

FY 2013

CONGRESSIONAL BUDGET JUSTIFICATION

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

TABLE OF CONTENTS

Appropriation Language	1
Analysis of Appropriation Language.....	3
Amounts Available for Obligation.....	4
Summary of Changes	5
Summary Budget Authority and FTE by Activity	7
Budget Authority by Object Class	9
Agency Outcome Goals Supporting "Good Jobs for Everyone".....	10
Performance Structure	11
Significant Items in Appropriation Committees' Reports	13
Authorizing Statutes.....	15
Appropriation History	16
Overview	17
Organization Chart.....	25
Budget Activities	27
Safety and Health Standards	27
Federal Enforcement	35
Whistleblower Programs.....	53
State Programs	65
Technical Support	75
Compliance Assistance-Federal.....	85
Compliance Assistance-State Consultations.....	97
Compliance Assistance-Training Grants	105
Safety and Health Statistics	113
Executive Direction	125

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

For necessary expenses for the Occupational Safety and Health Administration, [~~\$565,857,000~~] ~~\$565,468,000~~ including not to exceed [~~\$104,393,000~~] ~~\$104,196,000~~ 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 \$200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided, That* notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, [~~2012~~] ~~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: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

- (1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;
- (2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;
- (3) to take any action authorized by the Act with respect to imminent dangers;
- (4) to take any action authorized by the Act with respect to health hazards;
- (5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and
- (6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That [\$10,729,000] \$10,709,000 shall be available for Susan Harwood training grants.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

ANALYSIS OF APPROPRIATION LANGUAGE

<u>Language Provision</u>	<u>Explanation</u>
" ... including not to exceed \$104,196,000 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. The language ensures that States administering and enforcing State programs under plans approved by the Secretary shall not be required to expend from their own funds more than an amount equal to the grants provided by this appropriation.
" ... and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$200,000 per fiscal year of Training Institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education:"	This language authorizes the retention of up to \$200,000 per year in tuition payments made by the private sector for safety and health training courses offered by OSHA. The retained funds are to be utilized to augment the direct appropriations approved for training and education.
" ... 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

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2011 Comparable		FY 2012 Enacted		FY 2013 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	2,300	\$558,620	2,305	\$565,857	2,308	\$565,468
Reduction pursuant to P.L. 112-10 for FY 2011	0	-\$1,117	0	\$0	0	\$0
Reduction pursuant to P.L. 112-74 for FY 2012	0	\$0	0	-\$1,069	0	\$0
<i>Subtotal Appropriation</i>	<i>2,300</i>	<i>\$557,503</i>	<i>2,305</i>	<i>\$564,788</i>	<i>2,308</i>	<i>\$565,468</i>
Offsetting Collections From:	0	\$0	0	\$0	0	\$0
Reimbursements	3	\$1,715	3	\$1,765	3	\$1,765
Allocation FTE	1	\$0	1	\$0	1	\$0
Non-Expenditure Transfer from DM to restore to FY 2010 Enacted Level	0	\$1,117	0	\$0	0	\$0
B. Gross Budget Authority	2,304	\$560,335	2,309	\$566,553	2,312	\$567,233
Offsetting Collections deduction:	0	\$0	0	\$0	0	\$0
Reimbursements	-3	-\$1,715	-3	-\$1,765	-3	-\$1,765
Allocation FTE	-1	\$0	-1	\$0	-1	\$0
Non-Expenditure Transfer from DM	0	-\$1,117	0	\$0	0	\$0
C. Budget Authority Before Committee	2,300	\$557,503	2,305	\$564,788	2,308	\$565,468
Offsetting Collections From:	0	\$0	0	\$0	0	\$0
Reimbursement	3	\$1,258	3	\$1,765	3	\$1,765
Allocation FTE	0	\$0	1	\$0	1	\$0
Non-Expenditure Transfer from DM	0	\$1,117	0	\$0	0	\$0
D. Total Budgetary Resources	2,303	\$559,878	2,309	\$566,553	2,312	\$567,233
Unobligated Balance Expiring	-30	-\$13	0	\$0	0	\$0
E. Total, Estimated Obligations	2,273	\$559,865	2,309	\$566,553	2,312	\$567,233

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Enacted	FY 2013 Request	Net Change
Budget Authority			
General Funds	\$564,788	\$565,468	+\$680
Total	\$564,788	\$565,468	+\$680

Full Time Equivalents

General Funds	2,305	2,308	3
Total	2,305	2,308	3

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	0	\$0	0	\$0	0	\$0	0	\$0
Personnel benefits	0	\$60,118	0	\$0	0	\$219	0	\$219
One day more of pay	0	\$0	0	\$0	0	\$894	0	\$894
Federal Employees Compensation Act (FECA)	0	\$1,410	0	\$0	0	\$13	0	\$13
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$11,604	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$125	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$23,352	0	\$0	0	\$1,597	0	\$1,597
All Other Rental	0	\$0	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$3,320	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$959	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$2,493	0	\$0	0	\$0	0	\$0
Other services	0	\$0	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$32,982	0	\$0	0	\$0	0	\$0
Other government accounts (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$606	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$3,346	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	\$16,824	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$3,368	0	\$0	0	\$0	0	\$0
Equipment	0	\$4,311	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$114,905	0	\$0	0	\$0	0	\$0

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Insurance claims and indemnities	0	\$0	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	0	+\$279,723	0	\$0	0	+\$2,723	0	+\$2,723
B. Programs:								
Increased Whistleblower Resources	154	\$20,948	0	\$0	37	\$4,800	37	\$4,800
Modernization of Injury and Illness Data Collection	41	\$34,875	0	\$0	0	\$1,750	0	\$1,750
Increase for Regulatory Support	0	\$0	0	\$0	0	\$1,000	0	\$1,000
Whistleblower Training	305	\$74,039	0	\$0	2	\$500	2	\$500
Programs Subtotal			0	\$0	39	+\$8,050	39	+\$8,050
Total Increase	0	+\$279,723	0	\$0	39	+\$10,773	39	+\$10,773
Decreases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	2,305	\$205,812	0	\$0	0	-\$1,367	0	-\$1,367
Other services	0	\$79,253	0	\$0	0	-\$1,744	0	-\$1,744
Built-Ins Subtotal	2,305	+\$285,065	0	\$0	0	-\$3,111	0	-\$3,111
B. Programs:								
Employer Based Compliance Assistance	0	\$0	0	\$0	-33	-\$2,482	-33	-\$2,482
Elimination of OSHA Data Initiative	41	\$34,875	0	\$0	0	-\$2,200	0	-\$2,200
Regional Office Consolidation	0	\$0	0	\$0	-3	-\$1,300	-3	-\$1,300
Eliminate International Office	0	\$0	0	\$0	0	-\$1,000	0	-\$1,000
Programs Subtotal			0	\$0	-36	-\$6,982	-36	-\$6,982
Total Decrease	2,305	+\$285,065	0	\$0	-36	-\$10,093	-36	-\$10,093
Total Change	2,305	+\$564,788	0	\$0	3	+\$680	3	+\$680

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2011 Comparable		FY 2012 Enacted		FY 2013 Request		Diff. FY13 Req. / FY12 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Safety and Health Standards	97	20,288	99	19,962	99	21,008	0	1,046
General Funds	97	20,288	99	19,962	99	21,008	0	1,046
Federal Enforcement	1,580	208,116	1,583	207,753	1,580	207,075	-3	-678
General Funds	1,580	208,116	1,583	207,753	1,580	207,075	-3	-678
Whistleblower Programs	109	14,836	119	15,873	156	20,739	37	4,866
General Funds	109	14,836	119	15,873	156	20,739	37	4,866
State Programs	0	104,393	0	104,196	0	104,196	0	0
General Funds	0	104,393	0	104,196	0	104,196	0	0
Technical Support	119	25,868	120	25,820	120	24,880	0	-940
General Funds	119	25,868	120	25,820	120	24,880	0	-940
Compliance Assistance-Federal	277	73,383	295	76,355	264	73,131	-31	-3,224
General Funds	277	73,383	295	76,355	264	73,131	-31	-3,224
Compliance Assistance-State Consultations	0	54,688	0	57,890	0	57,890	0	0
General Funds	0	54,688	0	57,890	0	57,890	0	0

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2011 Comparable		FY 2012 Enacted		FY 2013 Request		Diff. FY13 Req. / FY12 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Compliance Assistance- Training Grants	0	10,729	0	10,709	0	10,709	0	0
General Funds	0	10,729	0	10,709	0	10,709	0	0
Safety and Health Statistics	42	34,805	40	34,739	40	34,313	0	-426
General Funds	42	34,805	40	34,739	40	34,313	0	-426
Executive Direction	49	11,513	49	11,491	49	11,527	0	36
General Funds	49	11,513	49	11,491	49	11,527	0	36
Total	2,273	558,619	2,305	564,788	2,308	565,468	3	680
General Funds	2,273	558,619	2,305	564,788	2,308	565,468	3	680

NOTE: FY 2011 reflects actual FTE.

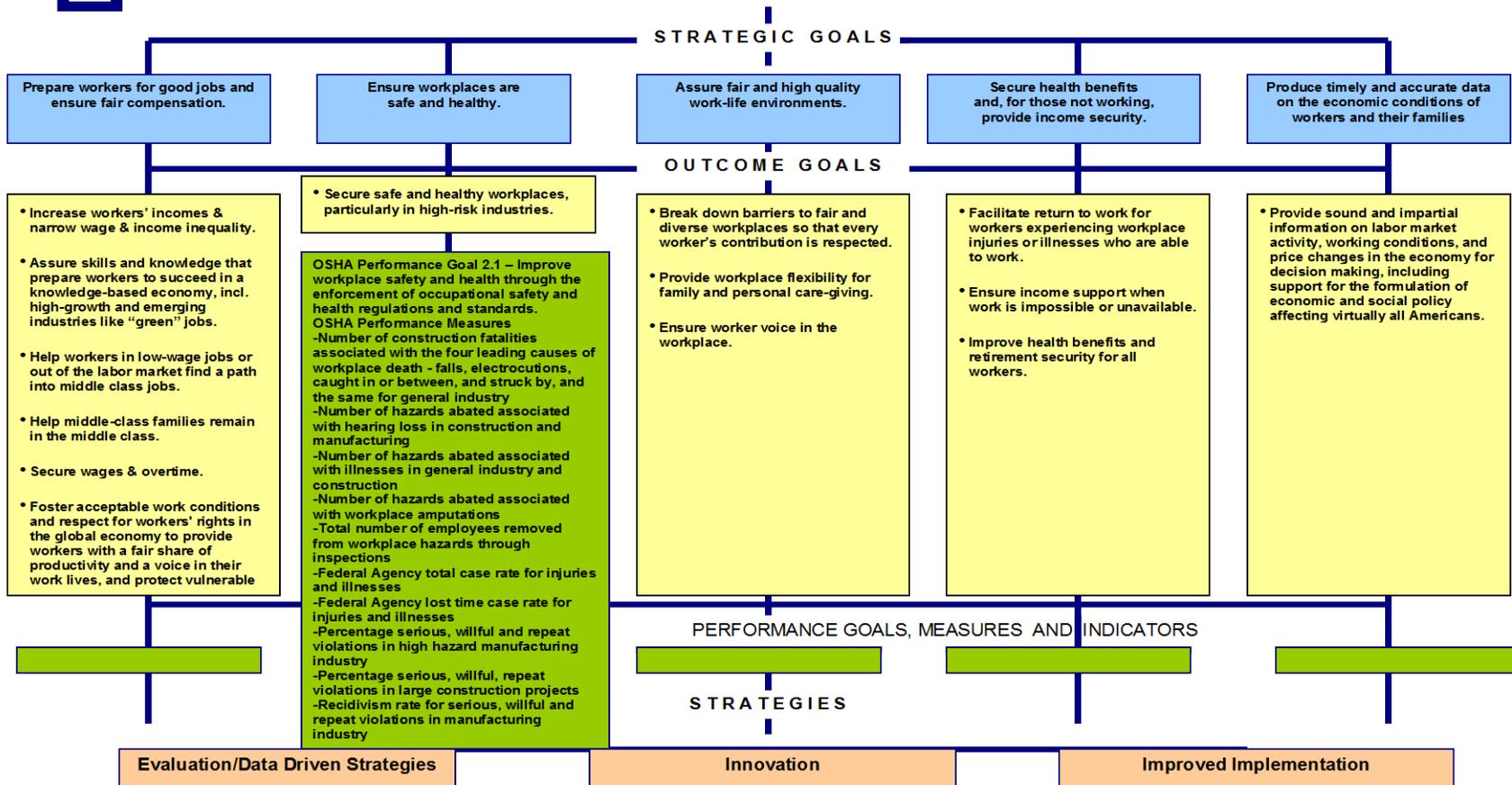
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
	Full-Time Equivalent				
	Full-time Permanent	2,300	2,305	2,308	3
	Reimbursable	3	3	3	0
	Allocation	1	1	1	0
	Total	2,304	2,309	2,312	3
	Average ES Salary	\$172,494	\$170,036	\$170,036	\$0
	Average GM/GS Grade	11/6	11/5	11/5	0
	Average GM/GS Salary	\$91,095	\$84,959	\$84,959	\$0
	Average Salary of Ungraded Positions	0	0	0	0
11.1	Full-time permanent	196,652	199,277	199,666	389
11.3	Other than full-time permanent	0	1,042	1,042	0
11.5	Other personnel compensation	5,968	5,493	4,373	-1,120
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	202,620	205,812	205,081	-731
12.1	Civilian personnel benefits	57,640	61,528	62,763	1,235
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	12,000	11,604	11,368	-236
22.0	Transportation of things	125	125	125	0
23.1	Rental payments to GSA	20,884	23,352	24,939	1,587
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	3,836	3,320	3,320	0
24.0	Printing and reproduction	936	959	959	0
25.1	Advisory and assistance services	2,493	2,493	2,493	0
25.2	Other services from non-Federal sources	78,030	79,253	77,399	-1,854
25.3	Other goods and services from Federal sources 1/	40,180	36,934	37,373	439
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	14,164	16,824	16,824	0
26.0	Supplies and materials	3,234	3,368	3,409	41
31.0	Equipment	7,246	4,311	4,510	199
41.0	Grants, subsidies, and contributions	115,231	114,905	114,905	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	558,619	564,788	565,468	680
	1/Other goods and services from Federal sources				
	Working Capital Fund	35,308	32,982	33,421	439
	DHS Services	1,046	606	606	0
	Services by Other Government Departments	3,826	3,346	3,346	0

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION



Secretary's Vision: "Good Jobs for Everyone"



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PERFORMANCE STRUCTURE

Strategic and Outcome Goals Supporting Secretary Solis’ Vision of <i>Good Jobs for Everyone</i>	Supporting Budget Activities
Strategic Goal 1 – Prepare Workers for Good Jobs and Ensure Fair Compensation	
1.1 Increase workers’ incomes and narrowing wage and income inequality.	
1.2 Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like “green” jobs.	
1.3 Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.	
1.4 Help middle-class families remain in the middle class.	
1.5 Secure wages and overtime.	
1.6 Foster acceptable work conditions and respect for workers’ rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	
Strategic Goal 2 – Ensure Workplaces Are Safe and Healthy	
2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	Safety and Health Standards, Federal Enforcement, State Programs, Technical Support, Compliance Assistance-Federal, Compliance Assistance-State, Targeted Training Grants, Safety and Health Statistics, Executive Direction
Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments	
3.1 Break down barriers to fair and diverse work places so that every worker’s contribution is respected.	
3.2 Provide workplace flexibility for family and personal care-giving.	
3.3 Ensure worker voice in the workplace.	Federal Enforcement, Federal Compliance Assistance, State Compliance Assistance, Safety and Health Statistics, Whistleblower Programs, Targeted Training Grants
Strategic Goal 4 – Secure Health Benefits and, for Those Not Working, Provide Income Security	
4.1 Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	
4.2 Ensure income support when work is impossible or unavailable.	

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Strategic and Outcome Goals Supporting Secretary Solis' Vision of <i>Good Jobs for Everyone</i>	Supporting Budget Activities
4.3 Improve health benefits and retirement security for all workers.	
Strategic Goal 5 – Assure the Production of Timely and Accurate Data on Social and Economic Conditions of Workers and their Families	
5.1 Provide sound and impartial information on labor market activity, working conditions, and price changes in the economy for decision making, including support for the formulation of economic and social policy affecting virtually all Americans.	

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Standards Setting

Joint Explanatory Statement: The conference agreement includes a new provision relating to the "Occupational Injury and Illness Recording and Reporting Requirements- Musculoskeletal Disorders (MSD) Column" regulation being developed by the Occupational Safety and Health Administration. Section 111 of the "Department of Labor Appropriations Act, 2012" states that "None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Occupational Injury and Illness Recording and Reporting Requirements - Musculoskeletal Disorders (MSD) Column regulation (Regulatory Identification Number 1218 - AC45) being developed by the Occupational Safety and Health Administration of the Department of Labor."

Response: OSHA staff are not currently doing any work on the MSD-column regulation, and will not work on the promulgation, administration, enforcement, or implementation of the MSD-column, in accordance with Section 111.

State Plan States

Senate: The Committee believes that, given the continuing fiscal pressures facing State budgets, OSHA should continue its practice of allowing States an extra year to match the appropriation provided by this bill for support of their State plans, and also should extend the period of expenditure for these funds for an additional quarter.

Response: OSHA plans to continue its practice of allowing States an extra year to match the appropriation. This allows the State a total of three grant years to match available funding.

Extending the period of expenditure for an additional quarter means that the grant period of performance would change from 12 months to 15 months. While there is nothing to prohibit this period of performance, this does mean that the States would have two concurrent grants for a three-month period. As a result, tighter controls would be needed to ensure that appropriate expenditures are charged to the proper grant and to ensure that funds are not comingled for the concurrent grants.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Cost Savings

Senate: The Committee notes that OSHA has reduced travel costs by using videoconferencing technology for training and other purposes, and taken other steps to realize cost savings. The Committee requests that OSHA include in its fiscal year 2013 congressional budget justification information on additional steps OSHA will take to carry out its responsibilities more cost effectively.

Response: OSHA is always concerned about effective financial management and the prudent use of its appropriated funds. In FY 2013, OSHA will continue to implement cost savings procedures to realize savings. These include the continued use and expansion of videoconferencing for training and other meetings, space consolidations where appropriate, use of strategic sourcing for purchasing, and consolidation of functions to achieve contract savings.

Recordkeeping National Emphasis Program

Joint Explanatory Statement: The conferees note that OSHA's National Emphasis Program (NEP) on Recordkeeping has been underway since October, 2009 to assess the accuracy of injury and illness data recorded by employers. The conferees direct the Secretary of Labor to submit a report, not later than 90 days after enactment of this Act, to the Committees on Appropriations of the House and the Senate detailing the findings of this NEP, as well as other Department activities, related to the accuracy of employer reporting of injury and illness data.

Response: OSHA will produce the report and deliver to the House and Senate Appropriations Committees on time.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

AUTHORIZING STATUTES

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

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2003...1/	\$448,705	\$0	\$469,604	\$450,310	2,260
2004...2/	450,008	450,008	463,324	457,540	2,220
2005...3/	461,599	461,599	468,645	464,156	2,200
2006...4/	466,981	477,199	477,491	472,427	2,165
2007	483,667	0	0	486,925	2,165
2008...5/	490,277	486,000	486,000	486,000	2,118
2009...6/7/	501,674	0	507,160	513,042	2,147
2010	563,620	554,620	561,620	558,620	2,335
2011...8/	575,937	0	0	558,619	2,300
2012...9/	583,386	0	561,119	564,787	2,305
2013	565,468	0	0	0	2,308

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

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

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

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

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

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

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

8/ 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.

