards in the oil and gas industries and telecommunication towers. On-site Consultation Projects will also support OSHA's area offices in their Local Enforcement Programs (LEPs) by providing needed outreach to impacted employers in the small business community.

In FY 2016, the agency will continue to build upon the successes of collaborative efforts with Small Business Development Centers (SBDCs). OSHA will examine the efforts with the SBDC initiative and, based on the successes, work with On-site Consultation Projects to identify and create relationships with similar federal, state and local level programs that support small business development.

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### FY 2015

In FY 2015, OSHA distributed funding to On-site Consultation Projects as authorized by Section 21(d) of the OSH Act, and monitored the effective and efficient use of these funds. Health and safety consultants in OSHA's On-site Consultation Program conducted over 27,870 visits to workplaces and identified over 100,000 serious hazards, covering more than 2.5 million workers across the nation in FY 2015. Performance levels in FY 2015 were projected to be slightly higher than in FY 2014 only because performance levels in FY 2014 were affected for over two weeks by the lapse in federal funding. Cost of living increases (estimated at two percent annually) and flat funding levels continued to negatively impact the Program's ability to maintain or increase visit numbers. On-site Consultation Projects experienced 62 vacancies and unfilled consulting positions nationally in FY 2015, which is a direct result of continued flat funding levels and will lead to a significant decline in capabilities in FY 2016.

On-site Consultation Projects continued to promote SHARP to small businesses in FY 2015. OSHA worked with the Projects to strengthen the integrity of this program and ensure that Consultation resources are directed appropriately through the clarification and development of key policies. In FY 2015, OSHA clarified company size eligibility requirement for participation in SHARP and ensured that the assistance provided to reach this level of excellence are devoted solely to small businesses. To ensure alignment with agency chemical safety and security goals, OSHA also reviewed its evaluation criteria within the SHARP program for sites covered by the PSM standard.

In FY 2015, OSHA launched, monitored and provided guidance for a SHARP pilot for the construction industry, scheduled to run for five years. The goal of this effort is to create a robust and effective recognition program for non-fixed worksites in this high-hazard industry sector. In 2020, the pilot program will be evaluated for its effectiveness and considered for full implementation.

On-site Consultation Projects continued to support a marketing evaluation study implemented in FY 2014 that is being conducted by a third party contractor at the request of the Department's Chief Evaluation Officer (CEO). In FY 2015, the study concluded with the issuance of a report by the contractor that evaluated the effectiveness of several messaging models and channels, as determined by their ability to encourage businesses to seek Consultation services. In FY 2015, a subsequent study was conducted, by the third party contractor, to examine injury/illness rates and compliance after worksites receive an On-site Consultation.

OSHA, through the Consultation Program, continued to develop and use a variety of strategies to protect temporary workers and provide outreach and education to vulnerable workers—including Spanish-speakers, members of the Asian American Pacific Islander community, and others with limited English proficiency. These topics were discussed in workshops and general sessions attended by Consultation Project Managers and senior consultants during the FY 2015 On-site Consultation Training Conference. OSHA also continued efforts to provide fall protection services at construction sites and encouraged individual On-site Consultation Projects to develop other effective programs for protecting workers. In FY 2015, On-site Consultation Projects

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supported agency activities and provided outreach related to heat hazards, falls, and hazards in the oil and gas industries, and telecommunication towers.

In FY 2015, the agency continued to build upon successful efforts initiated in FY 2013 to collaborate with Small Business Development Centers (SBDCs) with the goal of educating many more new businesses about OSHA's On-site Consultation Program and the many free resources the agency has available for small business employers. In a pilot project whose framework was established in FY 2014 in concert with the Pennsylvania (PA) SBDC State Director, OSHA mailed workplace safety and health materials to all 18 SBDC centers in PA. The purpose of this effort was to educate SBDC consultants in PA about workplace safety and health resources available from OSHA. OSHA followed up this effort with a presentation to all PA SBDC directors and many senior PA SBDC consultants at the annual SBDC Meeting in FY 2015. This successful pilot project will be expanded in FY 2016 and beyond to reach out to other SBDCs nationwide.

OSHA also launched an effort in FY 2015 to collaborate with the National Institute for Standards Technology (NIST) and work with NIST's Manufacturing Extension Partnerships (MEPs) to educate manufacturers about OSHA's compliance assistance programs. In FY 2015, OSHA introduced MEPs to OSHA's On-site Consultation Program through activities such as posting blogs and participating on quarterly calls. OSHA also included representation by MEP at the FY 2015 On-site Consultation Training Conference. The goal of these collaborations was to enable OSHA to leverage efforts to reach and educate small businesses and distribute occupational safety and health materials to the small business community.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Compliance Assistance-State Consultations</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
<b>Consultation Visits</b>					
OSHA- Consultations- 01	Initial Visits	23,005	23,772	23,230	23,822
OSHA Consultations- 02	Training and Assistance	2,178	1,902	1,800	1,911
OSHA- Consultations- 03	Follow-up Visits	2,067	2,197	1,900	2,204
<b>Recognition &amp; Exemption</b>					
OSHA- SHARP-01	SHARP Sites	1,606	1,463	1,550	1,575
<b>21(d) Agreements</b>					
OSHA-21d-01	Plan States	24	25	25	25
OSHA-21d-02	Non-plan States	28	27	27	27

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

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

### Workload Summary

In FY 2016, the approximately 400 health and safety consultants in OSHA's On-site Consultation Program are expected to conduct nearly 27,000 visits to worksites. This service gives priority to high-risk industries and plays a significant role by working directly with employers to improve workplace safety and health in small businesses. Collectively, as a result of the nearly 27,000 visits projected in FY 2016, the On-site Consultation Program will assist employers in identifying over 100,000 serious hazards and remove more than 2.5 million workers from exposure to these hazards nationwide. With the funding increase requested in FY 2017, 16 additional consultative staff will be hired, and a plan to train consultants to conduct visits to worksites involving Process Safety Management (PSM) would be implemented. As a result more than 1,000 additional Consultations visits will be conducted in FY 2017.