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

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Overview

The Occupational Safety and Health Administration (OSHA) was established by the Occupational Safety and Health (OSH) Act of 1970 (Public Law 91-596). OSHA's mission is to ensure employers are providing a safe and healthful workplace for their employees.

OSHA's resources, strategies and measures used to evaluate the agency's success are designed to fulfill Secretary Solis's vision of "***Good Jobs for Everyone***" – jobs that can support a family, jobs that are secure, jobs that are sustainable for a 21st century economy, and jobs that are safe. To fulfill the Secretary's vision, OSHA's budget request for FY 2013 focuses on achieving the following outcome goals assigned to OSHA in the Department's 2011-2016 Strategic Plan: ***Securing safe and healthy workplaces, particularly in high-risk industries (Outcome Goal 2.1), Ensuring worker voice in the workplace (Outcome Goal 3.3), and Facilitating return to work for workers experiencing workplace injuries or illnesses who are able to work (Outcome Goal 4.1).***

Specifically, OSHA will support these goals through the following performance measures:

- decrease the fatality rate for the four leading causes of workplace death – falls, electrocutions, caught in or between and struck by for construction and general industry;
- number of hazards abated associated with hearing loss in construction and manufacturing;
- number of hazards abated associated with illnesses in general industry and construction;
- number of hazards abated associated with workplace amputations;
- number of employees removed from workplace hazards through inspections;
- federal agency total case rate for injuries and illnesses;
- federal agency lost time case rate for injuries and illnesses;
- percentage of serious, willful and repeat violations in high hazard manufacturing and large construction projects; and
- recidivism rate for serious, willful and repeat violations in high-hazard industries.

Through enforcement, standards, outreach and education, the agency expects to have the greatest impact on overall compliance. By improving compliance, more workplaces will be safe and healthy, and fatalities, injuries and illnesses should decline, which is the ultimate outcome goal for OSHA and the American worker.

In addition to the outcome goal of ensuring worker voice in the workplace, the OSHA budget initiatives will support the related performance goal of ***improving workers' knowledge of health and safety rights and requirements and their ability to report violations***. Through education and outreach efforts, OSHA expects to ensure workers are better informed of their rights, better able to freely exercise those rights without fear of adverse consequences, and better able to meaningfully participate in workplace safety and health decision-making, which together increases the worker voice in the workplace.

To accomplish OSHA's mission and the outcome goals of the Department's strategic plan, the agency's budget request focuses on addressing its priority performance strategy of ***reducing***

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

workplace injuries, illnesses and fatalities through enforcement, standards and worker voice. The FY 2013 Budget request will enable the agency to work on both longstanding and complex standards, such as the Injury and Illness Prevention Program rule; carry out enforcement initiatives in high risk areas that reach as many employers as possible rather than just the employer that is the target of the inspection; and engage in outreach and training activities to enhance worker voice.

To accomplish OSHA's mission and the outcome goals of the Strategic Plan, OSHA will use three broad categories to guide its activities:

1. Enforcement: OSHA's budget includes activities to meet the agency's priority performance strategy of reducing workplace injuries, illnesses and fatalities through enforcement. Enforcement activities reflect the authority vested in OSHA by Congress to enforce workplace safety and health standards under the OSH Act. They are planned and executed so that OSHA will effectively use its resources to target worksites with the greatest hazards and the highest injury and illness rates. OSHA will continue its intensified commitment and emphasis on the enforcement of occupational safety and health standards and regulations to improve compliance and deter employers who put their workers' lives at risk. By improving compliance, more workplaces will be safe and healthy and workplace fatalities, injuries and illnesses should decline. There are several studies that support the effectiveness of OSHA's enforcement efforts, including "Inside the Black Box: How do OSHA Inspections Lead to Reductions in Workplace Injuries?" published in 2005 by John Mendeloff and Wayne B. Gray in *Law and Policy*.

2. Standards: OSHA's budget includes activities that will support the agency's priority performance strategy of reducing workplace injuries, illnesses and fatalities through standards. The budget activities will support OSHA's standards setting activities, which involve complex, scientific issues covering a wide breadth of subject matter and extensive requirements for completing the regulatory process. The budget will support the agency's continued work on longstanding rules as well as new efforts to increase public participation and transparency, and reform its regulatory process to ensure that standards are both up-to-date and reduce the burden on the public.

3. Worker Education and Worker Voice: OSHA's budget activities will support the agency's priority performance strategy of reducing workplace injuries, illnesses and fatalities through worker education and worker voice. The budget will support the agency's proactive outreach, training and targeted assistance that will focus on critical safety and health issues and reach the most vulnerable workers.

In FY 2013, OSHA is requesting \$565,468,000 and 2,308 FTE, an increase of \$680,470 and 3 FTE from the FY 2012 Enacted Level. The FY 2013 request strengthens OSHA's commitment to reducing workplace injuries, illnesses and fatalities through enforcement, standards and worker voice by increasing whistleblower investigators and improving their training, maintaining funding for Susan Harwood Training Grants, strengthening the agency's data in support of all of its programs, and maintaining resources for its On-site Consultation services to small businesses. The agency aims to reduce the number of worker illnesses, injuries, and fatalities and contribute

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

to the broader goals of promoting economic recovery and the competitiveness of our nation's workers through the following activities:

Safety and Health Standards: OSHA is requesting \$21,008,000 and 99 FTE for this activity, an increase of \$1,045,800 over the FY 2012 enacted level. This request includes a program increase of \$1,000,000 to support the development of new standards. The agency will continue to develop its new Injury and Illness Prevention Program standard, which is critical for significantly enhancing worker safety by requiring employers to develop and implement a comprehensive safety and health plan to find and fix recognized hazards. This rule will help the agency to expand its scope in a sensible way, encouraging employers to focus on employee safety and health, while giving them flexibility in steps taken to prevent hazards. Work will also continue on complex rules such as infectious diseases and combustible dust.

The agency's leadership is working to develop an active and efficient worker protection regulatory program, which includes the addition of resource-intensive projects to the existing regulatory agenda and the rapid acceleration of both current and new items. These regulatory (standards) and non-regulatory (guidance) activities address a wide variety of occupational safety and health hazards, and cover a broad range of workplace settings in construction, general industry, and maritime. The regulatory agenda for the agency is intended to meet the priority performance strategy of ***reducing injuries and illnesses through regulation.***

Federal Enforcement: The Federal Enforcement budget activity request for FY 2013 is \$207,075,000 and 1,580 FTE, a decrease of \$677,604 and 3 FTE from the FY 2012 enacted level. This includes a decrease of \$1,300,000 due to three regional consolidations. With the aid of stronger and more rigorously analyzed data, OSHA will direct its resources to the most dangerous worksites to protect workers and deter those employers who would put their employees' lives at risk. This reengineering of the agency's targeting of enforcement resources is designed to address the priority performance strategy of ***reducing injuries and illnesses through enforcement.***

In FY 2013, OSHA plans to conduct 43,100 inspections to produce safer and healthier workplaces. OSHA will also continue to use national and local emphasis programs to target high-risk hazards and industries for inspections toward particular industries or hazards on a national or local level. These targeting initiatives have successfully addressed some of the most serious hazards such as those found in refineries, trenching, shipbreaking, and industries that use crystalline silica, lead, and hexavalent chromium, among others.

OSHA's Severe Violators Enforcement Program (SVEP), which became effective June 2010, will be well established in FY 2013. SVEP targets the most serious and persistent violators that demonstrate indifference to their obligations under the OSH Act by continuing to allow willful, repeated, or failure-to-abate violations. The SVEP actions include mandatory follow-up inspections, inspections of other worksites related to the SVEP employer, enhanced settlement agreements, sending a copy of citations to or otherwise notifying the corporate headquarters, and public notification, and they are intended to increase attention on the correction of the hazards that have led, or may lead, to the death or serious injury of one or more workers.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Whistleblower Programs: OSHA is requesting \$20,739,000 and 156 FTE for this activity, an increase of \$4,866,057 and 37 FTE over the FY 2012 enacted level. This request includes a program increase of \$4,800,000 and 37 FTE for the improved administration of 21 whistleblower statutes, including Section 11(c) of the OSH Act.

Whistleblower Programs was requested as a new budget activity in the FY 2012 President's Budget; resources for this program were previously included in the Federal Enforcement budget activity. OSHA is requesting additional resources in FY 2013 to address projected backlogs and heavy caseloads for its current whistleblower investigators, mainly due to increases in workload from the enactment of food safety, health care reform, and financial reform legislation, all of which include whistleblower provisions. With the requested resources, OSHA will be able to meet the priority performance strategy of *reducing injuries and illnesses through enforcement and worker voice*. This activity also addresses both agency outcome goals: *securing safe and healthy workplaces, particularly in high-risk industries*, and *ensuring worker voice in the workplace*.

State Programs: OSHA is requesting \$104,196,000 for this activity, the same as the FY 2012 enacted level. This activity supports the 27 states and territories that have assumed responsibility for administering their own occupational safety and health programs under State Plans approved and monitored by OSHA. With responsibility for state occupational safety and health programs, states contribute to the reduction of illnesses, injuries, and fatalities, particularly in high-risk industries. Section 23(g) of the OSH Act authorizes the agency to award matching grants of up to 50 percent of the total operational costs to those states that meet the Act's criteria for establishing and implementing programs for standards and enforcement that are *at least as effective* as the Federal program. In addition, State Programs conduct a wide range of outreach, compliance assistance, and cooperative programs, and conduct extensive training programs for employers and employees that serve to promote safe and healthy workplaces as well as increased voice in the workplace.

All 27 State Plans extend coverage to the public sector and provide enforcement and consultative services to state, local and municipal governments and school districts. Five State Plans are limited in scope to only public employees. Private-sector consultation is provided in all of the State Plan States either through participation in the separately funded Section 21(d) program or, by three states, directly under their State Plans.

Technical Support: In FY 2013, OSHA is requesting \$24,880,000 and 120 FTE, a decrease of \$939,109 compared to the FY 2012 enacted level. Major component functions of this budget activity are: (1) technical expertise and advice with respect to general industry, maritime and construction issues; (2) structural engineering assistance to investigate and determine causes of major catastrophes at worksites involving injuries and fatalities; (3) emergency preparedness, response, and management; (4) variance determinations and laboratory accreditation; (5) chemical analysis, and equipment calibration and repair; (6) maintenance of dockets including electronic comments, and technical and scientific databases; (7) literature searches to support rulemaking and compliance activities, and to respond to public safety and health information requests; (8) OSHA's Compliance Safety and Health Officer (CSHO) Medical Program; and (9)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

construction outreach services to all major stakeholders from industry associations, labor unions, and other governmental agencies.

Federal Compliance Assistance: In FY 2013, OSHA is requesting \$73,131,000 and 264 FTE for Federal Compliance Assistance, a decrease of \$3,224,415 and 31 FTE below the FY 2012 enacted level. The request includes a program increase of \$500,000 and 2 FTE to enhance training of whistleblower investigators and supervisors at the OSHA Training Institute (OTI) for improved administration of 21 whistleblower statutes, and a program decrease of \$2,482,000 and 33 FTE due to reduced federal compliance activity from the consolidation of Compliance Assistance personnel and the investment of increased resources in FY 2012.

The Federal Compliance Assistance activity reflects the cooperative-program authority vested in OSHA by the Congress through a variety of employee-oriented compliance assistance activities. These include: (1) providing general outreach activities; (2) developing compliance assistance materials to provide hazard and industry-specific guidance; (3) providing leadership to assist Federal agencies in establishing and maintaining effective occupational safety and health programs; (4) providing training through the OSHA Training Institute (OTI) to increase technical safety and health competence; (5) administering the OTI Education Centers program; (6) administering the Outreach Training Program; (7) providing assistance and programs to address the needs of small business employees; (8) providing opportunities to address workplace safety and health issues through the Strategic Partnership Program (OSPP); and (9) administering the Voluntary Protection Program (VPP), which recognizes and promotes effective safety and health management partnerships.

State Compliance Assistance: In FY 2013, OSHA is requesting \$57,890,000 for its On-site Consultation Programs, the same as in the FY 2012 Enacted Level. This activity provides on-site consultative services for small employers who request assistance to provide better employee protection and may not be able to afford health and safety expertise themselves. OSHA distributes funding to the On-Site Consultation Programs as authorized by Section 21(d) of the Occupational Safety and Health Act of 1970. The On-Site Consultation Program is completely separate from OSHA's enforcement program and provides free and confidential assistance to small employers in high-hazard industries in all states, with the goal of helping them reduce safety and health risks and achieve compliance with OSHA standards. The On-Site Consultation Programs encourage companies to voluntarily adopt recommended hazard reduction strategies, implement a structured safety and health management system, and use the system to achieve superior safety and health performance – thereby securing safe and healthy workplaces, and giving employees at those workplaces a viable voice in their own safety and health.

Training Grants: In FY 2013, OSHA is requesting \$10,709,000 for this activity, the same as in the FY 2012 Enacted Level, to enable Susan Harwood Training Grants to ***reduce injuries and illnesses through worker voice***. This program supports targeted, competitive grant awards to train and educate workers on safety and health hazards in the workplace. These grants support the Secretary's vision of ***good jobs for everyone*** by providing training to ***secure safe and healthy workplaces***, particularly for hard-to-reach workers in high-risk industries, and by giving workers ***a voice in the workplace***. The Susan Harwood program is focused on providing education and training on good safety and health practices to workers who may lack safety and

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

health information and English-language literacy, and building capacity in organizations that can assist workers in enhancing their voice in the workplace.

Safety and Health Statistics: In FY 2013, OSHA is requesting \$34,313,000 and 40 FTE, a decrease of \$426,219 from the FY 2012 enacted level. The request includes an increase of \$1,750,000 for the agency's Modernization of Injury and Illness Data Collection initiative, which is more than offset by an elimination of \$2,200,000 for the OSHA Data Initiative. The new electronic recordkeeping system will enable OSHA to improve its ability to identify and reach the most dangerous worksites through its approach to modernize the collection, dissemination, and analysis of data. Modernization of OSHA's injury and illness data collection system will provide the agency with timely, establishment-specific injury and illness data to reduce the amount of resources needed to identify the most hazardous worksites. The new recordkeeping system will also enable employers, employees, employee representatives, government agencies, professional and trade associations, and researchers to get access to better workplace injury and illness data.

This activity provides for the collection, maintenance, evaluation and analysis of inspection and statistical data that support all agency activities, particularly standards development, inspection targeting, technical support, enforcement activities, compliance assistance and program evaluation. OSHA continually seeks to use evaluation, innovation and improved implementation to strengthen its programs and meet the goals of the agency and the Department. OSHA's information technology (IT) infrastructure allows the agency to maintain and enhance its leadership in workplace safety and health by providing a reliable, well-managed network, data systems, web services, social-networking opportunities for communicating important safety and health messages, and customer support. OSHA will continue to focus on transparency and continual improvement in content and capabilities on the OSHA public Web site. This will interconnect compliance assistance information, safety and health topics, publications, training and education materials, as well as assistance targeted to small businesses. Workers, employers, and organizations will have more direct interactive access to agency inspection data and rich content on the site, which will be easily extractable for use on dashboards and software applications. Number of visitor sessions to the site is expected to exceed 210 million in the coming year.

Executive Direction: In FY 2013, OSHA is requesting \$11,527,000 and 49 FTE for the Executive Direction activity, an increase of \$35,760 over the FY 2012 enacted level. This activity provides overall direction and administrative support for the Occupational Safety and Health Administration, including coordination of policy, research, planning, evaluation, internal management, human resources, budgeting, financial control, legislative liaison, Federal agency liaison, and emergency preparedness.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Cost Model

OSHA's FY 2013 budget requests a total appropriation of \$565,468,000 and 2,308 FTE, an increase of \$680,470 and 3 FTE over the FY 2012 enacted level. This level of funding will enable OSHA to carry out its core mission of assuring safe and healthy working conditions for America's workers.

The FY 2013 request includes program increases for:

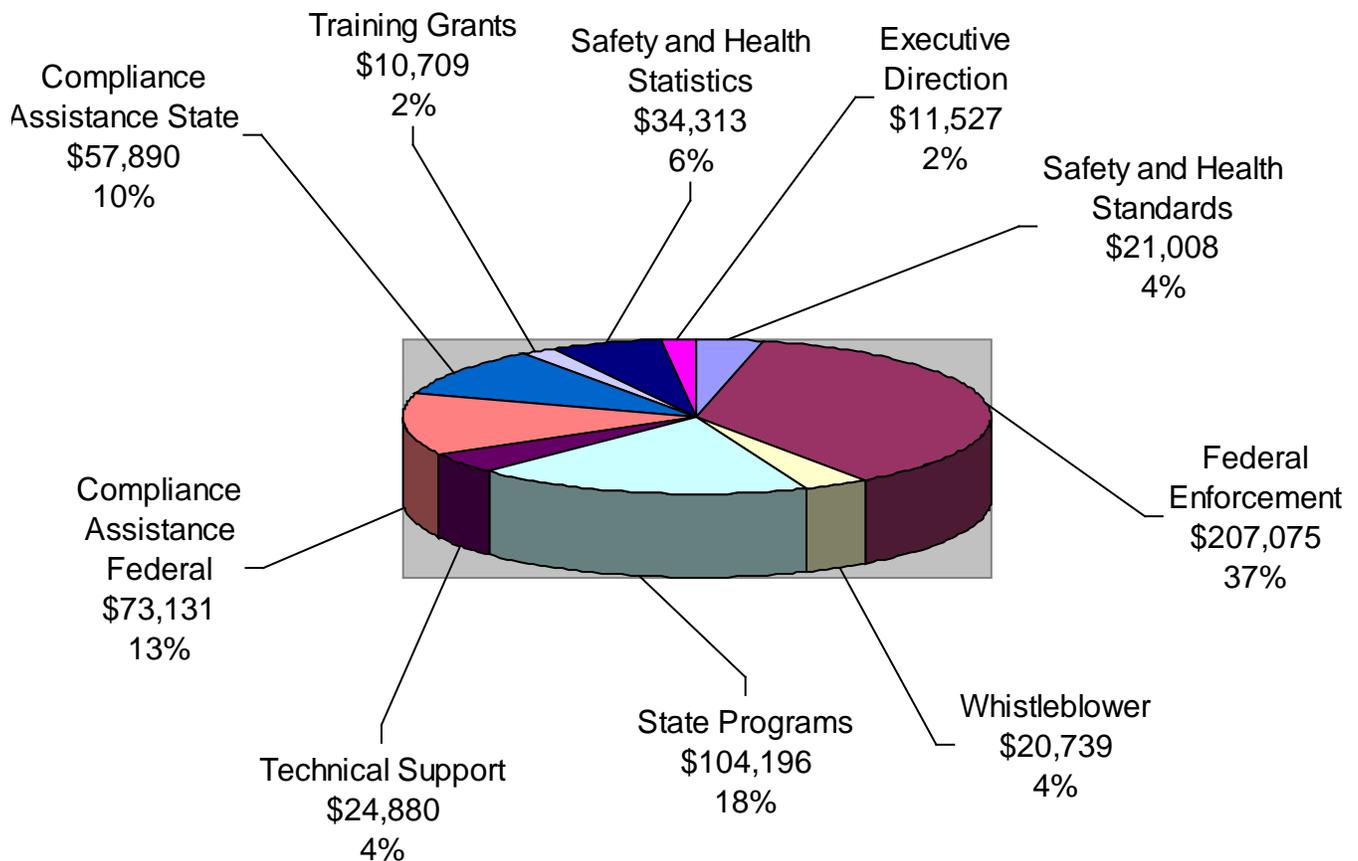
- Whistleblower -- \$4,800,000 and 37 FTE
- Whistleblower Training -- \$500,000 and 2 FTE -- Compliance Assistance Federal
- Modernization of Collecting Injury and Illness Data -- \$ 1,750,000 -- Safety and Health Statistics
- Investment in Standards -- \$1,000,000 – Safety and Health Standards

The FY 2013 request includes a program decrease for:

- Elimination of OSHA Data Initiative -- \$2,200,000
- Elimination of the Office of International Affairs -- \$1,000,000
- Consolidation of Regional Offices -- \$1,300,000 and 3 FTE
- Reduced Federal Compliance Assistance -- \$2,482,000 and 33 FTE

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

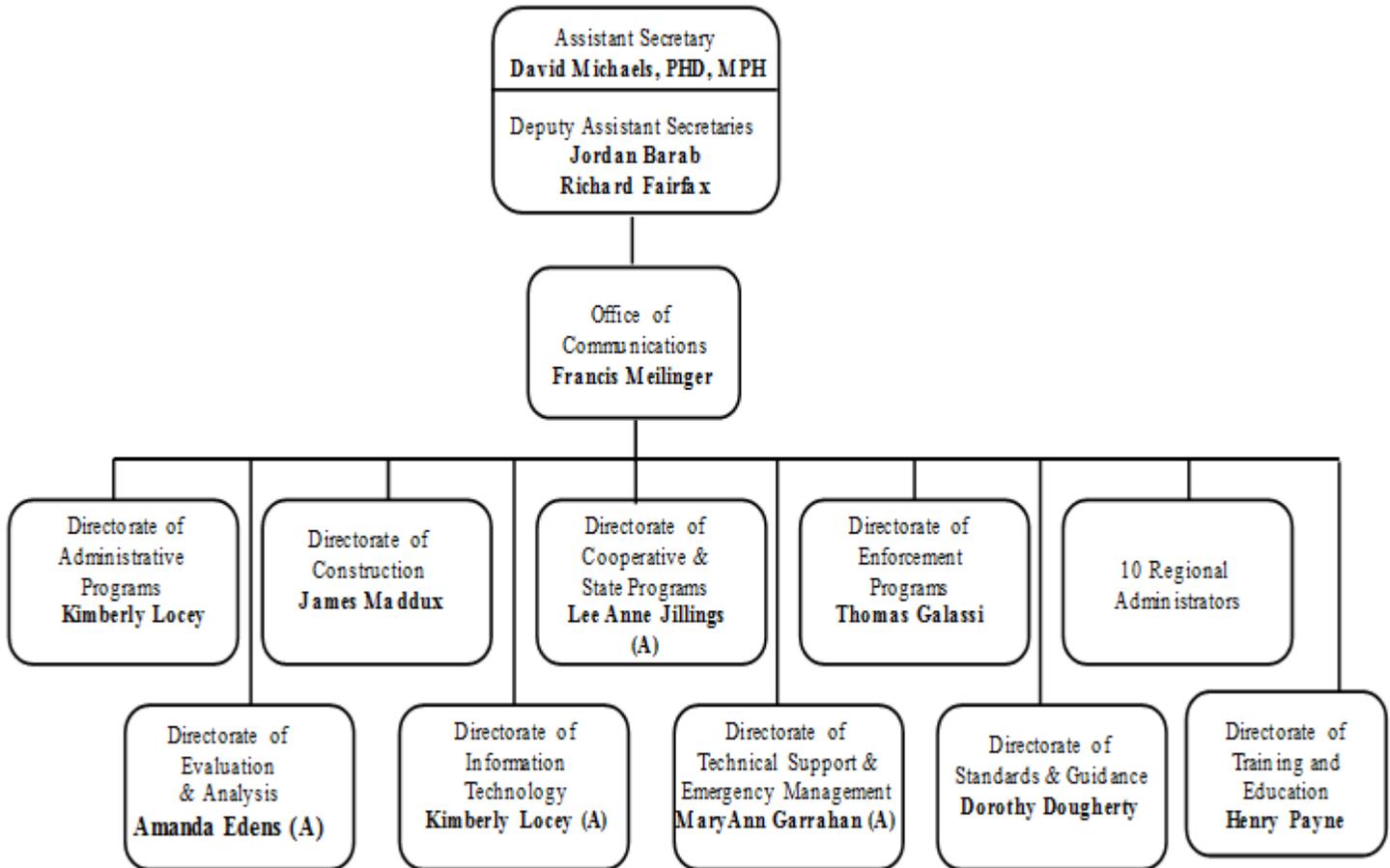
FY 2013 Budget Request by Budget Activity Total OSHA Budget Request \$565,468 (Dollars in Thousands)



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

ORGANIZATION CHART

Occupational Safety and Health Administration



January 2012

SAFETY AND HEALTH STANDARDS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	20,288	19,962	21,008	1,046
FTE	97	99	99	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 99.

Introduction

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

The standard-setting process is complex, carrying with it the force of law, and involving many different steps and comprehensive stages of review to ensure 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 ensure that the proposed requirements are technologically and economically feasible. The agency must meet the legal and administrative requirements under the OSH Act, other applicable legislation passed by Congress, and Executive Orders. In order to produce the best regulatory decision-making, these analyses require sophisticated technical research efforts, 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

SAFETY AND HEALTH STANDARDS

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 to ensure that safety and health hazards are effectively addressed and that steps to improved workplace safety and health are easily understood in American workplaces.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$16,597	78
2009	\$17,204	83
2010	\$19,569	103
2011	\$20,288	99
2012	\$19,962	99

FY 2013

OSHA requests \$21,008,000 and 99 FTE for the Safety and Health Standards activity, an increase of \$1,045,800 over the FY 2012 Enacted Level. This includes a program increase of \$1,000,000 for regulatory support.

Setting enforceable regulatory standards to meet the agency's priority performance statement of reducing injuries and illnesses is a high priority for using the agency's available resources. Rulemaking is an essential and effective function of this agency, mandated under the Occupational Safety and Health Act, as an effective method of ensuring safe and healthful working conditions for all American workers.

The agency has developed an aggressive regulatory agenda to fulfill its mission of ensuring safe and healthful working conditions for America's working men and women. In view of Executive Order 13563, issued on January 18, 2011, on regulatory review and reform, the regulatory agenda reflects the agency's expanded commitment to reduce the burden on employers to the extent possible while still fulfilling its mission. Additionally, OSHA continues to make stakeholder involvement in notice and comment processes a high priority while also embracing e-rulemaking and social media to increase transparency.

The agency will continue to work on both longstanding and complex rules, and new efforts to review and reform its regulatory process to ensure that standards are up-to-date, effectively protect workers and minimize the burden on the public. OSHA has a number of items in various stages of development on its existing regulatory agenda. In FY 2013, OSHA will begin rulemaking activities for FY 2013 and beyond, including activities related to regulatory review and reform (e.g., Standards Improvement Project Phase IV). In FY 2013, the agency projects that it will issue four final rules (Walking and Working Surfaces, Subparts D & I; Modernization of Recordkeeping; and two Consensus Standards Updates) and three Notices of Proposed Rulemaking (Injury and Illness Prevention Programs, Combustible Dust, and Beryllium). The agency also expects to initiate three Small Business Regulatory Enforcement Fairness Act (SBREFA) reviews (Backover Operations, Reinforced Concrete and Infectious Disease).

SAFETY AND HEALTH STANDARDS

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

Lastly, in addition to continuing work on regulatory agenda items, OSHA will develop at least 20 guidance products on worker safety and health, varying from short guidance products such as Quick Cards, which give employers and employees brief information about a specific topic, to more comprehensive documents that cover a topic in detail and provide extensive guidance. Although these do not have the same administrative and legal burdens that accompany regulatory activity, Congress and the Office of Management and Budget (OMB) have significantly increased the evidentiary requirements of these guidance documents.

FY 2012

The current regulatory agenda in FY 2012 commits OSHA to developing or updating a series of regulations that are of great importance in reducing workers' exposure to hazards associated with work-related injuries, illnesses and deaths. OSHA relies on its regulatory contract support to provide the necessary expertise to achieve progress on these commitments, leading to enhanced worker safety while promoting economic growth, innovation, competitiveness, and job creation.

The pace of OSHA's regulatory work has increased significantly to better address safety and health threats to workers in today's workplaces. However, increasing the pace of rulemaking requires contract support to provide specialized expertise for the technical and scientific analyses that must be developed to meet the statutory and legal requirements for OSHA's rulemakings.

Congress has raised concerns about OSHA's lack of progress on items on its regulatory agenda such as silica, beryllium, and diacetyl, and expressed a desire to see them completed in a timely fashion. In addition, Congress has focused attention on new regulatory items such as combustible dust, infectious disease, and OSHA's fatality/catastrophe reporting requirements. Substantial work has been conducted on these hazards. The agency will publish in FY 2012 final rules for confined space in construction, walking and working surfaces, and updating industry exemptions for injury and illness recordkeeping. These items are broad in scope, technically complex, and require substantial resources to conduct research, including site visits that will enable the agency to adequately understand and characterize the various workplaces and employees that might be affected and to develop the necessary risk, feasibility and economic analyses that ensure maximum worker protection and minimum burden on businesses.

Additionally, OSHA will begin work on a rule in FY 2012 to modernize the agency's recordkeeping system which will complement a new database with the goal of improving public disclosure of data and transparency for workers, employers and researchers.

SAFETY AND HEALTH STANDARDS

In addition to continuing work on regulatory agenda items, OSHA will develop non-regulatory guidance products to enhance worker safety. Many guidance products are in development at any given time and address a wide range of occupational safety and health topics. OSHA anticipates publication of at least 20 guidance products to provide information on a variety of occupational safety and health topics.

The Injury and Illness Prevention Program (I2P2) rule is an example of an innovative strategy for the agency. A large and growing number of workplaces are using these systems to achieve their safety and health goals of reducing workplace injuries, illnesses and deaths, ensure that OSHA's regulatory obligations are met, and address other recognized health and safety hazards. OSHA believes that implementation by more businesses of these systems will greatly assist employers to prevent worker injury, illnesses and death. Under an Injury and Illness Prevention Program, an employer commits the company to implementing a plan for finding and fixing safety and health problems in the workplace. The employer, working closely with employees, develops a program that assists in identifying workplace hazards, eliminating or controlling those hazards and training employees. An Injury and Illness Prevention Program is expected to lead to a decrease in the number of injuries, illnesses and fatalities in the workplace, which will positively affect OSHA's outcome goal 2.1, *secure safe and healthy workplaces*.

FY 2011

In FY 2011, OSHA made full and efficient use of the increased resources for standards and guidance development. The agency's regulatory agenda involved complex scientific issues that covered a wide breadth of subject matter. OSHA enhanced the agency's regulatory capability with additional staff resources to acquire the requisite expertise, respond to rapidly emerging hazards in workplace safety and health, and address hazards on a more proactive basis.

In FY 2011, OSHA issued final rules on General Working Conditions in Shipyards, Phase III of the Standards Improvement Project, and an update on Nationally Recognized Testing Laboratory (NRTL) Fees. Additionally, the agency took two final actions on rules addressing whistleblower protection for surface transportation and federal railways and discrimination complaints under federal employee protection statutes. In FY 2011, OSHA also issued notices of proposed rulemaking on: walking-working surfaces and personal protective equipment (fall protection systems); enforcement of nondiscrimination on the basis of handicap in programs or activities; and occupational injury and illness recording and reporting requirements (North American Industry Classification System update). The agency also submitted a proposed rule on Occupational Exposure to Crystalline Silica for review on February 14, 2011. While OSHA has many items on its regulatory agenda, not all standards and guidance activity is reflected by the final regulatory actions taken in FY 2011. The agency spent considerable resources on longer term projects that lay the foundation for regulatory activity in future years. In particular, OSHA continues to work on rulemaking activities for the Injury and Illness Prevention Programs standard as part of DOL's effort to inject into the regulatory agenda the Department's core values to *plan, prevent, and protect*. OSHA also chairs the U.S. delegation and plays a key role in the development of the globally harmonized system (GHS) in the United Nations. The GHS is an international system that will improve worker knowledge regarding the hazardous chemicals they encounter, and reduce the number of deaths caused by these chemicals worldwide. The

SAFETY AND HEALTH STANDARDS

agency has been instrumental in the development and refining of this document and made great progress towards finalizing an OSHA rule that will adopt the GHS in the United States. The agency also made substantial progress on standards such as beryllium, diacetyl and infectious diseases.

OSHA continues to emphasize transparency, public participation, and collaboration as key elements of how the agency does business. In FY 2011, OSHA held stakeholder meetings on infectious diseases; an expert forum on combustible dust; and workshops and roundtable discussions on injury and illness prevention programs.

SAFETY AND HEALTH STANDARDS

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Safety and Health Standards				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy	--		--	
Outcome Goal 2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	--		--	
Notices of Proposed Rulemaking	3	3	4	3
Final rules	5	5	3	4
Guidance/Informational Materials	14	24	20	20
SBREFA Reviews	1	0	2	3

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

In FY 2013, OSHA will begin rulemaking activities, including activities related to regulatory review and reform (e.g., Standards Improvement Project Phase IV). In FY 2013, the agency projects that it will issue four Final Rules and three Notices of Proposed Rulemaking. The agency also expects to initiate Small Business Regulatory Enforcement Fairness Act (SBREFA) reviews for: Preventing Construction Backover Injuries and Fatalities, Reinforced Concrete in Construction, and Infectious Disease. It should also be noted that other ongoing standards activity will require substantial resources to progress toward a final action, including: Walking and Working Surfaces, Modernizing Recordkeeping, Combustible Dust, Beryllium, and the updating of permissible exposure limits for several chemicals.

SAFETY AND HEALTH STANDARDS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	9,467	9,617	10,385	768
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	264	264	284	20
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	9,731	9,881	10,669	788
12.1	Civilian personnel benefits	2,361	2,361	2,605	244
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	218	218	268	50
22.0	Transportation of things	6	6	6	0
23.1	Rental payments to GSA	1,221	1,307	1,393	86
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	58	59	59	0
24.0	Printing and reproduction	385	385	385	0
25.1	Advisory and assistance services	1,210	1,210	1,210	0
25.2	Other services from non-Federal sources	1,728	1,328	1,206	-122
25.3	Other goods and services from Federal sources 1/	3,022	2,859	2,859	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	227	227	227	0
26.0	Supplies and materials	70	70	70	0
31.0	Equipment	51	51	51	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	20,288	19,962	21,008	1,046
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,159	1,996	1,996	0
	Services by Other Government Departments	863	863	863	0

SAFETY AND HEALTH STANDARDS

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$37
Personnel benefits	9
One day more of pay	36
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	86
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-122
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **\$46**

Net Program **\$1,000**

Direct FTE **0**

	Estimate	FTE
Base	\$20,008	99
Program Increase	\$1,000	0

FEDERAL ENFORCEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	208,116	207,753	207,075	-678
FTE	1,580	1,583	1,580	-3

NOTE: FY 2011 reflects comparable FTE. Authorized FTE for FY 2011 was 1,692, of which 109 were for the whistleblower programs.

Introduction

This activity supports the priority performance strategy of reducing injuries, illnesses and fatalities through enforcement. It reflects the authority vested in OSHA by Congress to enforce Federal workplace standards under the Occupational Safety and Health (OSH) Act of 1970. Compliance with the OSH Act is obtained, in part, by the physical inspection of worksites and facilities, resulting penalties and abatement requirements (if applicable), and by encouraging cooperation between employers and employees to ensure safe and healthy workplaces. Inspections are conducted to investigate: 1) claims of imminent danger, on an expedited basis; 2) worksite accidents that result in one or more fatalities or the hospitalization of three or more workers; 3) employee complaints alleging serious workplace hazards, also on an expedited basis; 4) follow-up and monitoring inspections; and 5) programmed inspections.

This activity is a key component to achieving the Secretary's goal of *good jobs for everyone* by *securing safe and healthy workplaces, particularly in high risk industries*, and will lead to enhanced worker safety. Progress will be assessed through the following performance measures: 1) the rate of construction fatalities associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by; 2) the rate of fatalities in general industry associated with the four leading causes of workplace death – falls, electrocutions, caught in or between, and struck by; 3) number of hazards abated associated with hearing loss in construction and manufacturing; 4) number of hazards abated associated with illnesses in general industry and construction; 5) number of hazards abated associated with workplace amputations; 6) total number of employees removed from workplace hazards through inspections; 7) Federal Agency total case rate for injuries and illnesses; 8) Federal Agency lost time case rate for injuries and illnesses; 9) percentage of serious, willful and repeat violations in high-hazard manufacturing industry; 10) percentage of serious, willful, and repeat violations in large construction projects; and 11) recidivism rate for serious, willful and repeat violations in manufacturing industry.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$182,135	1,537
2009	\$197,946	1,557
2010	\$223,399	1,692
2011	\$222,952	1,692
2012	\$207,753	1,583

FEDERAL ENFORCEMENT

Note: FY 2012 reflects only Enforcement budget authority and FTE. Other years include whistleblower budget authority and FTE.

FY 2013

OSHA requests \$207,075,000 and 1,580 FTE for Federal Enforcement, a decrease of \$677,604 and a reduction of three FTE compared to the FY 2012 Enacted Level. This includes a decrease of \$1,300,000 due to three regional consolidations.

In FY 2013, 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 plans to build on current efforts to further its mission and priority performance goal to reduce workplace injuries, illnesses and fatalities through enforcement. In FY 2013, OSHA plans to conduct a total of 43,100 federal inspections – 35,215 safety inspections, and 7,885 health inspections – an increase of 850 over the FY 2012 estimate, reflecting the full deployment of compliance safety and health officers (CSHOs) hired in FY 2010, most of whom have now completed required technical training.

The agency will continue to direct enforcement resources toward those workplaces and hazards where they will have the most impact, in support of the Secretary's vision of *good jobs for everyone* and the Strategic Plan's outcome goals of *securing safe and healthy workplaces, particularly in high-risk industries* and *ensuring worker voice in the workplace*. The agency will implement strategies outlined in OSHA's Operating Plan and use the results as a management and diagnostic tool to monitor goals, identify problems early, and make strategic course corrections and improvements. OSHA plans to measure its effectiveness in meeting the Department's goals and the Secretary's High Priority Performance Goals by monitoring the following outcomes:

- Percent of serious, willful, repeat violations in large construction projects and in high-hazard industries
- Recidivism rate for serious, willful, and repeat violations in high-hazard industries
- Number of hazards abated associated with: hearing loss in construction and manufacturing; illness in construction and general industry; amputations
- Number of employees removed from workplace hazards through inspections
- Decrease the fatality rate in construction and general industry by focusing on the four leading causes of workplace death - falls, electrocution, caught in or between, and struck by
- Federal Agency total case rate for injuries and illnesses, and lost time case rate for injuries and illnesses

In FY 2013, to achieve its goal of reducing workplace injuries, illnesses and fatalities, OSHA will focus enforcement resources on the most hazardous worksites with the aid of National and Local Emphasis Programs, and other targeting strategies using OSHA's expanded data collection resulting from our recordkeeping modernization initiative, which is dependent on successful promulgation of the recordkeeping modernization rule. The proposed recordkeeping rule's

FEDERAL ENFORCEMENT

provision requires regular electronic submission of injury and illness data to allow OSHA to acquire a much larger and timelier amount of information about injuries and illnesses in the workplace. This will improve the agency's ability to identify, target, and remove safety and health hazards, thereby preventing workplace injuries, illnesses, and deaths. While the new data system will entail initial operational costs, the agency will achieve net savings by replacing the more expensive OSHA Data Initiative (ODI) collection. Without a new recordkeeping rule, the ODI would continue to provide injury and illness data for the agency's enforcement targeting programs.