The requested increase of 16 new staff in FY 2017 is necessary to address a continuing increase in requests for On-site Consultation resulting from OSHA's FY 2015 revised recordkeeping and reporting rule (eight new hires) and also to enable eight Consultation projects to work to restore staffing to meet minimum staffing levels (eight new hires). The additional staff will increase service capacity to small businesses nationwide, and improve the response time to requests, particularly in the eight states where minimum staffing levels needs to be restored. Nationwide, the On-site Consultation Program will conduct approximately 1,007 additional visits in FY 2017 and remove over 170,000 additional workers in small- to medium-sized workplaces from exposure to serious occupational hazards. Increasing and improving the availability of OSHA's Onsite Consultation Program services supports the President's focus on America's long-term competitiveness by enabling small business owners and entrepreneurs to access key services that will protect workers, reduce expenses, and thereby leave U.S. small businesses better-positioned to take advantage of new opportunities and new markets as the economy continues to improve.

With the requested budget increase in FY 2017, OSHA will also launch an effort to train consultants to ensure that they have attained the advanced PSM proficiency necessary to address small- and medium-sized chemical and other facilities covered by this standard and support Presidential Executive Order (EO) 13650 Improving Chemical Facility Safety and Security. In particular, additional trained consultation staff will assist these businesses that come into compliance with PSM and policy clarifications issued in FY 2015 in response to the EO. It is estimated that there are over 4,800 small agricultural and other facilities throughout the United States that store and handle ammonium nitrate alone, and many more small employers have ammonia refrigeration processes and other processes that may be covered. Some of these facilities may be newly covered following a clarification of the "retail exemption" in PSM. OSHA will work with Projects to identify facilities and focus efforts of the PSM-trained consultants on providing assistance to these small businesses, thereby helping them avoid potentially catastrophic incidents.

OSHA continues to develop programs to reach and protect vulnerable workers and focus on high-hazard National and Regional Emphasis Areas. In support of National and Regional Emphasis Areas, On-site Consultation Projects develop plans and strategies annually for reaching out to employers in high hazard industries. In FY 2016, for example, On-site Consultation Projects—under guidance from OSHA— will develop plans to visit worksites

## COMPLIANCE ASSISTANCE – STATE CONSULTATION

involved with healthcare, residential building construction, power and communication line and related structures, in addition to PSM-covered chemical facilities. These enhancements will continue in FY 2017, and Consultation Projects will also focus on worksites where amputations are more likely to occur, and where specific emphasis safety and health hazards—such as crystalline silica, combustible dust, isocyanates, and combustible dust—are more likely to be found.

In FY 2017, On-site Consultation Projects will continue to promote the Safety and Health Achievement Recognition Program (SHARP) to small businesses. SHARP recognizes small business employers who operate an exemplary injury and illness prevention program. The level of worksite participation in SHARP has been relatively flat in recent years, as some SHARP worksites are added and some leave or fall out of the program because they no longer qualify for SHARP. OSHA projects approximately 1,575 worksites will participate in SHARP in FY 2017, twenty five more than the projected level of participation in FY 2016.

In FY 2017, OSHA will continue efforts to provide fall protection advice and assistance at construction sites, and enable individual On-site Consultation Projects to continue developing other effective programs for protecting workers. OSHA launched the National Construction SHARP Pilot (NCSP) Program in FY 2015. This five-year pilot is designed for construction (non-fixed) worksites with comprehensive effective safety and health programs.

OSHA will complete its effort to reach out to and collaborate with Small Business Development Centers (SBDCs) in each state nationwide in FY 2017. OSHA piloted an effort in FY 2015 to partner with the centers and broaden awareness of its On-site Consultation services. OSHA expanded the effort in FY 2016 and will complete its outreach to all 52 states and territories nationwide in FY 2017.



## COMPLIANCE ASSISTANCE – STATE CONSULTATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
25.2	Other services from non-Federal sources	57,775	57,775	59,775	2,000
25.3	Other goods and services from Federal sources 1/	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
	<b>Total</b>	<b>57,775</b>	<b>57,775</b>	<b>59,775</b>	<b>2,000</b>

# COMPLIANCE ASSISTANCE – STATE CONSULTATION

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

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

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

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$57,775</b>	<b>0</b>
<b>Program Increase</b>	<b>\$2,000</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>10,537</b>	<b>10,537</b>	<b>10,537</b>	<b>0</b>
FTE	0	0	0	0

### **Introduction**

This budget activity supports the Susan Harwood Training Grant Program, which provides targeted and capacity-building grant awards to non-profit organizations to provide direct and train-the-trainer training and education to workers on safety and health hazards in the workplace, and their rights under the law. This unique program provides in-person, hands-on training and educational programs for at-risk workers in high-hazard industries, small businesses, hard-to-reach workers, and workers with limited English proficiency. Training often occurs at a job site or community-type center and is focused on hazard identification and prevention. Most of the programs include train-the-trainer programs, whose trainers go on to train other workers, leveraging the program's effect. Since the inception of the training grants program, OSHA has received positive feedback from grantees as well as employers of workers trained under the grants. The training and education offered by grantees has improved awareness of conditions in high-risk industries. From meatpacking to construction, these grants provide workers and employers with the tools they need to make the workplace safer and healthier.