These targeting mechanisms allow OSHA to direct resources and to determine areas of focus based on the safety and health conditions of the workplace. Inspections conducted under targeting schemes are programmed inspections while unprogrammed inspections include fatality, catastrophe, imminent danger and complaint and referral inspections. OSHA is statutorily obligated to conduct unprogrammed inspections and monitors this activity through outcome measures such as: percent of inspections of fatalities or catastrophes initiated within one business day of notification; and percent of worker complaints that have an inquiry initiated within one working day or an onsite inspection initiated within five working days.

National and Local Emphasis Programs will be heavily used to direct OSHA's enforcement resources in FY 2013. These inspections contribute to reducing fatalities by targeting high-hazard industries or hazards resulting in death or severe injury/illness. There are approximately 145 Local Emphasis Programs (LEPs) nationwide. LEPs are developed by regional and area offices to address specific hazards unique to their geographic locations. For example, Region I has an LEP for the fish processing industry; Region 4 has an LEP for high noise industries, such as stone products, saw mills, plastic products, etc.; and Regions V, VI, VII and VIII have emphasis programs in the grain handling industry which has seen a recent spike in fatalities. The agency has National Emphasis Programs (NEPs) addressing trenching hazards, amputations, crystalline silica, lead, combustible dust, hexavalent chromium, primary metals, shipbreaking, process safety management (PSM)-covered chemical facilities and microwave popcorn processing plants. These NEPs enhance worker safety and support both the Secretary's outcome goal of securing safe and healthy workplaces, and the performance outcome goals of decreasing the fatality rate associated with the four leading causes of workplace fatalities in general industry and construction.

OSHA continues to be committed to increasing health inspections and is measuring this enforcement activity through several outcome measures, such as the number of hazards abated associated with illness and number of hazards abated associated with hearing loss in construction and general industry. Additionally, OSHA is developing two additional health NEPs that will be effective in FY 2013: Nursing and Residential Care Facilities and Isocyanates. The NEP for Nursing and Residential Care Facilities addresses specific hazards found in this industry such as bloodborne pathogens, tuberculosis, workplace violence, patient lifting, and slips, trips and falls. Nursing and residential care facilities continue to have one of the highest rates of injury and illness among industries for which nationwide days away, restricted work activity and job transfer (DART) injury and illness rates were calculated for Calendar Year 2009. The Isocyanates NEP combines the efforts of enforcement and outreach to raise the awareness of employers, workers, and safety and health professionals about serious health conditions such as

FEDERAL ENFORCEMENT

occupational asthma, hypersensitivity pneumonitis, and dermatitis. An estimated 11 million workers in a broad range of industries and occupations are exposed to at least one of the numerous isocyanates known to be associated with occupational asthma. Occupational factors are associated with 15-23 percent of all adult-onset asthma cases in the United States. This NEP sets forth a site-selection system, targeting multiple industries that will focus on reducing inhalation and dermal exposures to isocyanates.

The Petroleum Refinery PSM NEP, which took effect in August 2007, expired in September 2011. Under the 2007 NEP, OSHA inspected every non-VPP petroleum refinery under federal OSHA jurisdiction. OSHA plans to conduct a thorough evaluation of the 2007 NEP. Since 2009, OSHA has had a pilot program for a PSM Covered Chemical Facilities NEP. The permanent Chemical NEP took effect in FY 2012. In FY 2013, OSHA plans to evaluate the effectiveness of this NEP, in light of the Refinery NEP evaluation, to develop options for implementing a new enforcement strategy that may target both process-safety management covered refineries and chemical facilities under the same emphasis program.

In FY 2013, OSHA's Severe Violator Enforcement Program (SVEP) will continue to focus on severe violators of the OSH Act. The SVEP will be instrumental in achieving the Secretary's outcome goal of *securing safe and healthy workplaces, particularly in high-risk industries*. It will also be critical to meeting the Department's strategies for evaluating enforcement programs in worker protection agencies.

In effect since June 2010, SVEP targets the most serious and persistent violators of the OSH Act who have willful, repeated, or failure-to-abate violations in one or more of the following circumstances: (1) fatality or catastrophe situations; (2) industry operations or processes that OSHA has found to be the most severe occupational hazards — identified as High-Profile Hazards. The SVEP actions — mandatory follow-up inspections, inspections of other worksites related to an SVEP employer, enhanced settlement agreements, sending a copy of citations or otherwise notifying the corporate headquarters, and public notification — are intended to increase attention on the correction of the hazards that have led, or may lead, to the death or serious injury of one or more workers.

OSHA is implementing an SVEP database that will allow the agency to more carefully track how common specific hazards are across worksites for the same violator, and to analyze the need for ongoing enforcement efforts. Pending funding, the database should be ready by the end of FY 2013. The database will track SVEP data and identify additional related worksites for inspection. OSHA will inspect related worksites of SVEP employers when there are reasonable grounds to believe that compliance problems identified in the initial inspection may indicate a broader pattern of non-compliance.

In FY 2013, OSHA will continue to provide enforcement support to regions regarding enforcement of workplace safety in the grain handling industry. Researchers at Purdue University documented 38 grain entrapments in 2009 alone. OSHA has found that grain entrapments generally occur because of employer negligence, non-compliance with OSHA standards, and/or poor safety and health practices. For that reason, OSHA developed a Grain Handling Workgroup to develop guidance documents, outreach materials and memoranda aimed

FEDERAL ENFORCEMENT

at keeping grain handling workers safe. In addition to clarifying subparagraphs of the grain handling standard and OSHA jurisdiction on small farms, the Workgroup has created and disseminated a grain bin entry wallet card for workers, warning them of the hazards and informing them of safe practices.

In construction, the agency will utilize a combination of the targeting reports, NEPs, and LEPs to target high-risk worksites. This targeting effort is designed to focus on the four leading causes of workplace deaths and those where the most serious injuries and illnesses are expected to occur. Many of the Regional Offices will direct inspection resources on fall protection via ongoing Regional Emphasis Programs. The agency will publish its Cranes' Compliance Directive to further support inspection activity and enforcement of the recently published final Subpart CC Cranes and Derricks standard. The agency expects to publish its final Confined Spaces in Construction standard in the Spring of 2012 and begin enforcement in FY 2013. Overall, the agency will target over 50 percent of its inspection activities and resources on the construction industry to meet the Department's goal of *securing safe and healthy workplaces, particularly in high-risk industries*.

In support of the Secretary's Outcome Goal 2.1, to *secure safe and healthy workplaces, particularly in high-risk industries*, OSHA will make increased use of Corporate-wide Settlement Agreements (CSAs) in FY 2013. CSAs address safety and/or health hazards that exist at more than one location of a given employer. The revised CSA directive, effective June 2011, is part of the agency's emphasis on using corporate-wide or enterprise-wide settlement agreements as part of its strategy for leveraging limited resources to accomplish the broadest possible compliance. This guidance will be an effective tool to secure worker safety and health protections and will support the DOL Strategic Plan outcome to remove several hundred thousand employees from workplace hazards. Through an employer's formal agreement to abate serious hazards at multiple facilities, CSAs are an improvement over traditional enforcement measures that could take much longer. The expanded use of CSAs will be a critical means to leverage OSHA's limited resources to meet the Department's strategy of achieving the broadest possible compliance, and improving innovation in its worker protection agencies' enforcement programs.

In FY 2013, OSHA will maintain its focus on improving safety and health in the federal sector. OSHA will conduct its inspection activity in federal workplaces through the Federal Agency Targeting Inspection Program (FEDTARG). FEDTARG is a nationwide targeting program that uses programmed inspections to focus on specific federal agency worksites that experience a high number of lost-time cases. FEDTARG is intended for those workplaces staffed by federal employees or by contractors whose work is supervised on a day-to-day basis by federal agency personnel, and supports the Secretary's outcome goal of securing safe and healthy workplaces.

The agency will continue to collaborate with the Office of Workers' Compensation Programs in administering the four-year Protecting Our Workers and Ensuring Reemployment (POWER) Initiative, which was launched on October 1, 2010, and will be ongoing in FY 2013. POWER replaced the Safety, Health, and Return-to-Employment (SHARE) Initiative (FY 2004 - FY 2009). Like SHARE, POWER challenges federal agencies to reduce occupational injuries, illnesses, and fatalities, improve management of their workers' compensation programs and

FEDERAL ENFORCEMENT

increase the number of injured federal employees who are able to return to work. OSHA monitors federal agencies' occupational safety and health activities and measures its own progress in implementing POWER through the two High Priority Performance Goals: Federal agency total case rate for injuries and illnesses, and Federal agency lost time case rate for injuries and illnesses. Specifically, these two goals set a four percent annual reduction of the total and lost time case rates from the FY 2009 baseline rates.

Finally, in an effort to streamline agency operations, OSHA is reorganizing its regional structure and jurisdictional authority from its current operation of 10 Regional Offices (ROs) to seven. The reorganization will involve the consolidation of OSHA's Regions 1 (Boston) and 2 (New York); Regions 7 (Kansas City) and 8 (Denver); and, Regions 9 (San Francisco) and 10 (Seattle). These consolidations are expected to result in a savings of \$1,300,000 and 3 FTE.

FY 2012

In FY 2012, OSHA will carry out enforcement actions to meet the agency's priority performance statement of reducing workplace injuries, illnesses, and fatalities through enforcement. Because the agency can only reach a very limited number of workplaces, it attempts to shape and focus enforcement activities to have an impact on as many employers as possible, rather than just the employer who was the target of the inspection. In FY 2012, OSHA plans to conduct *a total of 42,250 federal inspections – 34,750 safety inspections, and 7,500 health inspections.*

In support of the Secretary's Outcome Goal 2.1, *to secure safe and healthy workplaces, particularly in high-risk industries*, OSHA will continue to use enforcement strategies that make the most effective use of its resources. OSHA will measure its achievement using the High Priority Performance Goals, *to decrease the construction and general industry fatality rate by focusing on the four leading causes of workplace death - falls, caught in or between, struck by, and electrocution.*

To achieve its goal of reducing workplace injuries, illnesses, and fatalities through federal enforcement, OSHA will initiate and continue several inspection targeting programs, such as national and local emphasis programs and the Site-Specific Targeting (SST) Program. SST-11, in effect in FY 2012, targets establishments with 20 or more employees, a change from prior SST programs that only targeted establishments with 40 or more employees. Designed to accurately identify the most dangerous worksites for inspection, the SST is based on data received from the prior year's ODI survey. The SST targets establishments that reported either a high days away from work, restricted, or job transferred rate, or a high days away from work injury and illness case rate in the relative calendar year.

In FY 2012, OSHA will heavily utilize its National and Local Emphasis Programs to enhance worker safety. The agency will also continue to fully implement enforcement actions for Subpart M Fall Protection in residential construction, carefully monitor its implementation and will continue its aggressive outreach efforts to ensure that employers understand and are fully able to comply with the new requirements. The agency will also continue its close collaboration with industry groups and labor organizations to protect workers against injuries and fatalities caused by falls.

FEDERAL ENFORCEMENT

The PSM NEP, which took effect in August 2007, expired in September 2011. Under the 2007 NEP, OSHA inspected every non-VPP petroleum refinery under federal OSHA jurisdiction. In FY 2012, OSHA will begin a thorough evaluation of the 2007 NEP.

As evidenced by the health-related NEPs currently effective and under development, OSHA places a strong emphasis on reducing workplace illnesses. NEPs focusing on worker exposure to lead, silica, hexavalent chromium and hazards in the primary metals and nursing home industries support the agency in achieving the Secretary's goal of *securing safe and healthy workplaces*. OSHA's progress on reducing health hazards is measured by Operating Plan performance measures such as: number of hazards abated associated with hearing loss and number of hazards abated with illness.

In FY 2012, OSHA will complete an evaluation of the SVEP's first fifteen months. OSHA formed a group comprised of field and national office staff to evaluate whether the program is being fully and correctly implemented. The group has examined and summarized OSHA inspection data, collected lessons learned, gathered language used in enhanced settlement agreements and discussed the criteria for an employer to be removed from the SVEP list. In FY 2012, the group will complete its report and, if appropriate, present recommendations for changes to the program.

As part of OSHA's efforts to effectively target and take enforcement action against severe violators, OSHA is committed to several SVEP activities including: performing nationwide referrals by providing regional offices with addresses of other worksites owned by the SVEP employer and related to the SVEP case; tracking SVEP cases and compiling a monthly report; finishing development of a SVEP database; and, developing a SVEP webpage to publish the list of employers who have met the SVEP criteria.

OSHA will continue to make increased use of Corporate or Enterprise-wide Settlement Agreements (CSAs) in FY 2012. CSAs address safety and health hazards that exist at more than one location of a given employer. OSHA's revised CSA directive facilitates the analysis of whether a CSA is appropriate. In FY 2012, OSHA will continue and likely complete corporate-wide settlement discussions with the United States Postal Service. OSHA will continue discussions with several companies and will further emphasize use of these agreements. To the extent that employers are willing to enter into these agreements, broader use of CSAs is advantageous to the agency and an effective use of agency resources.

During FY 2012, in support of the Secretary's goal to secure safe and healthy workplaces, the agency will continue to closely monitor and evaluate the changes to its administrative penalty calculation system, especially for small businesses.

In FY 2012, OSHA expects to conduct over 600 inspections in federal agencies. The Federal Agency Targeting Inspection Program (FEDTARG) is a nationwide targeting program that uses programmed inspections to focus on specific federal agency worksites that experience a high number of lost-time cases. FEDTARG is intended for those workplaces staffed by federal

FEDERAL ENFORCEMENT

employees or by contractors whose work is supervised on a day-to-day basis by federal agency personnel.

In addition, OSHA will carry out the second year of the POWER Initiative. The POWER initiative aims to reduce occupational injuries, illnesses, and fatalities in the federal government.

In support of the Secretary's Outcome Goal 3.3, to *ensure worker voice in the workplace*, in FY 2012, OSHA will strive to reach its goal to respond to 95% of worker complaints within one working day, or to initiate an on-site inspection within five working days. OSHA will also dedicate enforcement resources toward meeting the goal of opening an inspection in 98% of fatality cases within one working day of notification. These types of inspections are given the highest inspection priority.

Also in support of the Secretary's Outcome Goal 3.3, to *ensure worker voice in the workplace*, OSHA will finalize and begin implementing its new Directive on Communicating OSHA Fatality Inspection Procedures to a Victim's Family. The directive provides guidance to OSHA compliance officers for communication with the next of kin following a workplace fatality. This guidance stresses that OSHA places a high priority on fatality inspections, which also demand a high degree of sensitivity and investigative accuracy. The Directive's three-phase approach for communicating with next of kin includes an initial communication, follow-up communications throughout the inspection, and post-inspection communications. This approach will ensure that OSHA receives all necessary information about the victim(s), and keeps the next of kin informed from the beginning of the inspection, and as it progresses, until the case is either closed or becomes a final order of the Occupational Safety and Health Review Commission.

FY 2011

In FY 2011, OSHA conducted 40,648 safety and health inspections, of which 33,331 were safety inspections and 7,317 were health inspections. A total of 761 inspections were conducted in federal agencies.

In support of the Secretary's Outcome Goal 2.1, to *secure safe and healthy workplaces, particularly in high-risk industries*, OSHA initiated and continued several inspection targeting programs aimed at reducing workplace injuries, illnesses and fatalities. In FY 2011, OSHA conducted 1,945 inspections under the SST, which targets establishments in general industry with high injury/illness rates. Data and research show that SST inspections effectively target high-hazard workplaces and reduce their injury/illness rates. Compared to other targeting programs, SST inspections are among the highest in number of violations per inspection and number of serious violations as a percentage of all violations. They also have a low percentage of inspections with no violations, especially in the manufacturing industry. In addition, OSHA is currently conducting an evaluation of the SST Program with the Chief Evaluation Officer.

OSHA continued NEPs and LEPs, which target high-hazard industries (e.g., shipbreaking), hazards that may lead to severe illnesses (e.g., lead and silica), and hazards that may lead to severe injuries (e.g., amputations). In FY 2011, OSHA conducted 31,807 inspections under approximately 13 NEPs and 145 LEPs. NEPs in FY 2011 included: Combustible Dust, Lead,

FEDERAL ENFORCEMENT

Food Flavorings – Diacetyl, Hexavalent Chromium, Silica, Amputations, Shipbreaking, Trenching, Chemical Facilities, Refineries and Recordkeeping. During FY 2011, OSHA initiated two NEPs focusing on reducing illnesses related to microwave popcorn facilities and the primary metals industry. OSHA completed the Refineries NEP, in which OSHA inspected every non-VPP petroleum refinery under federal OSHA jurisdiction.

The agency's several health NEPs contributed to OSHA exceeding its goal for number of hazards abated associated with illness in construction and general industry. In FY 2011, OSHA abated 11,806 hazards associated with illness. OSHA is committed to further reducing illnesses in the workplace, and, therefore, continues to adjust its targeting programs to direct enforcement and outreach toward workplace hazards that are most dangerous to workers' health.

OSHA's 761 federal agency inspections were conducted under FEDTARG. To secure safe and healthy workplaces for federal workers, OSHA worked with the Office of Workers' Compensation in administering the POWER Initiative. OSHA monitored federal agencies' occupational safety and health activities and measured its own progress in implementing POWER through the two High Priority Performance Goals: Federal agency total case rate for injuries and illnesses, and Federal agency lost time case rate for injuries and illnesses. In FY 2011, OSHA exceeded both of these goals.

In support of the Secretary's Outcome Goal 3.3, to *ensure worker voice in the workplace*, OSHA met or exceeded its FY 2011 goals measuring the agency's response to complaints, fatalities and catastrophes. These types of inspections are given the highest inspection priority. OSHA exceeded its goal related to the agency's response to fatalities and catastrophes by responding to 97% (goal was 95%) within one business day. OSHA's compliance officers responded to 94% of non-formal complaints by initiating an inquiry within one working day and initiating an onsite inspection within five working days of formal complaints.

In FY 2011, OSHA implemented two enforcement strategies that are designed to leverage enforcement action to maximize the elimination of workplace hazards that lead to injuries, illnesses, and death: the Severe Violator Enforcement Program and Corporate or Enterprise Wide Settlement Agreements. In FY 2011, OSHA exceeded its goals for number of hazards abated associated with illness (result: 11,806) and amputations (result: 7,391) and for total number of employees removed from workplace hazards through inspections (result: 625,163). The agency also worked vigorously to implement the SVEP and to use its enforcement tools to the fullest extent. As of November 30, 2011, the Regions reported 214 SVEP cases, 128 of which are in construction. The agency conducted 28 follow-up inspections and attempted 41 more. The agency also conducted 23 general-industry related inspections resulting from referrals from seven SVEP cases. Regions also reported 24 enhanced settlement agreements, 23 company headquarters sent copies of citations and 1 section 11(b) case referred to the Department's Office of the Solicitor. In FY 2011, OSHA gathered regional and national office staff to begin an evaluation of the SVEP to ensure that the program is being fully and accurately implemented.