This program supports multi-year Capacity Building Developmental grants, through which OSHA builds safety and health capacity in community-based, employer, labor and other non-profit organizations that have access to at-risk populations, enabling workers to understand the hazards they face, what to do about them and their rights under the law. Many of these training programs are held with labor and management cooperation and contribute to the building of a workplace safety culture. With these multi-year grants, most grantees develop their own train-the-trainer capacity to implement workplace safety and health programs that will remain in effect after the grant ends.

Targeted Topics grants are also supported, which increase opportunities for workers to receive occupational safety and health training on specific topics, including training on recently issued standards, topics that require special attention, and areas where new hazards or novel approaches are being addressed. In addition, many grantees develop training materials, which OSHA makes available on its website, ensuring that safety and health training information is more widely available and easily accessible to workers and employers. OSHA makes sure that written materials do not duplicate currently existing materials and encourages grantees to use existing materials where available.

These grants support the Department's Strategic Objective of *securing safe and healthy workplaces, particularly in high-risk industries* and the high priority goal of *protecting workers' rights* by informing workers of good safety and health practices and of their rights to a safe and healthy workplace.

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

proficiency, and low-wage workers), including those in immigrant and underserved populations as well as workers in small businesses. Harwood Training Grants also support the high priority goal of *protecting workers' rights* and by informing workers of good safety and health practices and of their rights to a safe and healthy workplace.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$10,709	0
2013	\$10,149	0
2014	\$10,687	0
2015	\$10,537	0
2016	\$10,537	0

### FY 2017

In FY 2017, OSHA requests \$10,537,000 for the Susan Harwood Training Grant Program, the same level of funding as FY 2016. At this level, OSHA estimates that 80 grants will be awarded. The agency expects to maintain the same level of funding for the individual award amounts and the same number of overall grants to enable grantees to provide quality training. Based on the 80 grants estimated to be issued in FY 2016, the agency expects that 90,000 workers and employers will be trained in FY 2017.

The agency will continue to leverage the training and knowledge of nonprofit organizations, including employer associations, interfaith and community-based organizations, unions, and academic institutions to target grant funding to serious and emerging workplace hazards. Target audiences for trainings will include small businesses, limited English proficiency workers, non-literate and low literacy workers, young workers, hard-to-reach workers and workers in high-hazard and high fatality industries. As in FY 2016, training will target several industries (e.g., oil and gas, health care, agriculture, and meatpacking and poultry processing).

In FY 2017, Targeted Topic grants will continue to support the development of quality safety and health training materials and the delivery of training and tools for workers and/or employers at multiple worksites addressing one or more of the occupational safety and health hazard topics OSHA selects for each year's grant solicitation. Capacity Building Pilot and Developmental grants will assist organizations with a demonstrated potential for building an occupational safety and health training program, to assess its needs, priorities, and objectives before developing a full-scale program. As in previous years, topics include, but are not limited to, agricultural safety, blood borne pathogens, fall protection in construction and general industry, and chemical hazards.

### FY 2016

In FY 2016, OSHA estimates that 80 grants will be awarded. The agency expects to maintain the same level of funding for the individual award amounts and the same number of overall grants to

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

enable grantees to provide quality training. Based on the 80 grants that were awarded in FY 2015, the agency expects that 90,000 workers and employers will be trained in FY 2016.

In FY 2016, Targeted Topic grants will continue to support the development of quality safety and health training materials and the delivery of training and tools for workers and/or employers at multiple worksites addressing one or more of the occupational safety and health hazard topics OSHA selects for each year's grant solicitation. Capacity Building Pilot and Developmental grants will assist organizations with a demonstrated potential for building an occupational safety and health training program, to assess its needs, priorities, and objectives before developing a full-scale program. As in previous years, topics include, but are not limited to, agricultural safety, blood borne pathogens, fall protection in construction and general industry, chemical hazards, construction road zone hazards, heat illness prevention, amputation hazards, confined spaces, silica exposure, musculoskeletal disorders, effective safety and health management programs, and workplace violence. Many of the courses offered by the grantees will be "train-the-trainer" programs, which leverage the impact of these programs beyond the scope and time of the individual grants.

### **FY 2015**

In FY 2015, OSHA awarded 80 grants. Based on the grants issued in FY 2014, there were 108,817 workers and employers trained. Topics included, but were not limited to, agricultural safety, blood borne pathogens, fall protection in construction and general industry, chemical hazards, construction road zone hazards, heat illness prevention, musculoskeletal disorders, effective injury and illness prevention programs, and workplace violence. Many of the courses offered by the grantees were "train-the-trainer" programs, which leveraged the impact of these programs beyond the scope and time of the individual grants. Targeted audiences for training included small businesses, limited-English proficiency workers, non-literate and low literacy workers, young workers, hard-to-reach workers and workers in high-hazard and high fatality industries.

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Compliance Assistance-Training Grants</b>					
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
OSHA-Grants-02	Percent of Susan Harwood grantees who receive a training observation visit	100%	100%	100%	100%
OSHA-Grants-03	Number of Harwood Grant materials posted to OSHA’s webpage	--	--	25	25
OSHA-Grants-20	Targeted Training Grants	42	45	45	45
OSHA Grants 21	Capacity Building Grants	32	35	35	35

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

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

### Workload Summary

At the request level, OSHA estimates 80 grants will be awarded in FY 2017, resulting in an estimated 90,000 workers trained in FY 2018. A total of 80 grants were awarded in FY 2015 and are expected to provide training to 90,000 workers and employers in FY 2016. In FY 2014, OSHA issued 78 grants which provided training to 108,817 participants in FY 2015. The estimated number of participants is based on information submitted by grantees in their applications. It is difficult to predict the number of participants because of yearly variations in the organizations receiving grants and the training programs they intend to provide.