In FY 2011, OSHA continued corporate-wide settlement discussions with the United States Postal Service (USPS). The agreement arose from approximately 40 OSHA inspections, but will apply to 650 processing and distribution centers and will protect all employees at these facilities

FEDERAL ENFORCEMENT

from electrical hazards. OSHA's settlement goal is to change the safety culture at USPS facilities and improve the protection of all USPS workers who are or might be exposed to electric shock and electric arc hazards.

OSHA also considered the appropriateness of a CSA for several other companies. OSHA reached a CSA with a roofing company and its 14 affiliated companies that will enhance safeguards against falls and other construction hazards for hundreds of roofers. Enhanced settlement elements include: developing site-specific safety plans at each work site and reviewing the plans daily with employees; daily inspections by a foreman at every active work site and weekly inspections by a project manager; and each director and a supervisory employee will complete OSHA's 30-hour construction safety course, the safety/health directors will be required to become certified to teach the 30-hour course, and all other potentially exposed employees will receive at least the OSHA 10-hour safety course plus eight additional hours dedicated to fall protection.

During FY 2011, in support of the Secretary's goal to secure safe and healthy workplaces, the agency implemented changes to its administrative penalty calculation system and closely monitored penalty data throughout the fiscal year. OSHA made the changes because many of the agency's current penalty adjustment factors have been in place since the early 1970's, resulting in penalties which are often too low to have an adequate deterrent effect. A rise in the average penalty per serious violation may contribute to a reduction in the rate of construction and general industry fatalities associated with the four leading causes of workplace death – falls, electrocutions, caught in between and struck by.

FEDERAL ENFORCEMENT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Federal Enforcement				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy				
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries	--		--	TBD
Federal Compliance Inspections				
Safety Inspections	33,200	33,331	34,750	35,215
Health Inspections	6,800	7,317	7,500	7,885
Total¹	40,000	40,648	42,250	43,100
Rate of construction fatalities associated with the four leading causes of workplace death - falls, electrocutions, caught in between and struck by*	--	--	8.70	8.60
Rate of general industry fatalities associated with the four leading causes of workplace death- falls, electrocutions, caught in or between, and struck by*	--	--	1.00	.90
Federal Agency total case rate for injuries and illnesses	2.96 (e)	2.78	2.97	2.85
Federal Agency lost time case rate for injuries and illnesses	1.36 (e)	1.33	1.36	1.31
Number of hazards abated associated with hearing loss in construction and manufacturing	625	605	680	715
Number of hazards abated associated with illness in construction and general industry	11,750	11,806	12,000	13,600
Number of hazards abated associated with amputations	7,200	7,391	8,000	8,400
Total number of employees removed from workplace hazards through inspections	475,000	625,163	650,000	675,000
Federal Agency Inspections	545	761	600	625
Site Specific Targeting (SST)	1,900	1,945	1,900	2,000
Construction Inspections	22,000	22,499	23,000	23,600
LEP/NEP Inspections	28,700	31,807	28,800	29,000
Percent of response to fatalities/catastrophes within one business day	90	97	98	98
Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments	--		--	--
Outcome Goal 3.3 Ensure worker voice in the workplace	--		--	--

¹ The FY 2009 Result and FY 2010 Target differ from the numbers reported in the President's Budget Appendix, which do not include Recovery Act inspection data. Amounts will be updated in the President's Budget Errata.

FEDERAL ENFORCEMENT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Percent of non-formal complaints that have an inquiry initiated within one working day/Percent of formal complaints that have an onsite inspection initiated within five working days	90	94	95	95

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

In FY 2011, OSHA conducted 40,648 safety and health inspections, of which 33,331 were safety inspections and 7,317 were health inspections. Seven-hundred and sixty-one of the total inspections were conducted in federal agencies.

In support of the Secretary’s Outcome Goal 2.1, to secure safe and healthy workplaces, particularly in high-risk industries, OSHA initiated and continued several inspection targeting programs aimed to reduce workplace injuries, illnesses and fatalities. In FY 2011, OSHA conducted 1,945 inspections under the Site Specific Targeting Program (SST), which targets establishments in general industry with high injury/illness rates.

OSHA continued National and Local Emphasis Programs (NEP/LEPs), which target high-hazard industries, hazards that may lead to severe illnesses, and hazards that may lead to severe injuries. In FY 2011, OSHA conducted 31,807 inspections under approximately 13 NEPs and 145 LEPs. NEPs included: Combustible Dust, Lead, Food Flavorings – Diacetyl, Hexavalent Chromium, Silica, Amputations, Shipbreaking, Trenching, Chemical Facilities, Refineries and Recordkeeping. During FY 2011, OSHA initiated two NEPs focusing on reducing illnesses related to microwave popcorn facilities and the primary metals industry. OSHA completed the Refineries NEP, in which OSHA inspected every non-VPP petroleum refinery under federal OSHA jurisdiction.

The agency’s several health NEPs contributed to OSHA exceeding its goal for number of hazards abated associated with illness in construction and general industry. In FY 2011, OSHA abated 11,806 hazards associated with illness. OSHA is committed to further reducing illnesses in the workplace, and therefore continues to adjust its targeting programs to direct enforcement and outreach toward the most dangerous workplace hazards.

OSHA’s 761 federal agency inspections were conducted under FEDTARG, the nationwide targeting program that uses programmed inspections to focus on specific federal agency worksites that experience a high number of lost-time cases. To secure safe and healthy workplaces for federal workers, OSHA worked with the Office of Workers’ Compensation in administering the POWER. OSHA monitored federal agencies occupational safety and health activities and measured its own progress in implementing POWER through the two High Priority Performance Goals: Federal agency total case rate for injuries and illnesses, and Federal agency lost time case rate for injuries and illnesses. In FY 2011, OSHA exceeded both of these goals.

FEDERAL ENFORCEMENT

In support of the Secretary's Outcome Goal 3.3, to *encourage worker voice in the workplace*, OSHA met or exceeded its FY 2011 goals measuring the agency's response to complaints, fatalities and catastrophes. These types of inspections are given the highest inspection priority. OSHA exceeded its goal related to the agency's response to fatalities and catastrophes by responding to 97% (goal was 95%) within one business day. OSHA compliance officers responded to 94% of informal complaints by initiating an inquiry within one working day and initiating an onsite inspection within five working days of formal complaints.

In FY 2011, OSHA implemented two enforcement strategies that are designed to leverage enforcement action to maximize the elimination of workplace hazards that lead to injuries, illnesses, and death: the Severe Violator Enforcement Program (SVEP) and Corporate or Enterprise Wide Settlement Agreements (CSA). These mechanisms support many performance measures under Strategic Goal 2, to ensure workplaces are safe and healthy and under Outcome Goal 2.1, to *secure safe and healthy workplaces, particularly in high-risk industries*.

By finding the most severe violators and by establishing CSAs, the agency maximizes the abatement of workplace hazards, such as those measured in OSHA's Operating Plan, e.g., hazards associated with illness and amputations. These programs also maximize the performance measure of removal of employees from workplace hazards. In FY 2011, OSHA exceeded its goals for number of hazards abated associated with illness (actual: 11,806) and amputations (actual: 7,391) and for total number of employees removed from workplace hazards through inspections (actual: 625,163).

As part of OSHA's commitment to intensify enforcement efforts for serious violators of the OSH Act, the agency worked to vigorously implement the SVEP and to use its enforcement tools to the fullest extent. As of December 31, 2011, the Regions reported 222 SVEP cases, 132 or 59% of which are in construction. The agency conducted 29 follow-up inspections and attempted 40 follow-ups. The agency also conducted 23 general-industry related inspections resulting from referrals from seven SVEP cases. Regions reported 21 enhanced settlement agreements, 23 company headquarters sent copies of citations and 1 section 11(b) case referred to the Office of the Solicitor.

OSHA considered the appropriateness of a CSA for several other companies. OSHA reached a CSA with a roofing company and its 14 affiliated companies that will enhance safeguards against falls and other construction hazards for hundreds of roofers. Enhanced settlement elements include: developing site-specific safety plans at each work site and reviewing the plans daily with employees; daily inspections by a foreman at every active work site and weekly inspections by a project manager; and each director and a supervisory employee will complete OSHA's 30-hour construction safety course, the safety/health directors will be required to become certified to teach the 30-hour course, and all other potentially exposed employees will receive at least the OSHA 10-hour safety course plus eight additional hours dedicated to fall protection.

In FY 2012, OSHA plans to conduct 42,250 safety and health inspections, of which 34,750 will be safety inspections and 7,500 will be health inspections. Six-hundred of the total inspections will be conducted in federal agencies.

FEDERAL ENFORCEMENT

In FY 2012, OSHA will conduct 1,900 inspections under the Site-Specific Targeting Program (SST), which targets establishments in general industry with high injury/illness rates. SST inspections support many of OSHA's Operating Plan outcome measures, including OSHA's FY 2012 goals to abate 680 hazards associated with hearing loss in construction and general industry, 12,000 hazards associated with illness in construction and general industry and 8,000 hazards associated with amputations.

In FY 2012, OSHA plans to conduct 28,800 inspections under approximately 14 NEPs (two in development) and 145 LEPs. During FY 2012, OSHA plans to complete development of NEPs focused on nursing homes and residential living facilities and isocyanates. These health related NEPs, once effective, will support OSHA's FY 2012 Operating Plan goal to abate 12,000 hazards associated with illness in general industry and construction.

Construction is a high-hazard industry, accounting for 7% of employment, but 19% of fatalities in 2009. OSHA has designed C-Target to establish OSHA's presence throughout the construction industry, primarily through inspection of construction job sites with multiple contractors. Studies have shown that C-Target provides a clear and non-arbitrary system for identifying and targeting hazardous construction sites for inspection. In FY 2012, OSHA will conduct 23,600 construction inspections. OSHA's High-Priority Performance Outcome goal is to decrease the construction fatality rate to 8.7 by focusing on the four leading causes of fatalities – falls, struck-by, caught in/between and electrocution.

In FY 2013, 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 plans to build on current efforts to achieve further its priority of reducing workplace injuries, illnesses and fatalities through enforcement. In FY 2013, OSHA plans to conduct a total of 43,100 federal inspections – 35,215 safety inspections, and 7,885 health inspections.

OSHA is developing two additional health NEPs that will be effective in FY 2013: Nursing and Residential Care Facilities and Isocyanates. The NEP for Nursing and Residential Care Facilities addresses specific hazards found in this industry such as bloodborne pathogens, tuberculosis, workplace violence, patient lifting, and slips, trips and falls. Nursing and residential care facilities continue to have one of the highest rates of injury and illness among industries for which nationwide days away, restricted work activity and job transfer (DART) injury and illness rates were calculated for Calendar Year 2009.

The Isocyanates NEP combines the efforts of enforcement and outreach to raise the awareness of employers, workers, and safety and health professionals about serious health conditions such as occupational asthma, hypersensitivity pneumonitis, and dermatitis. An estimated eleven million workers in a broad range of industries and occupations are exposed to at least one of the numerous isocyanates known to be associated with occupational asthma. Occupational factors are associated with 15-23 percent of all adult-onset asthma cases in the United States. This NEP sets forth a site-selection system, targeting multiple industries that will focus on reducing inhalation and dermal exposures to isocyanates.

FEDERAL ENFORCEMENT

In FY 2013, OSHA will continue to provide enforcement support to regions regarding enforcement in the grain-handling industry. Researchers at Purdue University documented 38 grain entrapments in 2009 alone. OSHA has found that grain entrapments generally occur because of employer negligence, non-compliance with OSHA standards, and/or poor safety and health practices. For that reason, OSHA developed a Grain Handling Workgroup to develop guidance documents, outreach materials and memoranda aimed at keeping grain handling workers safe. In addition to clarifying subparagraphs of the grain handling standard and jurisdiction on small farms, the Workgroup has created and disseminated a grain bin entry wallet card for workers, warning them of the hazards and informing them of safe practices.

FEDERAL ENFORCEMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	122,607	122,407	122,770	363
11.3	Other than full-time permanent	0	950	950	0
11.5	Other personnel compensation	4,048	3,548	3,548	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	126,655	126,905	127,268	363
12.1	Civilian personnel benefits	38,442	41,064	41,252	188
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	8,817	8,317	8,030	-287
22.0	Transportation of things	33	33	33	0
23.1	Rental payments to GSA	4,619	5,081	5,253	172
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	1,367	1,374	1,374	0
24.0	Printing and reproduction	34	34	34	0
25.1	Advisory and assistance services	252	252	252	0
25.2	Other services from non-Federal sources	3,687	2,949	1,835	-1,114
25.3	Other goods and services from Federal sources 1/	14,711	14,955	14,955	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	3,533	3,343	3,343	0
26.0	Supplies and materials	834	1,084	1,084	0
31.0	Equipment	5,132	2,362	2,362	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	208,116	207,753	207,075	-678
	1/Other goods and services from Federal sources				
	Working Capital Fund	14,251	14,515	14,515	0
	DHS Services	440	0	0	0
	Services by Other Government Departments	20	440	440	0

FEDERAL ENFORCEMENT

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$459
Personnel benefits	150
One day more of pay	592
Federal Employees Compensation Act (FECA)	13
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	522
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-1,114
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **\$622**

Net Program **-\$1,300**

Direct FTE **-3**

	Estimate	FTE
Base	\$208,375	1,583
Program Decrease	-\$1,300	-3

WHISTLEBLOWER PROGRAMS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	14,836	15,873	20,739	4,866
FTE	109	119	156	37

NOTE: This is a new budget activity in FY 2012. Comparable FTE for FY 2011 was 109.

Introduction

This activity supports the agency’s priority performance strategy of reducing injuries, illnesses and fatalities through enforcement and worker voice by providing for the enforcement of 21 whistleblower protection statutes, including Section 11(c) of the OSH Act, which prohibits any person from discharging or in any manner retaliating against any employee because the employee has exercised rights under the Act, including: complaining to OSHA and seeking an OSHA inspection; participating in an OSHA inspection; and participating or testifying in any proceeding related to an OSHA inspection. The whistleblower 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 and securities laws.

Effective enforcement of these laws supports the Secretary’s vision of “good jobs for everyone” and the Strategic Plan’s outcome goals of *securing safe and healthy workplaces, particularly in high-risk industries*, and *ensuring worker voice in the workplace*, by providing legal protections for workers who raise concerns over workplace violations and protections.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$0	0
2009	\$0	0
2010	\$0	0
2011	\$0	0
2012	\$15,873	119

WHISTLEBLOWER PROGRAMS

FY 2013

OSHA requests \$20,739,000 and 156 FTE for this activity, an increase of \$4,866,000 and 37 FTE over the FY 2012 Enacted Level. This request includes a program increase of \$4,800,000 and 37 FTE, which the agency needs in order to respond to the workload created by the 21 whistleblower statutes OSHA oversees, work through the backlog of cases requiring investigation, and complete investigations within statutory deadlines. From FY 2009 through the close of FY 2011, the number of new whistleblower complaints has increased by 13.3 percent.

Historically, OSHA has included the Office of Whistleblower Protection Program (OWPP) activity in its budget requests for Federal Enforcement. To increase transparency in OWPP operations and to address concerns raised in recent audits of OSHA's OWPP by the Government Accountability Office (GAO) and the Department's Office of Inspector General (OIG), OSHA submitted a request for a separate budget activity that supports funding for its OWPP activity in the FY 2012 President's Budget.

In FY 2013, OSHA will have fully implemented recommendations from its top-to-bottom review of its whistleblower program, as well those made by GAO, for improving the effectiveness of the program. OSHA began tracking whistleblower program spending as a separate budget activity in FY 2012, and will track and report on the workload generated by each of the laws it enforces. In FY 2013, the agency will have fully established performance measures and goals for OWPP that are relevant to the program's processes and growing workload, and accurately measure program performance.

In FY 2013, OSHA anticipates that it will receive 2,656 complaints, coupled with an inventory of 2,592 open cases. OSHA investigators will be responsible for investigating an estimated total of 5,248 complaints in FY 2013. In recent years, OSHA has been unable to perform several of the key functions of this program in a timely fashion. As of October 1, 2011, seventy-nine percent of the 2,162 cases, currently pending, have been open for more than 90 days, and on average, the cases have been pending for 324 days. Although 11(c) complaints may be investigated within 90 days, the other statutes have far shorter deadlines, ranging from 30 to 60 days.

Each of the 21 whistleblower laws enforced by OSHA covers unique subject matter and requires timely, specific training to be developed and delivered to the staff. In FY 2008, the curriculum was redesigned to include a two-part basic course totaling 32 days of instruction time. This basic course is supplemented by topical webinars, and an annual training conference.

FY 2012

Since the GAO audit performed in August 2010, OSHA has made significant strides in strengthening its whistleblower program. With an additional 10 FTE expected to be added during the fiscal year from the increase appropriated to the agency, there will be more investigators able to screen and investigate complaints in the agency's area offices. Here are some of the expected highlights for FY 2012:

WHISTLEBLOWER PROGRAMS

1. Program Restructuring: Effective October 1, 2011, the Office of Whistleblower Protection Program (OWPP), became a stand-alone office, no longer housed in the Directorate of Enforcement Programs. OWPP will report directly to the Assistant Secretary of OSHA. The agency is currently reviewing reorganization options for its field structure.
2. New Performance Measures: Effective FY 2012, OSHA will establish performance measures for OWPP. These measures will track and assess OWPP's performance in reducing the backlog of complaints on the 21 whistleblower statutes administered by the agency, reducing the amount of time to complete complaints, and increasing the quality (consistency) of the investigation.
3. Process Improvement and Consistency: In September 2011, OSHA published -- and has begun training investigators on -- its revised Whistleblower Investigations Manual. The updated manual provides clarification on several agency policies, and guidance on investigating based on the new whistleblower statutes.
4. Internal Auditing Systems: In October 2010, OSHA revised its information database (IMIS) to include a field for recording the number of screened-out whistleblower complaint cases and the rationale for so doing. In the same month, OSHA provided training to its users on this new feature. In FY 2012, OSHA will complete an audit on this process (e.g., percent of compliance by the region with this new policy; rate of screened-out cases per region; percentage of cases that were accurately screened-out). To date, the agency has found that all regions were accurately screening-out complaints and tracking their actions in IMIS.

In FY 2012, OSHA will complete its revision of the Management Accountability Program (MAP) to include a more expanded section on its whistleblower program. Audit areas will include such items as how well the investigator followed the Investigations Manual (updated in FY 2011), timeliness, and accurate application of the statutes.

In FY 2012, OWPP will unveil an update of its website that will include more outreach features such as an online complaint form, and Frequently Asked Questions, for example. In addition, OWPP will be piloting, through the agency's Customer Service Modernization initiative, a portal through which complainants and respondents may check on the status of their case.

In recent years, OSHA has been unable to perform several of the key functions of this program in a timely fashion. The agency has a substantial backlog of whistleblower cases pending investigation. As of October 1, 2011, 78 percent (1,698) of the 2,162 cases currently pending have been open for over 90 days, and on average, the cases have been pending for 324 days. Although 11(c) complaints should be investigated within 90 days, the other statutes have far shorter statutory deadlines, ranging from 30 to 60 days.

Due to a substantial increase in workload in recent years that has not been met with additional FTE, the agency currently has a two-year backlog of appeals under Section 11(c). In July 2011, OSHA eliminated the complaints on appeal through a taskforce, and by the end of FY 2012 will

WHISTLEBLOWER PROGRAMS

have implemented a new appeals program with specific timeframes for completion and performance measures.

FY 2011

In FY 2011, OWPP held five training events: one for its Basic Whistleblower Investigations and four webinars on its newly delegated statutes -- Food Safety Modernization Act, Consumer Financial Protection Act, and amendments to the Sarbanes-Oxley Act (SOX) made by the Dodd-Frank Act.

In addition, in September 2011, OSHA published its revised Whistleblower Investigations Manual. During the same month, OSHA provided training to more than 200 Federal and State investigators and representatives from the Office of Solicitor at its Whistleblower Training Conference. In addition to training on the new manual, the conference hosted a stakeholder panel and 14 workshops on a variety of subjects.

Complaint Investigation Activity

In FY 2011, OSHA received 2,445 whistleblower complaints. It completed 1,937 investigations, ending with a backlog of 2,162 cases that have not been considered within 90 days of receipt.

Regulatory

Four regulations were drafted or revised, including: Interim Final Rule, 29 CFR Part 1978, Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982; Interim Final Rule, 29 CFR Part 1982, Procedures for the Handling of Retaliation Complaints under the National Transit Systems Security Act and the Federal Railroad Safety Act; Interim Final Rule, 29 CFR Part 1983, Procedures for the Handling of Retaliation Complaints under Section 219 of the Consumer Product Safety Improvement Act of 2008; and Final Rule, 29 CFR Part 24, Procedures for the Handling of Retaliation Complaints under the Employee Protection Provisions of Six Federal Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974.

Parts 1982 and 1983 were entirely new, whereas Parts 1978 and 24 were revisions of existing regulations necessitated by amendments to their underlying statutes. With many regulations being written simultaneously, efforts were taken to ensure that the regulations are as consistent with one another as the statutory provisions allow, and responsive in important ways to the issues raised by stakeholders. For example, the regulations require that OSHA provide to every complainant a copy of all of a respondent's submissions to the agency that are responsive to the complainant's whistleblower complaint. This will significantly improve the quality of investigations and increase transparency in the investigative process. In addition, these regulations ensure that complaints may be filed orally and reduced to writing by OSHA staff, making the administrative process far more accessible to workers who may have difficulty submitting written complaints.

In FY 2011, Congress passed and DOL delegated to OSHA three new whistleblower statutes: the Affordable Care Act (health care reform), the Consumer Financial Protection Act of 2010 -- Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010

WHISTLEBLOWER PROGRAMS

(finance reform), and the Seaman's Protection Act. The agency began to research the complex whistleblower coverage of these laws and implemented preliminary investigation procedures.

In July 2011, OSHA eliminated more than 140 complaints on appeal, some of which had been in this status since 2008. In accomplishing this, OSHA gathered a team of senior investigators and representatives from the Office of Solicitors for one week to review the cases. The team triaged each case, forwarding only those that met certain criteria to the full Appeals Committee. Based on these best practices, OSHA anticipates that it can reasonably complete an appeal review within 45 days from receipt of the case file, and is in the process of developing a written directive to ensure consistency and timeliness of this process.

WHISTLEBLOWER PROGRAMS

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Whistleblower Programs				
Strategic Goal 3 - Assure Fair and High Quality Work-Life Environments	--		--	
Outcome Goal 3.3 - Ensure worker voice in the workplace	--		--	
Totals Whistleblower Investigations Completed (Breakdown by statute below)	2,660	1,937	2,100	2,525
Section 11(c) of the Occupational Safety and Health Act	1,417	1,229	1,253	1,442
Asbestos Hazard Emergency Response Act and International Safe Container Act	6	2	4	6
Environmental Laws: (CAA, CERCLA, FWPCA, SDWA, TSCA)	50	33	34	45
Energy Reorganization Act	45	34	36	45
Surface Transportation Assistance Act	300	240	250	260
Wendell H. Ford Aviation Investment and Reform Act for the 21st Century	75	49	51	60
Corporate and Criminal Fraud Accountability Act, Title VIII of the Sarbanes Oxley Act	250	153	170	202
Pipeline Safety Improvement Act	2	3	5	7
Federal Railroad Safety Act	200	163	210	300
National Transit Systems Security Act	20	13	20	26
Consumer Product Safety Improvement Act	10	1	2	7
Affordable Care Act	50	11	20	50
Seaman's Protection Act	100	0	15	25
Food Safety Modernization Act	100	4	15	25
Consumer Financial Protection Act	35	2	15	25
Number of whistleblower investigations completed within 90 days	0	0	877	877
Percentage of complaints on appeal that are completed within 45 days of receipt of the investigative case file in National Office.	0	0	(base)	0

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

OSHA's Office of Whistleblower Program (OWPP) enforces the whistleblower provisions of the OSH Act and 20 other statutes. All of these laws cover millions of public and private sector employees in health care, food and safety, finance, air travel, pipeline, and transit and rail industries. Enforcement of these laws will support the Strategic Plan's outcome goals of *securing safe and health workplaces, particularly in high-risk industries and ensuring worker*

WHISTLEBLOWER PROGRAMS

voice in the workplace. Since 2000, OSHA has received nine additional anti-discriminatory whistleblower provisions to enforce: W.H. Ford Aviation Investment and Reform Act for the 21st Century, Sarbanes-Oxley Act (SOX), Pipeline Safety Improvement Act, Federal Railroad Safety Act, National Transit Systems Security Act, Consumer Product Safety Improvement Act, Affordable Care Act, Seaman's Protection Act, FDA Food Safety Modernization Act, and amendments to SOX through the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Approximately 37 percent of the whistleblower complaints are filed under one of the newer laws, with the largest growth in complaints received under the Federal Railroad Safety Act (FRSA -- 291 complaints in FY 2011). FRSA protects employees of railroads who report an alleged violation of any Federal law, rule, or regulation relating to railroad safety or security, and other covered matters. While not as highly complex as SOX complaints, FRSA cases are also resource intensive in that the investigators have had to overcome their lack of knowledge about the railroad industry's terminology and culture. Since beginning administration of the law in 2007, OSHA has received more than 800 complaints filed under FRSA.

In FY 2011, OSHA received 2,445 new whistleblower complaints, the majority (63 percent) of which were filed under Section 11(c) of the Occupational Safety and Health Act (OSH Act). During the year, OSHA projected receiving 200 complaints under FRSA, yet received 291 complaints, 45 percent more than anticipated.

In FY 2011, OSHA completed 1,937 investigations, finding merit in 607 cases (30 percent). OSHA settled 553 complaints, reinstated 70 workers, and secured \$14.8 million in remedies.

In FY 2011, OWPP published a Final Rule on Procedures for the Handling of Retaliation Complaints under the Employee Protection Provisions of Six Federal Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974. OWPP also reviewed public comments on three previously published Interim Final Rules (IFR) on: Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982, Procedures for the Handling of Retaliation Complaints under the National Transit Systems Security Act (NTSSA) and the Federal Railroad Safety Act (FRSA), Procedures for the Handling of Retaliation Complaints under Section 219 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The procedures for NTSSA and CPSIA were entirely new, whereas Parts 1978 (STAA) and 24 (Environmental) were revisions of existing regulations necessitated by amendments to their underlying statutes. During the year, OWPP has worked closely with both the Fair Labor Standards and OSH Division within the Solicitor of Labor's office and the Office of Administrative Law Judges and Administrative Review Board in researching and drafting these procedures.

Additionally, in FY 2011, Congress passed and DOL delegated to OSHA four new whistleblower statutes:

- Affordable Care Act (health care reform),
- Consumer Financial Protection Act of 2010 -- Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (finance reform),
- FDA Food Safety Modernization Act, and
- Seaman's Protection Act.

WHISTLEBLOWER PROGRAMS

The Dodd-Frank Wall Street Reform and Consumer Protection Act also amended one of OSHA's existing whistleblower statutes, Section 806 of the Sarbanes-Oxley Act of 2002 (SOX).

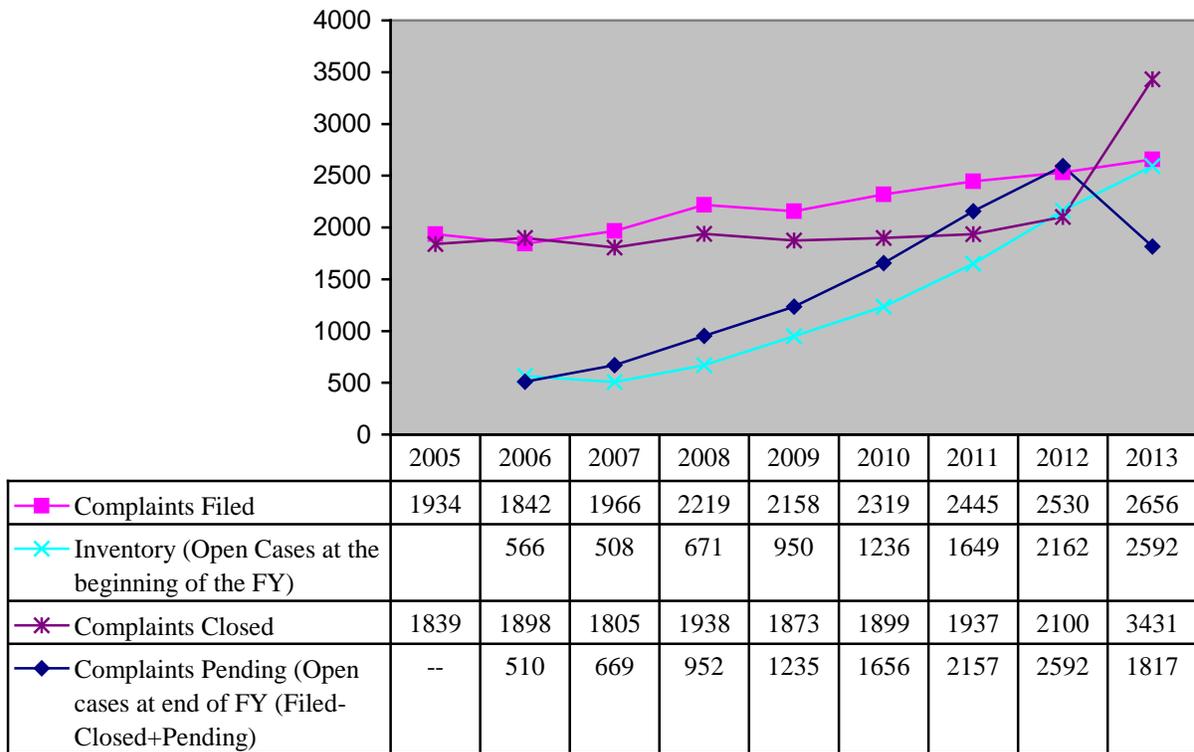
With so many regulations being written simultaneously, efforts will be taken to ensure that the regulations are as consistent with one another as the statutory provisions allow, and responsive in important ways to the issues raised by commenters and critics of OWPP. For example, the regulations require that OSHA provide to every complainant a copy of all of respondent's submissions to the agency that are responsive to the complainant's whistleblower complaint. This will significantly improve the quality of investigations and increase transparency in the investigative process. In addition, these regulations ensure that complaints may be filed orally and reduced to writing by OSHA staff, making the administrative process far more accessible to workers who may have difficulty submitting written complaints.

In FY 2011, OWPP held five training events: Course 1420-Basic Whistleblower Investigations and four webinars on its newly delegated statutes, e.g., Food Safety Modernization Act, Consumer Financial Protection Act, and amendments to SOX made by the Dodd-Frank Act.

In July 2011, OSHA eliminated its backlog of more than 140 complaints on appeal, some of which had been in this status since 2008. Based on this work, OSHA anticipates that it can reasonably complete an appeal review within 45 days from receipt of the case file, and is in the process of developing a written directive to ensure consistency and timeliness of this process. This new Directive is scheduled for completion and dissemination in FY 2012.

In FY 2012, based on an average annual increase in complaints filed since FY 2005 of five percent, OSHA estimates it will receive 2,525 new whistleblower complaints. Coupled, with an inventory of 2,162 open cases as of October 1, 2011, it is projected that OSHA will have approximately 4,692 complaints to investigate in FY 2012. See the chart below.

WHISTLEBLOWER PROGRAMS



OSHA has added two new performance measures: *Number of whistleblower investigations completed within 90 days* and *Percentage of complaints on appeal that are completed within 45 days of receipt of the investigative case file in National Office* (see Detailed Workload and Performance Table).

As of September 30, 2011, the average number of days to complete an investigation was 223 days. Completion time varies by specific statute, e.g., complaints filed under Section 11(c) of the OSH Act took an average of 203 days to complete, whereas complaints under SOX took 287 days to complete. The statutory timeframe for completing cases also varies by whistleblower statute. For example, Section 11(c) of the OSH Act provides that the Secretary shall notify the complainant of his determination within 90 days of the receipt of a complaint filed. For complaints filed under one of the environmental statutes, the requirement is 30 days, while more recently-enacted statutes allow up to 180 days. Historically, OSHA has used the 90-day benchmark for measuring timeliness.

In FY 2012, OSHA will establish a baseline of the percentage of appeals that were completed within 45 days -- the date that the investigative case file is received to the date the final determination letter is issued.

Following EEOC, OALJ, and other governmental agencies, OSHA will implement its own Alternative Dispute Resolution (ADR)/Mediation program. The purpose of this program is to provide both the complainant and respondent with a vehicle for early resolution. To this end, the program measurements will track the percentage of complainants that could use the ADR process to resolve, the timeliness of these cases, and their disposition, e.g., settled or withdrawn.

WHISTLEBLOWER PROGRAMS

In FY 2013, OSHA anticipates that it will receive 2,656 new whistleblower complaints. This estimate is based on a projected rate of a five percent increase in complaints filed since FY 2005. Coupled with an inventory of 2,592 open cases, this will result in a total of 5,248 complaints to investigate in FY 2013. See chart above.

WHISTLEBLOWER PROGRAMS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	9,705	10,454	13,301	2,847
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	9,705	10,454	13,301	2,847
12.1	Civilian personnel benefits	2,651	3,018	3,893	875
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	518	569	617	48
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	0	477	888	411
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	436	1	1	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	218	300	354	54
25.3	Other goods and services from Federal sources 1/	1,090	816	1,225	409
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	109	119	156	37
31.0	Equipment	0	119	304	185
41.0	Grants, subsidies, and contributions	109	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	14,836	15,873	20,739	4,866
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,090	816	1,225	409

WHISTLEBLOWER PROGRAMS

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$39
Personnel benefits	27
One day more of pay	53
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	41
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-94
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **\$66**

Net Program **\$4,800**

Direct FTE **37**

	Estimate	FTE
Base	\$15,939	119
Program Increase	\$4,800	37

STATE PROGRAMS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	104,393	104,196	104,196	0
FTE	0	0	0	0

Introduction

This budget activity supports the priority-performance strategy of reducing workplace injuries, illnesses and fatalities by supporting the OSHA approved State Plans' 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 five cover public-sector employees only. Section 23(g) of the Occupational Safety and Health (OSH) Act of 1970 authorizes the agency to award matching grants of up to 50 percent of the total operational costs to those states that meet the OSH Act's criteria for establishing and implementing programs for standards and enforcement that are *at least as effective* as the Federal programs. By operating their occupational safety and health programs effectively, states contribute to the Secretary's goal of providing ***good jobs for everyone*** by ***securing safe and healthy workplaces, particularly in high-risk industries*** and lead to enhanced worker safety.

In addition to enforcement activities, State Programs conduct a wide range of outreach, compliance assistance, and cooperative programs; whistleblower programs; and extensive training programs for workers and small businesses. Private-sector consultation is provided in all of the State Plan States either through participation in the separately funded Section 21(d) program or, in three states, directly under their State Plans. These programs also contribute to the agency's outcome goal to ***ensure worker voice in the workplace***, since 11(c) whistleblower programs are integral to State Plan Programs.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$89,502	0
2009	\$92,593	0
2010	\$104,393	0
2011	\$104,393	0
2012	\$104,196	0

STATE PROGRAMS

FY 2013

In FY 2013, OSHA requests \$104,196,000 for State Plan Programs, the same amount as the FY 2012 enacted level.

It is anticipated that states will conduct the same number of inspections as FY 2011. This will be a challenge as States continue to face budget constraints that have led to cuts, furloughs, and reductions in force. State Plans have also been unable to increase matching funds, or in a few cases, even maintain their matching share of funding.

In FY 2013, OSHA's State Plan partners will continue to promulgate standards and conduct enforcement inspections and compliance-assistance activities as part of a comprehensive commitment to securing safe and healthy workplaces, particularly in high-risk industries.

OSHA will work with the States to ensure the safety and health policies of the State Programs are equivalent to national policies, particularly with regard to enforcement programs, which are integral to the outcome goal of *ensuring safe and secure workplaces*. OSHA will also work 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. In an effort to increase consistency across OSHA programs, OSHA will continue to encourage States to participate in the development of national policy, and will require States to effectively support national emphasis programs and other national initiatives, including administrative penalty policies that are at least as effective as the federal program.

The agency will also expect the States to continue to address performance and structural issues identified in the FY 2009 special baseline evaluations conducted in FY 2010, follow-up evaluations done in FY 2011, and comprehensive evaluations in FY 2012 that included extensive oversight of FY 2011 State Plan performance to ensure that it was at least as effective as Federal OSHA. In FY 2013, OSHA will also conduct evaluations of State performance during FY 2012. The states will continue to work on improving their whistleblower programs by addressing issues highlighted in the evaluations of their FY2011 programs. In addition, OSHA will work with the States during the implementation of the new OSHA Information System (OIS) to ensure continued availability of the program and performance data necessary for operations and oversight.

FY 2012

In FY 2012, OSHA's State Plan Partners are continuing to promulgate standards and conduct enforcement inspections and compliance-assistance activities.

The States will continue to address performance and structural issues identified in the FY 2009 special baseline evaluations conducted in FY 2010 and follow-up evaluations done in FY 2011. OSHA will issue comprehensive evaluations of all State Plans again in FY 2012, by conducting extensive oversight of State Plan performance during FY 2011 to ensure that it is at least as effective as Federal OSHA. The FY 2011 evaluations, conducted in FY 2012, will focus on the states' whistleblower programs. OSHA will also work with the States during the full

STATE PROGRAMS

implementation of the new OSHA Information System (OIS) to ensure continued availability of the program and performance data necessary for operations and oversight.

States continue to face severe budget constraints that have led to budget cuts, furloughs, and reductions in force. The funding increase received in FY 2010 for this activity was used by several States to substitute for the no longer-available supplemental State funding (beyond the 50 percent match required by statute). Although there was minimal program growth for State Plan states, states continue to be limited in their ability to maintain the goal of operational parity with the federal program.

FY 2011

In FY 2011 the states conducted a total of 52,056 inspections, a decrease of 4,444 from the target for FY 2011. Continued state fiscal concerns resulted in some states not being able to fully match their funding award, or in other cases reducing their 100% funding. States continued to provide consultation in the public sector, conduct outreach and training, and implement cooperative programs.

OSHA completed annual monitoring evaluations of each of the State Plans in FY 2011. These evaluations covered activities in FY 2010, but primarily focused on the States' corrective actions taken in response to the recommendations made in the enhanced Federal evaluation reports issued in September 2010. The States' corrective action plans may be found at <http://www.osha.gov/dcsp/osp/efame/index.html>.