The agency is seeking to improve the performance of the program by maintaining the number of Capacity Building grants that could be funded for multiple years through follow-on funding for existing grants, and by awarding new grants to replace those that expired in FY 2014. These grants allow nonprofit organizations to institutionalize their workplace safety and health capacity and build permanent health and safety capacity within their organizations. OSHA is also expanding the reach and scope of grants to provide outreach and training to underserved populations such as immigrant communities, low-wage workers, and high-fatality industries. Many of the courses offered by the grantees will be “train-the-trainer” programs, which expand the impact of these programs beyond the scope and time of the individual grants. OSHA will post grantee-developed training materials on its website and leverage it to reach and train thousands of workers.

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
41.0	Grants, subsidies, and contributions	10,537	10,537	10,537	0
	<b>Total</b>	<b>10,537</b>	<b>10,537</b>	<b>10,537</b>	<b>0</b>



# COMPLIANCE ASSISTANCE – TRAINING GRANTS

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments \$0

Grants, subsidies, and contributions 0

**Built-Ins Subtotal \$0**

**Net Program \$0**

**Direct FTE 0**

	Estimate	FTE
<b>Base</b>	<b>\$10,537</b>	<b>0</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## SAFETY AND HEALTH STATISTICS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>34,250</b>	<b>34,250</b>	<b>40,095</b>	<b>5,845</b>
FTE	35	41	46	5

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 42.

### **Introduction**

The activity supports OSHA’s information technology (IT) resources, including its popular and informative website - OSHA.gov - and key applications and systems, such as its real-time data system, the OSHA Information System (OIS), and the Web-based Integrated Management Information System (WebIMIS). OSHA’s website and web services provide a vast network of compliance assistance information to workers and employers on safety and health topics, including publications, training and education materials, and job hazard analyses, targeted to workers, employers, small businesses and other stakeholders. Maintenance of the website supports and enhances OSHA’s leadership in workplace safety and health by providing reliable, well-managed information, data systems, and web services. Business applications, such as OIS and WebIMIS, are critical for the agency’s efforts to reduce fatalities, injuries, and illnesses through enforcement, compliance assistance, whistleblower protection, consultation, and outreach. This activity also supports the collection, maintenance, evaluation, and analysis of inspection, injury and illness, and statistical data that support all agency activities, particularly standards development, enforcement, technical support, compliance assistance, outreach, and program evaluation.

This budget activity supports President Obama’s Second Term Management Agenda and its goal of effective, efficient government that works better, costs less and supports economic growth by providing for the collection, maintenance, evaluation, and analysis of inspection and statistical data that support all agency activities, particularly standards development, enforcement, technical support, compliance assistance, outreach, and program evaluation. The statistics activity supports two Departmental strategic goals: 1) *securing safe and healthy workplaces, particularly in high-risk industries* and 2) *ensuring workers voice in the workplace*.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2012	\$34,739	40
2013	\$32,922	40
2014	\$34,250	42
2015	\$34,250	42
2016	\$34,250	41

## **SAFETY AND HEALTH STATISTICS**

### **FY 2017**

OSHA requests \$40,095,000 and 46 FTE for the Safety and Health Statistics activity, an increase of \$5,845,000 from the FY 2016 Enacted level. The request provides for the collection, maintenance, evaluation, and analysis of inspection and other statistical data that support all agency activities. It reflects a program increase of \$5,400,000 and five FTE from the FY 2016 Enacted level. Through an investment in data analysis and evaluation, OSHA will have the tools to expand activities that strive to protect the safety and health of American workers. The activity also supports improvements in OSHA's service delivery through information technology (IT), including the public website, and allows the agency to maintain and enhance its leadership in workplace safety and health by providing reliable and well-managed information, data systems, and web services. The request also includes \$197,243 for the restoration of FY 2016 inflationary built-ins not provided.

The request includes \$3,000,000 for OSHA to consolidate its databases and make them compatible with the DOL operating environment. OSHA provides data to the public and other organizations from the web and through Data.gov. The availability of this data allows searches for specific reported instances of injuries and fatalities across multiple locations for an employer, making workplace safety data more transparent. While these systems have assisted OSHA in fulfilling its mission, the process of making this data available is burdensome as the data resides in multiple locations, on nonstandard platforms, and in some cases, on obsolete technology. This request would consolidate these databases to the DOL consolidated data center to make even more data available to the public. Employers and employees will be able to easily and quickly compare their workplace injury and illness experience with similar employers in their industry. By moving to the DOL consolidated data center, OSHA will also modernize its technology and increase the security of the information. The shortcomings that result from the current legacy systems include obsolete technology that does not meet the DOL IT Modernization plan. DOL supports consolidation of data centers and cloud technology that will improve delivery of services to the public and administrative efficiency.

The consolidation of OSHA databases on the same platform will improve the quality and consistency of OSHA data that is used for managing the mission and information provided to the public. When this project is completed, OSHA can provide data to the public from its web portal from a single platform, avoiding the nightly transfers among multiple systems. This will bring OSHA IT resources to current standards that will result in improved information security and cost avoidance to support multiple systems. Better management of the programs with increased quality and comprehensive data will result in efficiencies which will enable OSHA to target its resources to those areas where the most serious violations occur and decrease the number of injuries and illnesses in the workplace. In addition, improved customer service will enhance the agency's ability to protect vulnerable workers and ensuring their voice in the workplace.

The FY 2017 request also includes \$900,000 and five FTE for a new Data Analytics Unit that will focus on improving the planning, targeting, implementation, and evaluation of the agency's actions. The Unit will look at preventing occupational illness and injury through the collection of data that will help better identify the strategies and tools to control exposures to workplace hazards. More specifically, it will focus on methods and tools to identify and quantify workplace

## **SAFETY AND HEALTH STATISTICS**

hazards; evaluate the efficacy of hazard control-techniques; construct and support data dashboards to ensure that OSHA regional and area leadership have the data necessary to better manage and target inspection activities; and facilitate data sharing between OSHA and other agencies. The Unit will also provide support to OSHA's Whistleblower program by examining the investigative process to look for opportunities to streamline and implement further program efficiencies. Enhanced data and analytical capabilities will improve the effectiveness of OSHA's program evaluation functions. Program evaluation is the systematic assessment of the processes and/or outcomes of a program with the intent of furthering its development and improvement. OSHA will use program evaluation to make its programs more efficient and effective. Program evaluation can identify gaps in information and address where OSHA's activities are having the greatest impact. OSHA's success requires it to remain open to continuing feedback and adjusting programs accordingly.

Techniques will include conducting analytic scientific studies which will allow the agency to determine causes and risk factors to prevent traumatic occupational injuries and illnesses. OSHA will have improved analytical data and information for programmatic decision-making. As part of its enhanced analytical efforts, OSHA will also improve its linkages with the data systems of other agencies. The request for an OSHA specific Analytics Unit will not duplicate the efforts by the Department, as the Chief Evaluation Officer (CEO) focuses on large, longer-term studies. It is anticipated that OSHA's Analytics Unit will focus on smaller, rapid response studies that address narrower agency issues, and complement Departmental studies. Agency studies would be more granular in detail, such as response time and the distribution of citations. The goal will be to prevent occupational illness and injury through collection of scientific data that will aid the agency to better define strategies and technologies to control exposures to workplace hazards. As a result, employers and employees will be able to reduce workplace injuries and illnesses.

The Analytics Unit will also facilitate data sharing between OSHA and other agencies. In the follow-up to the West, Texas fertilizer plant explosion, OSHA, Environmental Protection Agency (EPA) and the Department of Homeland Security (DHS) agreed to increase the sharing of enforcement and targeting data. OSHA's component of this would be accomplished by the Analytics Unit, which would prepare data for sharing, and lead the analysis of data received from other agencies. Increased emphasis on statistical analysis would allow OSHA to better oversee and manage its caseload of pending whistleblower investigations. In addition to management of its current caseload, OSHA could use statistical analysis to track and monitor case flow trends across the 22 different whistleblower statutes that are enforced by the agency, allowing OSHA to predict future changes in its whistleblower caseload and allocate investigative and training resources accordingly. Further, analysis of whistleblower caseload data could help OSHA identify worker populations and/or industry areas to target in the whistleblower program's outreach efforts.

Additionally, by allowing OSHA to identify bottlenecks and other inefficiencies in the investigative process, analysis of whistleblower investigation data could assist OSHA to further improve and streamline the process by which OSHA conducts whistleblower investigations.

An additional \$1,500,000 million is requested to support "Improved Tracking of Workplace Injuries and Illnesses." OSHA anticipates publication of a final rule to revise its Recording and

## **SAFETY AND HEALTH STATISTICS**

Reporting Occupational Injuries and Illnesses regulation at 29 CFR 1904 in FY 2016. As currently proposed, the rule would require employers in certain industries to electronically submit to OSHA injury and illness data that they are already required to keep under existing OSHA regulations. If this provision remains in the final rule, OSHA would use the requested funds to complete development of an electronic web-based system for employers to submit the required data to the agency. OSHA would make the data available to the public on its Website and through Data.gov to increase transparency and improve customer service.

### **FY 2016**

In FY 2016, OSHA will continue to seek ways to modernize its information technology to correct security deficiencies and strengthen security of OSHA information. OSHA plans to migrate legacy mainframe data to a new Oracle database and consolidate with the existing OIS data hosted by National Information Technology Center (NITC). OSHA will seek to further align the OSHA technology with the infrastructure of the consolidated Departmental systems to promote efficiency and avoid redundancy. OSHA will continue to enhance the OSHA.gov websites, update applications and eliminate antiquated applications no longer required. OSHA will leverage the work done in partnership with the Office of the Chief Information Officer (OCIO) to update OSHA.gov and move to a Drupal content management including the conversion and update to information on its website to languages other than English to meet the needs of America's workers.

OSHA will continue to seek ways to use technology to enhance the public's experience when searching OSHA's Website for critical safety and health information via mobile devices, social media, and emerging technologies.

IT funding also will be used to implement any new IT obligations OSHA incurs if it completes the ongoing rulemaking to revise its Recording and Reporting Occupational Injuries and Illnesses regulation at 29 CFR 1904 in FY 2016.

### **FY 2015**

In FY 2015, OSHA maintained its leadership in workplace safety and health by providing a well-managed network and data collection systems, Web services, mobile applications, social-networking opportunities for communicating important safety and health messages, and customer support. The Statistics budget activity supported the agency's priority performance strategies of reducing workplace injuries, illnesses and deaths through standard setting and targeted enforcement, and encouraged worker voice by providing enriched data-systems support to the agency's programs that help capture complaints and concerns from workers.

With the goal of preventing occupational illness and injury through the collection and analysis of scientific data that will enable the agency to better identify and implement strategies and technologies to control, reduce, and eliminate exposures to workplace hazards, OSHA used various statistical and analytical techniques to evaluate workplace safety and health issues, including research regarding agency programmatic and historical data, trends, leading and lagging indicators, and other types of data, such as information regarding emerging hazards and

## **SAFETY AND HEALTH STATISTICS**

industries and their worker safety and health. OSHA focused on methods and tools to identify, quantify, and analyze workplace hazards. The agency placed an emphasis on conducting hazard control studies that enabled it to define and characterize risk, establish target levels to reduce exposures to workers, and better define hazard control and reduction strategies.