In FY 2011, State Plans had significant impact on worker safety and health by addressing non-traditional issues with national impact. Some examples include:

Oregon OSHA's extensive work on formaldehyde in hair straightening and smoothing products brought the health issue to the national stage. As a result, Federal OSHA issued a hazard alert to warn hair salon owners and workers about potential formaldehyde exposure from working with certain hair smoothing and straightening products. The hazard alert notifies salons that if they use products that contain or release formaldehyde (like timonacic acid), they must follow the requirements in OSHA's formaldehyde standard.

Washington's Division of Occupational Safety and Health (WA DOSH) completed a study that showed that enforcement inspections and safety consultation visits to employers were linked to lower workers' compensation claims and lower costs for employers. The study found that: WA DOSH enforcement and consultation activities significantly contributed to reduced worker compensation claims rates and costs in the year following the visit. For the ten-year period studied, worker compensation savings for employers in the study was \$3.9 million annually due to WA DOSH enforcement activities.

Indiana OSHA fined the University of Notre Dame \$77,500 and cited it with the most serious safety violation allowable under Indiana law after the fatal injury of a 20-year-old student employee. The agency also cited Notre Dame with five other serious safety violations, including failure to properly train the student employees in how to operate a scissor lift. This inspection

STATE PROGRAMS

along with Indiana OSHA's input led to Federal OSHA issuing a hazard alert on the dangers of using scissor lifts to film events.

California OSHA issued \$100,000 in fines against Napa State Hospital in connection with the October slaying of a psychiatric technician, contending that the facility neglected to restrict the movements of violent patients — including the man charged in the death. Cal OSHA has conducted several inspections related to this issue, giving it more national attention.

STATE PROGRAMS

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION STATE PLAN STATES - 23(G) OPERATIONAL GRANTS FY 2013 BUDGET ESTIMATE (with FY 2011 and FY 2012)

STATE PLAN	FY 2011 Actual	FY 2012 Estimate	FY 2013 Estimate
Alaska	\$1,429,400	\$1,426,400	\$1,426,400
Arizona	\$2,406,400	\$2,401,400	\$2,401,400
California	\$27,418,800	\$27,366,800	\$27,366,800
Connecticut (PEO)	\$650,400	\$649,400	\$649,400
Hawaii	\$1,605,300	\$1,602,300	\$1,602,300
Illinois	\$1,584,500	\$1,581,500	\$1,581,500
Indiana	\$2,965,900	\$2,959,900	\$2,959,900
Iowa	\$2,066,500	\$2,062,500	\$2,062,500
Kentucky	\$3,505,100	\$3,498,100	\$3,498,100
Maryland	\$4,130,800	\$4,122,800	\$4,122,800
Michigan	\$10,291,600	\$10,272,600	\$10,272,600
Minnesota	\$4,123,300	\$4,115,300	\$4,115,300
Nevada	\$1,505,900	\$1,502,900	\$1,502,900
New Jersey (PEO)	\$1,984,700	\$1,980,700	\$1,980,700
New Mexico	\$1,027,300	\$1,025,300	\$1,025,300
New York (PEO)	\$3,827,300	\$3,820,300	\$3,820,300
North Carolina	\$5,501,500	\$5,493,197	\$5,493,500
Oregon	\$5,292,800	\$5,282,800	\$5,282,800
Puerto Rico	\$2,588,900	\$2,583,900	\$2,583,900
South Carolina	\$2,122,400	\$2,118,400	\$2,118,400
Tennessee	\$3,977,100	\$3,969,100	\$3,969,100
Utah	\$1,579,200	\$1,576,200	\$1,576,200
Vermont	\$756,700	\$755,700	\$755,700
Virgin Islands (PEO)	\$202,100	\$202,100	\$202,100
Virginia	\$4,050,500	\$4,042,500	\$4,042,500
Washington	\$7,249,900	\$7,235,900	\$7,235,900
Wyoming	\$548,700	\$547,700	\$547,700
Total	\$104,393,000	\$104,195,697	\$104,196,000

STATE PROGRAMS

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
State Programs				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy				
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries	--		--	TBD
State Enforcement Inspections				
Safety	44,515	40,681	40,700	40,700
Health	11,985	11,375	11,400	11,400
Total	56,500	52,056	52,100	52,100
Consultation Visits				
Private Sector (KY, PR, WA)	2,900	2,661	2,700	2,700
Public Sector	1,900	1,650	1,700	1,700
Number of Operational Grants	27	27	27	27
Cooperative Programs	250	217	220	220
Outreach/Training Participants	137,000	131,133	131,000	131,000

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

OSHA State Plans are responsible for delivering the OSHA program for 40 percent of the nation's employees, and the grants under section 23(g) cover salaries, fringe benefits, rent and equipment costs, and other expenses, which are all impacted by inflationary costs. State Plans also reach an estimated 131,000 workers and other participants through outreach and training efforts. All of the State Plans operate public-sector consultation programs, and three operate private-sector consultation programs under the 23(g) grant. Despite budget constraints at the state government level, the States contributed a total of \$72,729,710 in 100 percent-over matched State funds in FY 2012. However, that amount was a decrease of more than \$10 million from the previous year, and OSHA anticipates a continued decline as State budgets remain strained by the current economy.

Meeting the agency's priority performance statement of reducing injuries and illnesses through enforcement, standards and worker voice is a high priority for using the agency's requested State Plan resources. State plans are responsible for carrying out the agency's priorities by conducting state standards setting, enforcement, compliance assistance, cooperative programs, and whistleblower programs. These state programs contribute to the reduction of illnesses, injuries, and fatalities, particularly in high-risk industries. Section 23(g) of the OSH Act authorizes the agency to award matching grants of up to 50 percent of the total operational costs to those states that meet the Act's criteria for establishing and implementing programs for standards and

STATE PROGRAMS

enforcement that are *at least as effective* as the Federal program. Twenty-two State Plans extend coverage to the private and public sector; five are limited in scope to public employees.

While states received a funding increase in FY 2010, several were unable to claim the funds due to a lack of matching funding. Still, in FY 2012, four states have not claimed all or part of their FY 2010 increase. In addition, without an adjustment to State Plan grants for inflationary costs in FY 2011 and 2013, and the rescission in FY 2012, States have to absorb those additional costs as well, resulting in a decrease in workplace safety and health coverage.

It is Federal OSHA's responsibility to ensure that the state plan programs are at least as effective as the Federal Program. Many State OSHA programs address challenges differently from Federal OSHA, and there is much to learn from their experience. At the same time, Federal OSHA must help State Plans grow in strength and effectiveness, and embrace some of the new Federal initiatives and approaches. In an effort to increase consistency across OSHA programs, States are encouraged to participate in the development of OSHA national policy, and are required to adopt certain national emphasis programs and other national initiatives.

In FY 2012, OSHA completed annual monitoring evaluations of each of the State Plans. These comprehensive evaluations covered activities in FY 2011, with a special emphasis on state whistleblower programs. In FY 2013, OSHA will conduct evaluations of the States that will focus on the States' corrective actions taken in response to recommendations made in the FY 2012 reviews. OSHA is using the experience gained in the FY 2009 - FY 2012 evaluation rounds to establish revised policies and procedures for State Plan monitoring, which will include more specific outcome and activity measures directly comparing State Plan to Federal performance.

STATE PROGRAMS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
41.0	Grants, subsidies, and contributions	104,393	104,196	104,196	0
	Total	104,393	104,196	104,196	0

STATE PROGRAMS

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Grants, subsidies, and contributions

\$0

Built-Ins Subtotal

\$0

Net Program

\$0

Direct FTE

0

Estimate

FTE

Base

\$104,196

0

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	25,868	25,820	24,880	-940
FTE	119	120	120	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 127.

Introduction

This activity supports the priority performance strategy of reducing workplace injuries, illnesses and fatalities through technical support of OSHA's programs. Technical Support is critical to the day-to-day enforcement operations including the completion of inspections, and supports the agency's other activities, including those related to emergency management. This activity also enhances worker safety by helping the agency meet its performance goals, including the Department's outcome goal of *securing safe and healthy workplaces, particularly in high-risk industries*.

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, 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; and (9) technical assistance for outreach services and products to labor unions, other government agencies and industry associations.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$21,681	97
2009	\$22,632	105
2010	\$25,920	133
2011	\$25,868	127
2012	\$25,819	120

FY 2013

OSHA requests \$24,880,000 and 120 FTE for the Technical Support activity, a decrease of \$939,109 from the FY 2012 Enacted Level, including a \$1,000,000 program decrease for elimination of the Office of International Affairs.

Technical support activities assist the agency in achieving its core mission to protect the safety and health of workers and promote development of safe and secure workplaces. Recent

TECHNICAL SUPPORT

examples are: (1) continued technical and medical support to field enforcement; (2) the development and implementation of outreach and assistance related to ensuring response to worker health and safety during the Minot, North Dakota floods, Joplin, Missouri tornado, and Japan nuclear events, and the Deepwater Horizon oil spill; (3) laboratory and field support for enhanced protection of workers exposed to the hazards of combustible dust and food flavorings, including diacetyl; (4) research into green jobs and other emerging workplace safety and health issues; and (5) OSHA's open government efforts, including piloting OSHApedia, a Wikipedia-like product to develop and better manage OSHA safety and health materials, and development of other Web 2.0 applications for worker health and safety such as the award-winning heat application for smart phones deployed in August 2012.

In FY 2013, efforts will continue in the areas of: (1) emergency management, including skilled responder preparation and protection; (2) supporting OSHA's field staff with laboratory services, equipment, medical and technical resources; and (3) continued development of worker safety and health information tools and resources using Web 2.0 applications and mobile technologies. This will ensure that OSHA and its stakeholders stay current and at the forefront of critical workplace challenges, ranging from underserved and hard-to-reach workers to emerging technologies involving green industries. Emergency management requires advanced planning and preparation. As the national leader for protecting workers, and the coordinator of the Worker Safety and Health Support Annex under the National Response Framework, OSHA plays a significant role assisting in response and recovery operations.

This activity also includes a program decrease of \$1,000,000 from the elimination of the Office of International Affairs, which is responsible for planning, coordination, and direction of attendance at the international safety and health meetings and conferences, and the formulation of policy. OSHA believes these core functions can be accomplished within the Technical Support activity's existing level of resources, and has decided to shift these funds to Safety and Health Standards for regulatory-support work.

FY 2012

OSHA's field staff, supported by its Specialized and Regional Response Teams, is the agency's front line in response to any disaster. In FY 2012, 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. This skilled team provides tailored worker safety and health expertise to employers from the private sector, and Federal, state, and local governments, that are involved in responses to, and recovery from, major disasters.

The agency will continue to seek opportunities to use the power of Web 2.0 and smart phone technologies and assess their effectiveness in information development, dissemination, and public engagement. This activity will include tools such as wikis, blogs, and Twitter to enhance collaboration with stakeholders, and as a means of raising awareness of workplace hazards and how to mitigate them. In partnership with industry, labor, and other Federal agencies, OSHA will continue to develop technical products and tools to meet the goals of the Department of Labor's Strategic Plan. The agency will manage and maintain its existing electronic safety and

TECHNICAL SUPPORT

health software systems and develop new smart phone and tablet products. These include web pages, e-tools, Safety and Health Information Bulletins (SHIBs), and technical assistance documents on special topics.

Workers are being presented with a rapidly changing economic reality. Emerging technologies are experiencing an accelerated research-to-market movement and new hazards are not always recognized in a timely way. In addition, new technologies can create traditional hazards, but in new workplace settings, affecting our workforce without adequate knowledge or understanding of the recognized risks. OSHA will enhance its efforts to identify emerging hazards, engage employers and workers, and develop innovative approaches to encouraging employers to take proactive steps to protect workers. Focus areas will include the home health care industry, fall protection, and support for the Chemical National Emphasis Program. In addition, OSHA plans to enhance efforts to ensure the safety and health of young workers (14- to 24-year-olds).

The agency will continue to provide leadership in the field of occupational medicine through interagency participation in government-wide programs to incorporate safety and health preventive services into health care and through professional outreach and training; it will continue to work closely with local and state health departments; it will continue to provide representation on Department of Health and Human Services and other interdepartmental committees; and, it will continue outreach to the national and international occupational health communities. OSHA will continue to protect the safety and health of OSHA field personnel through management of the OSHA Medical Examination Program. OSHA will continue to provide professional training to Federal Occupational Safety and Health Professionals through the NIOSH-OSHA Seminar Series and to occupational physician training programs through the OSHA Occupational Medicine Residency Rotation. OSHA will also continue to provide Occupational Medicine expertise to Federal emergency preparation and response groups such as the HSPD 21 Biosurveillance Group and the Federal Education and Training Interagency Group (FETIG).

In 2012, OSHA's Salt Lake Technical Center (SLTC) anticipates an increase in both compliance activity and industrial hygiene inspections. The laboratory will be prepared to analyze approximately 21,000 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, food flavorings, and others as priorities shift. Staff will also support the identification of unknown hazardous substances and the determination of the explosiveness of dusts, investigate causality of material failures, and model chemical exposures. OSHA's Health Response Team (HRT), a group of highly qualified health, safety and engineering professionals with vast training and experience, and OSHA's team of occupational physicians and nurses, will provide expert assistance to OSHA's enforcement and compliance assistance staff, and be available to provide support to other federal agencies on myriad chemical, physical, and biological hazards. The Cincinnati Technical Center (CTC) will continue to evaluate new and economically procure, calibrate and repair field technical equipment used by OSHA's compliance officers during their workplace inspections with an expected servicing of approximately 12,000 pieces of field equipment in 2012. The Center will also purchase and distribute expendable supplies, which include sampling media and personal

TECHNICAL SUPPORT

protective equipment and clothing used by frontline compliance staff in the field during their inspections.

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

FY 2011

An effective emergency response is the most critical resource available to assist communities during times of crisis. While several Federal agencies work to protect the public during disasters, OSHA is the primary federal agency that focuses on the protection of response and recovery workers. In FY 2011, OSHA was heavily involved in emergency preparedness and response. Increased demands for coordination and management of OSHA's emergency response efforts included assisting the White House National Security Staff during the response to the nuclear release at Japan's Fukushima plant, assisting the Army Corps of Engineers in their response to the tornado in Joplin MO, assisting the state of North Dakota in the response to the Minot floods, and assisting FEMA and states along the East coast in response to Hurricane Irene and Tropical Storm Lee. Over sixty-five days of field support was provided to Region 8 (Minot, ND flooding) and Region 1 (Hurricane Irene, VT).

OSHA also assisted the White House National Security Staff by taking part in the development of guidance documents to protect workers during wide area anthrax attacks and improvised nuclear devices. OSHA also conducted a review of its role in the Deepwater Horizon oil spill posted on OSHA's public website in May of 2011.

In FY 2011, the Salt Lake Technical Center (SLTC) successfully operated under ISO 17025-laboratory quality system and analyzed 21,551 total samples with an average turnaround of 14 days. Additionally, professional staff at this facility conducted in-depth investigations to: (1) develop new sampling and analytical methods for worker exposure assessment; (2) identify unknown hazardous substances; (3) determine explosiveness of aerosols; (4) investigate causality of material failures; and (5) model chemical exposures. OSHA's HRT assisted OSHA and other Federal agencies in assessing the source and extent of exposure to chemical, biological, physical energy, and ergonomic hazards, and determined the feasibility of appropriate administrative and engineering controls and personal protective equipment. HRT provided expert assistance to OSHA's enforcement and compliance assistance staff, and provided support to other federal agencies on chemical, physical, and biological hazards.

In the area of Compliance Assistance, OSHA focused on several emerging issues related to heat stress and OSHA's Young Worker Initiative, emphasizing outreach and training to promote the safety and health of workers ages 14-24. Also a focus of public interest was the Distracted Driving Initiative in which OSHA's workgroup helped identify strategies and sought opportunities to increase awareness about occupationally related distracted driving, and encouraged employers to reduce the risk of injuries and fatalities from motor vehicle incidents related to texting and driving. OSHA additionally responded to emerging issues of formaldehyde, and overexposures to ethylene chloride. OSHA completed and published *Using the Heat Index*

TECHNICAL SUPPORT

Employers Guide as part of the overall Heat-Related Illness Prevention Campaign. The product was posted on the public website in both English and Spanish and also became the framework for the OSHA Heat Tool smart phone application deployed in the summer of 2011.

The Cincinnati Technical Center (CTC) supported field inspections by calibrating and repairing field technical equipment used by compliance officers in their inspection and enforcement activities. CTC continued to support OSHA field staff through the purchase and distribution of additional field technical equipment and expendable supplies used during inspections. CTC provided assistance with OSHA's emergency response activities including assistance related to the North Dakota floods and Hurricane Irene.

TECHNICAL SUPPORT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Technical Support				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy	--		--	
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.	--		--	
Chemical samples analyzed	19,950	21,551	21,000	21,000
Average turnaround (days in lab)	13	14	14	14
Equipment units calibrated	11,000	11,869	12,000	12,000
Average turnaround (days)	28	25	28	28
Equipment units repaired	3,800	3,952	4,000	4,200
Average turnaround (days)	45	41	45	45
E-tools	39	39	39	39
Safety & Health Topics Pages	158	176	165	165

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

Technical support is a vital component of the agency's priority performance strategy of reducing injuries and illnesses through enforcement, compliance assistance and standards setting.

The major enforcement-related component functions of technical support are:

1. chemical analysis, and equipment maintenance, calibration and repair;
2. maintenance of dockets including electronic comments, and technical and scientific databases;
3. literature searches to support rulemaking;
4. technical assistance for OSHA inspections involving unusual or complicated safety and health issues such as process safety management; and
5. OSHA's Compliance Safety and Health Officer (CSHO) Medical Program.
6. OSHA's Nationally Recognized Testing Laboratory (NRTL) Program
7. Medical Access Order Program
8. Variance determinations and laboratory accreditation;

Major component functions of technical support related to compliance assistance are:

1. technical expertise and advice with respect to general industry, maritime, agriculture, and construction issues;
2. structural engineering assistance to investigate and determine causes of major catastrophes at worksites involving injuries and fatalities;

TECHNICAL SUPPORT

3. emergency preparedness, response, and management;
4. literature searches to support compliance activities and to respond to public safety and health information requests; and
5. emerging issue surveillance and response to identify, track, and coordinate agency efforts to address emerging occupational safety and health issues.

Technical support is critical to the day-to-day enforcement operations of the agency, and the completion of inspections of all types by compliance officers. In addition to direct support activities (e.g., sample analysis, medical screenings, etc.), agency staff and agency stakeholders are also provided with the necessary technical resources and tools that enable them to identify, investigate, and control workplace hazards, including emerging occupational safety and health issues.

OSHA's Nationally Recognized Testing Laboratory (NRTL) Program ensures that independent third-party organizations are qualified to approve (i.e., test and certify) particular types of products for which OSHA requires approval. OSHA requires this approval for certain products to protect workers from hazards such as electric shock, electrocution, explosions, burns, and fire. To carry out this function, program staff process applications from NRTLs and applicants, conduct annual audits of NRTL laboratories, and perform many other program activities.

In 2012, OSHA will provide technical support multifaceted educational and outreach programs related to Young Worker programs, and Fall Protection. OSHA plans to further Health Care Worker campaigns, and complete an evaluation of last summers Heat Campaign to strengthen its effort in 2012. OSHA works at both the local and national level to design and participate in events and reach out to stakeholders to raise awareness about the campaign and disseminate the posted materials on various emerging issues.