The agency entered a new era of information technology modernization and technological advances that supported OSHA in accomplishing its mission. Using tablets, smart phones, laptops, and docking stations with Virtual Private Network (VPN) capabilities, OSHA employees were able to more effectively engage the public about worker safety and health issues. In addition, the agency provided critical safety and health information through YouTube and other social media accessible by the nation's workers through smartphones and other outlets.

OIS completed the rollout of enhanced capabilities to state enforcement programs, which began in 2014. Completion of the rollout provided all federal and state occupational safety and health programs that had been reliant on the aging technology and databases of the Integrated Management Information System (IMIS) legacy system to migrate from the failing and dated technologies to the OIS as they close out their cases that began in IMIS. Exclusive use of the OIS provides the states a single web-based resource of enhanced and more accurate and comprehensive enforcement and consultation data to manage their programs, and provides OSHA with a single set of state data to monitor state effectiveness and compliance.

## SAFETY AND HEALTH STATISTICS

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
	<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Safety and Health Statistics</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
<b>Web Usage (million)</b>					
OSHA-SHS-02	Web site User Sessions	26.73	34.34	34.34	35.37
OSHA-SHS-03	Non-OSHA	26.52	33.65	33.65	34.66
<b>Electronic Software Systems</b>					
OSHA-SHS-04	Downloads (millions)	6.41	8.40	8.40	8.65
OSHA-SHS-05	User sessions	1.94	20.77	20.77	21.39
OSHA-SHS-06	Web Site Hits (million)	80	173	173	179
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
OSHA-SHS-01	Number of hits on eTools (million)	18.16	16.11	16.11	16.59

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



# SAFETY AND HEALTH STATISTICS

## Workload Summary

This activity provides for the collection, maintenance, evaluation and analysis of inspection and statistical data that support all agency activities, particularly standards development, inspection targeting, technical support, enforcement activities, compliance assistance and program evaluation. It also supports OSHA's efforts to maintain and enhance its leadership in workplace safety and health by providing a dependable, well-managed network, data systems, web services, social-networking opportunities for communicating important safety and health messages, applications, and customer support.

OSHA will continue to seek ways to use technology to engage the public in worker safety and health and bring critical safety and health information to the nation's workers via mobile devices, social media, and emerging technologies. The agency also utilizes these improvements to further the quality and timelines of the data that is offered on its website.

In FY 2017, OSHA will continue to modernize its information technology to improve data quality, strengthen security of OSHA information and further align its technology with the infrastructure of the consolidated Department of Labor systems. This will promote efficiency and avoid redundancy of investments in such areas as e-mail and security. OSHA will continue to convert and update information on its website to languages other than English to meet the needs of America's workers. The agency will continually update information on hazards as emerging risks arise and new information becomes available that affects workplaces and workers.

Pending implementation of proposed changes to the agency's occupational injury and illness recordkeeping rule, the agency request will also result in increased access to establishment specific work-place injury and illness data. This information is critical for hazard identification and abatement. Access to this data would enhance the agency's ability to focus its outreach, compliance assistance and enforcement resources towards worksites with the greatest needs for intervention. In addition, the data collected would be made publicly available from OSHA's website to allow stakeholders (e.g., employers, employees, employee representatives, researchers etc.) in the occupational safety and health arena to make full use of the information for data analytics as described above.

OSHA is reporting different workload numbers this year due to a change in software. In the past OSHA used the Webtrends application to produce website usage statistics. This program crawled through web server and database logs and used proprietary algorithms based on page hits to determine the number of user sessions and other statistics.

OSHA began using Google Analytics (GA) and now has access to website usage data, which comes from a unified GA profile that is managed by the Digital Analytics Program (DAP) hosted by GSA (digital.gov). Google is considered by the industry to provide the most accurate usage data. This tool is provided to all federal executive branch departments and agencies. Historical data from older tools may not be compatible with Google Analytics data and will require a **new baseline** for agencies such as OSHA who have a "legacy" metrics program (such as Webtrends).

## **SAFETY AND HEALTH STATISTICS**

Although the GA numbers are different from the previous numbers, the previous trends can still be compared to the trends indicated by GA.

## SAFETY AND HEALTH STATISTICS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	4,235	4,791	4,961	170
11.3	Other than full-time permanent	50	30	30	0
11.5	Other personnel compensation	47	43	43	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>4,332</b>	<b>4,864</b>	<b>5,034</b>	<b>170</b>
12.1	Civilian personnel benefits	1,316	1,250	1,334	84
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	72	48	48	0
22.0	Transportation of things	5	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	774	740	777	37
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	24	25	25	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	942	70	70	0
25.2	Other services from non-Federal sources	11,267	6,770	11,870	5,100
25.3	Other goods and services from Federal sources 1/	4,731	9,946	10,100	154
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	10,100	10,275	10,275	0
26.0	Supplies and materials	187	43	43	0
31.0	Equipment	500	219	519	300
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>34,250</b>	<b>34,250</b>	<b>40,095</b>	<b>5,845</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,281	3,362	3,516	154
	DHS Services	0	19	19	0
	Services by Other Government Departments	2,450	6,565	6,565	0

# SAFETY AND HEALTH STATISTICS

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$77
Personnel benefits	23
Two days less of Pay	-38
Federal Employees' Compensation Act (FECA)	8
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	25
Rental payments to others	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	154
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** **\$249**

**Net Program** **\$5,596**

**Direct FTE** **5**

	Estimate	FTE
<b>Base</b>	<b>\$34,499</b>	<b>41</b>
<b>Program Increase</b>	<b>\$5,596</b>	<b>5</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## EXECUTIVE DIRECTION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
<b>Activity Appropriation</b>	<b>10,973</b>	<b>10,973</b>	<b>11,343</b>	<b>370</b>
FTE	54	47	47	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 49.

### **Introduction**

The Executive Direction activity provides overall leadership, direction and support for agency operations and develops strategic and operating plans to carry out the Secretary’s vision. This activity also monitors agency performance in support the Department’s strategic objectives of *securing safe and healthy workplaces, particularly in high risk industries* and *protecting workers’ rights*. Executive Direction includes leadership, management and administrative support/coordination of policy, research, planning, evaluation, internal management, human resources, budgeting, financial control, legislative liaison, federal agency liaison and performance management. Under the agency’s executive direction, outcome goals and performance measures are established and tracked. Strategies and priorities are adjusted as needed to achieve the agency’s outcome goals and accomplish its mission of reducing workplace injuries, illnesses, and fatalities. OSHA also utilizes the expertise of five advisory committees when developing policy and addressing emerging issues in occupational safety and health.

### **Five-Year Budget Activity History**<sup>16</sup>

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2012	\$11,491	49
2013	\$10,890	49
2014	\$10,973	49
2015	\$10,973	49
2016	\$10,973	47

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<sup>16</sup> Program Administration funding and FTE for FY 2014 and FY 2015 have been adjusted for the indirect cost realignment. The adjustment for FTE in FY 2014 and FY 2015 was made to the authorized FTE level.

### **FY 2017**

OSHA requests \$11,343,000 and 47 FTE for the Executive Direction activity, an increase of \$370,000 over the FY 2016 enacted level. This activity is responsible for tracking outcome goals and performance measures established under the agency’s Operating Plan for promoting worker safety and health. OSHA’s Operating Plan presents a solid framework for strategic planning, self-evaluation, and reporting that is firmly rooted in established agency processes that allow for continuous self-improvement. OSHA adjusts strategies and priorities as needed to achieve its

## EXECUTIVE DIRECTION

outcome goals and accomplish its mission of reducing workplace injuries, illnesses, and fatalities. OSHA uses the results as a management and diagnostic tool to monitor goals, identify problems early, and make strategic course corrections and improvements. The request also includes \$266,176 for the restoration of FY 2016 inflationary built-ins not provided.

OSHA tracks all Operating Plan outputs/measures in its Measurement and Reporting System (MARS), and discusses results with program offices at the National, Regional and Area Office levels, as well as with the State Plans, as applicable. The discussions provide valuable information from OSHA employees at all levels, which OSHA uses not only to improve current performance and refine performance measurement, but also to develop the requirements, priorities, and strategies for subsequent Operating Plans.

In conjunction with the Department's efforts to respond to the Federal Employee Viewpoint Survey (FEVS), OSHA will continue to implement its action plan to address training, performance management, professional and leadership development, succession planning, and innovation. In FY 2017, OSHA will build upon its training program for current and aspiring managers. In addition, the agency will provide better training for its compliance officers and improve individual development plans.

### **FY 2016**

OSHA will continue to track all Operating Plan outputs/measures in MARS, and share results with program offices at the National, Regional and Area Office levels, as well as with the State Plans, as applicable. The agency compares results to quarterly and annual targets for all of the Operating Plan outputs and measures. Additionally, the program offices responsible for the outputs and measures will self-assess their performance as well as identify and explain improvements and shortcomings. OSHA plans to discuss performance measure data with its regions, and Regional Offices also share and discuss this data with Area Offices on a regular basis. OSHA also will conduct program evaluations and lookback studies to provide further systematic use of data and analysis of agency activities.

OSHA, recognizing that its staff is its greatest strength, will continue to work with the Department to address its needs for succession planning and leadership development to revitalize the agency and meet the challenges brought about by changes in technologies, industries, and demographics. The agency will be pursuing new routes of offering training to all staff, particularly for the purpose of developing management competencies. In FY 2016, OSHA will solicit applications for three new leadership development programs created in response to the FEVS. The programs will provide training in the areas of: executive leadership development, entry level supervisory leadership, managerial leadership. OSHA also plans to issue and implement an updated management training directive, which will provide guidelines for implementing competency-based training for managers, supervisors and team leaders.

The agency will continue to seek additional experienced Compliance Safety and Health Officers (CSHOs), whistleblower investigators, and technical staff with appropriate expertise. OSHA is dedicated to a diverse workforce that mirrors the breadth of ethnicities, languages, and physical capabilities of workers in workplaces across the Nation. The agency will continue to seek

## EXECUTIVE DIRECTION

CSHOs who are proficient in a second language in addition to English. Relationships will be cultivated with a wide variety of academic institutions, professional and trade groups, and community organizations to promote career opportunities within the agency. OSHA also will also make use of various human-resource tools, such as participating in job fairs and conferences, to address the increasing need for qualified candidates with bilingual language skills.

The agency will continue to rely on input from several advisory committees, including the National Advisory Committee on Occupational Safety and Health (NACOSH), the Maritime Advisory Committee on Occupational Safety and Health (MACOSH), the Advisory Committee on Construction Safety and Health (ACCSH), the Whistleblower Protection Advisory Committee (WPAC), and the Federal Advisory Council on Occupational Safety and Health (FACOSH) to help achieve its strategic goals and mission.

### **FY 2015**

In conjunction with the Department's efforts to address the Federal Employee Viewpoint Survey, OSHA continued to improve training, leadership development and succession planning, innovation and the performance review process. In FY 2015, OSHA's training policy was revised to provide more mandatory training for all new CSHOs. The agency launched a leadership development program for technical and administrative support staff interested in professional development. It also developed an executive leadership development program, an entry level supervisory leadership program, and a managerial leadership program, which will be launched in FY 2016. This agency-specific leadership training, along with rotational assignments and details, helped to prepare the agency for attrition and bolster the agency's succession planning program.

To promote performance accountability, OSHA will continue to examine results quarterly and annually for all of the Operating Plan outputs and measures. The program offices responsible for the outputs and measures will self-assess performance as well as identify and explain improvements and shortcomings. National, Regional, and Area Offices will track, monitor, and report their own data on a quarterly, monthly, or weekly basis, as applicable. Weekly conference calls are held with the Regional Administrators to discuss various issues including performance measures. Additionally, regions hold managers' meetings or conference calls several times per year, as needed, to discuss management issues, review performance measures, and provide training. Representatives from the directorates, as well as the career Deputy Assistant Secretary, periodically attend these meetings to provide updates and to discuss the goals and measures in the Operating Plan.

During the fiscal year, the agency will continue to rely on input from several advisory committees, including the National Advisory Committee on Occupational Safety and Health (NACOSH), the Maritime Advisory Committee on Occupational Safety and Health (MACOSH), the Advisory Committee on Construction Safety and Health (ACCSH), the Whistleblower Protection Advisory Committee (WPAC), and the Federal Advisory Council on Occupational Safety and Health (FACOSH) to help achieve its strategic goals and mission.

## EXECUTIVE DIRECTION

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>FY 2015 Enacted</b>		<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Executive Direction</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
<b>Committee Meetings</b>					
OSHA- EXD-01	NACOSH meetings	2	2	2	2
OSHA- EXD-02	MACOSH meetings	2	2	2	2
OSHA- EXD-03	ACCSH meetings	2	2	2	2
OSHA- EXD-04	WPAC meetings	2	1	2	2
OSHA- EXD-07	FACOSH meetings	2	2	2	2
<b>Evaluations</b>					
OSHA-ESC- 06	Lookback Studies	1	1	1	1

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



## EXECUTIVE DIRECTION

### Workload Summary

In FY 2017, OSHA will continue to address its needs for succession planning and leadership development and to meet the challenges brought about by changes in technologies, industries and demographics. The agency will continue to develop and train CSHOs, Whistleblower Investigators, and technical staff. OSHA is also fully dedicated to a diverse workforce that mirrors the breadth of ethnicities, languages, and physical capabilities of employees in workplaces across the Nation. The agency will continue to seek CSHOs who are proficient in a second language, in addition to English.

Executive Direction also provides for input and assistance to OSHA's executives from five advisory committees – National Advisory Committee on Occupational Safety and Health (NACOSH), Maritime Advisory Committee for Occupational Safety and Health (MACOSH), Federal Advisory Committee on Occupational Safety and Health (FACOSH), Whistleblower Protection Advisory Committee (WPAC), and Advisory Committee on Construction Safety and Health (ACCSH). All of OSHA's advisory committees, which will meet at least twice in FY 2017, have membership balanced between representatives of workers and employers, and most also include other qualified individuals such as government officials, safety and health professionals, and members of the public.

OSHA routinely evaluates the effectiveness of its programs. The agency will continue to analyze the results of the Federal Employee Viewpoint Survey (FEVS) and respond with meaningful action plans. Currently, OSHA is implementing professional development programs for managers interested in senior leadership and administrative staff. The agency is also strengthening its training programs for enforcement staff and managers, as well as structuring a more effective individual development plan process. Results from the FY 2015 and FY 2016 FEVS will guide OSHA in further improving employee satisfaction in FY 2017. In addition, OSHA will use an analysis of the results contained within the Department's September 2015 report on the effectiveness of the agency's Federal Agency Targeting (FEDTARG) program to help with the implementation and targeting strategy of the FEDTARG program. Similarly, the agency will examine the findings in the Department's February 2015 evaluation of the OSHA On-site Consultation Program, which focused on the effect of High-Rate Letters on requests for Consultation services. The agency also will await the completion of a Departmental study to estimate the impact of the On-Site Consultation Program on future injury/illness rates in the nursing home industry.

## EXECUTIVE DIRECTION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2015 Enacted</b>	<b>FY 2016 Enacted</b>	<b>FY 2017 Request</b>	<b>Diff. FY17 Request / FY16 Enacted</b>
11.1	Full-time permanent	5,963	4,879	5,102	223
11.3	Other than full-time permanent	102	44	44	0
11.5	Other personnel compensation	56	80	80	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>6,121</b>	<b>5,003</b>	<b>5,226</b>	<b>223</b>
12.1	Civilian personnel benefits	1,850	1,478	1,581	103
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	77	303	303	0
22.0	Transportation of things	1	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	369	0	6	6
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	175	411	411	0
24.0	Printing and reproduction	113	0	0	0
25.1	Advisory and assistance services	254	412	412	0
25.2	Other services from non-Federal sources	898	2,501	2,501	0
25.3	Other goods and services from Federal sources 1/	935	694	732	38
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	100	26	26	0
26.0	Supplies and materials	67	69	69	0
31.0	Equipment	13	76	76	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>10,973</b>	<b>10,973</b>	<b>11,343</b>	<b>370</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	559	475	513	38
	DHS Services	0	2	2	0
	Services by Other Government Departments	376	217	217	0

# EXECUTIVE DIRECTION

## CHANGES IN FY 2017

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$78
Personnel benefits	23
Two days less of Pay	-39
Federal Employees' Compensation Act (FECA)	4
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	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	38
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** **\$104**

**Net Program** **\$266**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$11,077</b>	<b>47</b>
<b>Program Increase</b>	<b>\$266</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>