In 2013, staff will continue technical safety and health support related to emerging issues, and heighten the focus on the Chemical National Emphasis program, including continuing its efforts to protect workers from the dangers of formaldehyde exposure. Continued emphasis on assessing chemical use and worker exposure will mean an increased demand for technical support resources, both in the field and reach-back services. OSHA Emphasis programs historically rely on Process Safety Management principles and regulations. The SLTC Health Response Team provides agency expertise and assistance in this area. If chemicals are sampled or chemical formulations need to be confirmed, the SLTC Analytical Services take on a significant role. For reporting on possible engineering control options, researching chemical reactions, and investigating material failures, SLTC also provides on-site and reach-back consulting resources to support the agency in the National Office and ten Regions.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	12,618	12,431	11,805	-626
11.3	Other than full-time permanent	0	92	92	0
11.5	Other personnel compensation	462	170	151	-19
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	13,080	12,693	12,048	-645
12.1	Civilian personnel benefits	3,155	3,090	2,894	-196
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	407	407	357	-50
22.0	Transportation of things	24	24	24	0
23.1	Rental payments to GSA	2,752	2,947	3,143	196
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	186	188	188	0
24.0	Printing and reproduction	75	75	75	0
25.1	Advisory and assistance services	315	315	315	0
25.2	Other services from non-Federal sources	1,405	1,973	1,728	-245
25.3	Other goods and services from Federal sources 1/	2,304	2,273	2,273	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	658	508	508	0
26.0	Supplies and materials	753	603	603	0
31.0	Equipment	754	724	724	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	25,868	25,820	24,880	-940
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,921	1,890	1,890	0
	DHS Services	139	139	139	0
	Services by Other Government Departments	244	244	244	0

TECHNICAL SUPPORT

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$47
Personnel benefits	14
One day more of pay	48
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	196
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-245
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **\$60**

Net Program **-\$1,000**

Direct FTE **0**

	Estimate	FTE
Base	\$25,880	120
Program Decrease	-\$1,000	0

COMPLIANCE ASSISTANCE - FEDERAL

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	73,383	76,355	73,131	-3,224
FTE	277	295	264	-31

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 291.

Introduction

This activity supports the priority performance strategy of reducing workplace injuries, illnesses and fatalities, and promoting worker voice through outreach, training, and targeted assistance to ensure workers and small businesses are educated and involved in safety and health. Agency programs that deliver targeted assistance and provide workplace safety and training help workers know about the hazards they face and their rights under the law, and employers know how to make their workplace safe and comply with the Occupational Safety and Health Act. This activity also includes the cooperative-program authority vested in OSHA by the Congress, which provides recognition and benefits to employers with exemplary safety and health programs. Compliance assistance activities include: (1) providing outreach and information; (2) developing compliance assistance materials, including hazard and industry-specific guidance for methods of complying with OSHA standards and ensuring a safe workplace; (3) providing leadership to assist Federal agencies in establishing and maintaining effective occupational safety and health programs; (4) providing training through the OSHA Training Institute (OTI) to increase the technical safety and health competence of Federal, state and private-sector employees; (5) administering the OTI's Education Centers program; (6) administering the Outreach Training Program; (7) providing assistance and programs to address the needs of hard-to-reach workers, some of whom may not have English as a first language; (8) providing assistance and programs to address the needs of small businesses and their employees; (9) 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; and (10) administering the Voluntary Protection Programs, (VPP) which recognizes and promotes effective safety and health management partnerships. Compliance Assistance is a key component to achieving the Department's goal *to secure good jobs for everyone through 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>
2008	\$71,389	324
2009	\$72,659	315
2010	\$73,380	315
2011	\$73,383	291
2012	\$76,355	295

COMPLIANCE ASSISTANCE - FEDERAL

FY 2013

OSHA is requesting a total of \$73,131,000 and 264 FTE for Federal Compliance Assistance, a decrease of \$3,224,415 and 31 FTE below the FY 2012 Enacted Level. The request includes a program increase of \$500,000 and 2 FTE to enhance the training of whistleblower investigators and supervisors at the OSHA Training Institute (OTI) for improved administration of 21 whistleblower statutes. The request also includes a program decrease of \$2,482,000 and 33 FTE due to reduced federal compliance activity from the consolidation of compliance assistance personnel in geographically dense regions, and the completion of outreach and training materials development in FY 2012, which will not be needed in FY 2013.

The Department places great importance on providing compliance assistance to small businesses, and, therefore, will continue to maintain critical funding support for state compliance assistance (on-site consultation), which provides direct assistance and consultation services to small businesses.

To preserve funding for services targeted to small business, the agency will target funding in FY 2013 for other outreach and assistance funded through the Federal Compliance Assistance activity. For example, the agency will no longer offer its Corporate and Merit VPP program to new sites in FY 2013, though OSHA still plans to form 60 new VPPs and recertify 280, and there will also be fewer partnerships and alliances formed in FY 2013 due to reduced resources.

Due to increased resources provided in FY 2012 for Federal Compliance Assistance outreach and assistance, OSHA will develop and distribute expanded training and educational materials to workers and employers. Since this expanded work will be invested and completed in FY 2012, the agency will decrease resources for these projects in FY 2013 while maintaining funding for compliance assistance to small businesses. In addition, the agency will streamline compliance assistance personnel by consolidating staff in geographically dense locations through its three regional consolidations to reduce duplicative efforts.

In FY 2013, OSHA will continue to reach populations that are disproportionately affected by safety and health hazards, with the goal of increasing worker and employer knowledge about the hazards inherent in different types of establishments. All of OSHA's compliance assistance and training efforts will support the Department's Strategic Plan outcome goals of ensuring safe and secure workplaces, particularly in high-risk industries and ensuring worker voice in the workplace.

OSHA will continue its outreach efforts toward non-profit, community, faith-based, and other organizations that have established relationships with hard-to-reach workers, including Spanish-speaking and immigrant workers, in industries such as construction, agriculture, transportation, material moving, and service/hospitality. The agency will work with these organizations to improve workers' knowledge of the hazards they face, their legal workplace rights and their ability to exercise those rights. In addition, the agency will continue to make available health and safety information materials in languages and formats that workers understand. Specifically, OSHA will support the Secretary's goal of ensuring that all workers in this country have a safe job and understand the hazards they face and the rights they enjoy by:

COMPLIANCE ASSISTANCE - FEDERAL

- Reaching out to non-profit, community, faith-based groups and foreign consulates and other organizations to share information about worker safety and health and worker rights under the OSH Act.
- Maintain the availability of easy-to-understand workplace health and safety materials.
- Maintain the availability of OSHA compliance assistance products in languages other than English.
- Supporting and participating in national, regional, and community events, such as health and safety family fairs, to build productive relationships with organizations and to reach at-risk workers.
- Hosting summits and similar events around the country to foster discussions among workers, their representatives, their employers, community organizations, and OSHA.

This request includes a program increase of \$500,000 and 2 FTE. This increase will allow the OSHA Training Institute (OTI) to help ensure a fully prepared and professional cadre of whistleblower staff. In FY 2013, OSHA proposes to develop enhanced whistleblower training consisting of the current Section 11(c) course, two new courses covering the 20 statutes (other than Section 11(c)), a new interviewing course, and a new course for whistleblower supervisors. Thus, four new courses would be developed. The new courses would include workshops concentrating on coverage under each statute as well as different investigation approaches needed in various worksites covered under the statutes.

OTI will also continue to provide occupational safety and health training, primarily for Federal and State compliance safety and health officers and State consultants, but also for other government-agency and private-sector personnel. By ensuring that OSHA's inspectors, state plan inspectors and small business consultants develop and maintain a high level of up-to-date expertise, OSHA will be able to ensure and preserve the high level of its enforcement and compliance assistance resources. This training will be delivered by conducting basic, intermediate, and advanced instructor-led courses, blended courses (web-based pre-course activity followed by an instructor-led class), webinars, and webcasts. The agency will continue to document courses taught by the OTI and use data from its internal evaluation processes to make continuous improvements in course curriculum. OTI will strive to present courses, webinars, and webcasts that support agency goals and priorities and that meet the needs of OSHA staff. OSHA will also develop compliance assistance materials for new standards that are issued in FY 2013.

OTI is also in the process of revamping the industrial hygiene (IH) program. In FY 2012, the Institute will establish a new health office with a new director. By FY 2013, the new office will implement changes to IH curriculum, including the development of new technical training courses and webinars such as complex health hazards/standards, indoor air quality, biological hazards, industrial hygiene chemistry, and a revised industrial noise course. Industrial hygiene job aids on chemical sampling for use on field inspections are planned

OSHA will continue to support the OTI Education Centers Program and the Outreach Training Program by continuing course offerings needed to meet the goals of the agency and the Department by addressing the needs of specific high-risk industries and at-risk populations.

COMPLIANCE ASSISTANCE - FEDERAL

These courses, seminars and programs will include training offered in Spanish, and will provide increased training opportunities for private sector and other governmental personnel.

In FY 2013, OSHA will continue to recognize worksites that demonstrate safety and health excellence through its Voluntary Protection Programs (VPP) and will continue to implement initiatives targeting federal agencies, Fortune 500 companies, and the construction industry for VPP participation. The agency also plans 18 new partnerships in FY 2013 in high-hazard industries with a focus on safety and health topics that are common causes of injuries, illnesses, and fatalities.

FY 2012

With the increased resources appropriated to the agency in FY 2012, OSHA will expand and strengthen its support for cooperative programs and compliance assistance for workers and employers. The agency will use the increased funds to intensify efforts to reach populations that are disproportionately affected by safety and health hazards, with the goal of increasing worker and employer knowledge about the hazards inherent in different types of establishments and industries. For example, OSHA Region IX in San Francisco plans to host a series of Latino Worker Outreach Conferences and Workshops on April 14 (Las Vegas, Nevada), April 22 (Phoenix, Arizona), and April 30 (the San Francisco, California area). Topics to be addressed include heat stress and the four leading causes of construction fatalities. These outreach conferences have been an effective forum through which OSHA can get information to workers to educate them on protecting themselves on the job.

OSHA will also expand outreach efforts, such as its award-winning campaign to educate workers about the dangers of heat stress, to use its enhanced resources to educate workers about noise-related hearing loss, grain bin engulfments, and hazards in health care institutions. Each initiative will likely require the development of distinct channels and tailored information to lead to the greatest success in educating workers in each industry. OSHA will also develop extensive compliance assistance materials for new standards that are issued in 2012.

Due to the hiring of new whistleblower positions and expected attrition among existing compliance safety and health officers, OTI will expand its training efforts to focus on offering the core competency training courses for newly hired compliance officers and an initial training course in whistleblower investigating in FY 2012. The curriculum at OTI will continue to be updated to ensure that it meets identified compliance safety and health officer (CSHO) job-specific competencies. A course on Misclassification of Workers and Advance Legal Aspects for Managers will continue to be taught in FY 2012, along with other training efforts to help CSHOs to identify misclassification.

OSHA will continue to support the OTI Education Centers Program by requiring the two-hour Introduction to OSHA module for all participants in the Outreach Training Program. This key program element includes training on workers' rights, thus enhancing workers' voice in the workplace and addressing the needs of specific high-hazard industries and at-risk populations.

COMPLIANCE ASSISTANCE - FEDERAL

In FY 2012, OSHA will continue to recognize worksites that demonstrate safety and health excellence through its Voluntary Protection Programs (VPP). Within available resources, the agency is working to recertify those VPP participants that are due for a renewal of their certification. The agency anticipates approving 100 new VPPs in FY 2012 and will do 280 re-approval onsite evaluations. The agency is planning 20 new partnerships in FY 2012 in high-hazard industries with a focus on safety and health topics that are common causes of injuries, illnesses, and fatalities.

FY 2011

In FY 2011, OSHA continued to focus federal compliance assistance efforts on offering guidance to those workers most at-risk and their employers on how to stay safe on the job. As part of agency's award-winning campaign to educate workers about the dangers of heat stress, OSHA offered a free application for mobile devices that enables workers and supervisors to monitor the heat index at their work sites to prevent heat-related illnesses.

The application, or "app," available in English and Spanish, combines heat-index data from the U.S. National Oceanic and Atmospheric Administration with the user's location to determine necessary protective measures. Based on the risk level of the heat index, the app provides users with information about precautions they make take such as drinking fluids, taking rest breaks and adjusting work operations. Users also can review the signs and symptoms of heat stroke, heat exhaustion and other heat-related illnesses, and learn about first-aid steps to take in an emergency. Information for supervisors is also available through the app on how to gradually build up the workload for new workers and how to train employees on heat illness signs and symptoms. Additionally, users can contact OSHA directly through the app.

Additionally, OSHA strived to ensure workers became aware of the hazards associated with hair smoothing treatments such as Brazilian Blowout. A hazard alert was linked to from the New Compliance Assistance Products web page, and publicized to OSHA's cooperative program participants via the Alliance Quarterly Review. OSHA also ensured that field staff were aware of the available resources through a conference call with the Compliance Assistance Coordinators, Diverse Workforce/Limited English Proficiency Coordinators, and Labor Liaisons. OSHA continues to monitor ongoing inspections that may have nationwide impact to ensure that health hazards and appropriate protections for products containing hazardous chemicals are communicated properly on the labels and MSDS. OSHA already has conducted significant outreach to salons, beauty schools and manufacturers to alert them about the hazards of hair smoothing products and the requirements of OSHA's standards. In late September 2011, OSHA issued a second hazard alert to hair salon owners and workers about potential formaldehyde exposure from working with certain hair smoothing and straightening products. This alert, which revised the initial alert issued in Spring 2011, was prompted by the results of additional agency inspections, a warning letter issued by the U.S. Food and Drug Administration, and factually incorrect information recently sent to salons by Brazilian Blowout, a company that manufactures hair products.

In FY 2011, OSHA issued two hazard alerts to give workers and employers useful, up-to-date information on formaldehyde hazards that might be present when using hair smoothing products

COMPLIANCE ASSISTANCE - FEDERAL

that contain or release formaldehyde. OSHA published its Formaldehyde Fact Sheet for employers and workers to learn more information about formaldehyde hazards and how to work with it safely. OSHA's several press releases related to this issue advised employers and workers to contact the local OSHA office with questions about a product or its MSDS and advised hair salon owners to contact OSHA's free and confidential consultation service to help determine if there are hazards at their workplace.

OSHA also developed extensive compliance assistance surrounding its directive for reducing falls during residential construction. Fact sheets were developed and made available in both English and Spanish. Compliance Assistance was also added to the workers' page portion of the OSHA web page and policy guidance was made available to home builders to ensure understanding of how CSHOs would proceed in instances in which conventional fall protection was claimed to be infeasible. Sample plans were also made available to help employers and workers.

Additionally, in follow-up to OSHA's National Action Summit for Latino Worker Health and Safety, April 14-15, 2010, in Houston, Texas, the Agency hosted a number of regional summits in an effort to further engage the local diverse workforce communities, including Latino workers, community- and faith-based groups, unions, and consulates, to address reducing injuries and illnesses among diverse workforces by enhancing knowledge of their workplace rights and improving their ability to exercise those rights. For example, OSHA and the Department of Labor's Wage and Hour Division (WHD) hosted the New York Asian American/Pacific Islander (AAPI) Worker Protection Summit on July 9, 2011, in Queens, New York. The Summit focused on a number of industries affecting the area's AAPI workforce, including manufacturing, restaurant, nail salons, domestic workers, and construction. OSHA Region II and WHD also hosted the Southern New Jersey Action Summit for Latino and Immigrant workers on June 5, 2011, which focused in particular on migrant and farm worker related issues, and other industries such as construction, landscaping, and restaurants. Further, OSHA Region III hosted the Greater Philadelphia Area Action Summit for Latino/Immigrant Construction Worker Health and Safety on April 15, 2011, in Philadelphia, Pennsylvania, which focused in particular on the construction industry, including recognizing and eliminating scaffolding and fall hazards. Lastly, OSHA Region IX, the California's Department of Industrial Relations, and WHD hosted the AAPI Worker Protection Summit on Tuesday, May 10, 2011, in San Francisco, California.

In FY 2011, OTI continued to offer safety and health education and training programs that support the Secretary's vision and agency and Departmental goals, conducting a record number of mandatory new hire courses including eight accident investigation and 14 investigative interviewing courses. In addition, OTI trained a total of 5,129 students through delivery of 12 webinars. These courses supported agency goals and priorities and met the needs of OSHA staff, particularly OSHA senior staff. In addition, the agency continued to document courses taught by OTI and use data from its internal evaluation process to make continuous improvements in course curriculum. During FY 2011, OTI delivered 122 courses and trained 2,779 students through its regular courses and seminars. This included 292 students enrolled in eleven Process Safety Management (PSM) courses, 94 students enrolled in four combustible dust courses, and 68 students enrolled in two grain handling safety courses.

COMPLIANCE ASSISTANCE - FEDERAL

OSHA continued to support the OTI Education Centers Program by providing new courses and seminars in topics such as combustible dust and bolting safety to meet agency and Departmental goals and priorities. During FY 2011, the OTI Education Centers realized an all-time record with 38,496 students trained through more than 3,107 courses delivered. This included a 56% increase in the number of Recordkeeping courses delivered, compared to FY 2010, in support of the National Emphasis Program. During FY 2011, more than 716,000 students were trained through the Outreach Training Program.

During FY 2011, OSHA conducted a national competition to review and select training providers to deliver the Outreach Training Program in an online format. OSHA also continued to explore opportunities for new targeted Outreach Training Programs in industries such as oil and gas.

The OSHA Strategic Partnership Program (OSPP) focused on maintaining existing partnerships with employers, workers, non-profit associations and other organizations to address critical safety and health issues, but also formed 20 new partnerships. OSHA approved 101 new Voluntary Protection Programs (VPP) sites and reapproved 291 sites.

OSHA continued its support for the agency's cooperative programs in FY 2011. As part of its ongoing response to the Government Accountability Office's (GAO) May 2009 report, "Voluntary Protection Programs (VPP) – Improved Oversight and Controls Would Better Ensure Program Quality," OSHA issued additional direction to improve the consistent operations and administration of VPP. This included instructions to clarify policy and procedures for the annual data submission required of all VPP participants and OSHA's review of the submissions and clarification on incentive programs within the context of an employer's proper and accurate recording of injuries and illnesses, distinguishing an effective incentive program from one that discourages workers from reporting an injury or illness. A significant development in OSHA's efforts to improve the VPP was the creation of a VPP Review Workgroup in April 2011. The workgroup was charged with conducting a comprehensive review of the VPP, and will submit recommendations in early FY 2012 to the Assistant Secretary for improving the program.

OSHA also continued to implement the revised Alliance Program participation criteria, originally issued in July 2010. The revised criteria enables OSHA to meet the Department of Labor's strategic goals by supporting OSHA's rulemaking and enforcement efforts, ensuring that workers have a voice in our Alliance efforts, reaching constituencies most in need of OSHA's assistance, and working to increase workers' knowledge of their rights under the OSH Act. During FY 2011, OSHA signed 22 new Alliance agreements, of which 12 were with Consulates, community- or faith-based organization, or "non-traditional" non-profit organizations specifically targeted within the revised Alliance Program participation criteria.

COMPLIANCE ASSISTANCE - FEDERAL

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Compliance Assistance-Federal				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy				
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries	--		--	TBD
Number of Persons Trained:				
Federal	5,350	4,866	5,400	5,500
State	4,150	2,800	4,180	4,310
State Consultations	100	167	150	150
Private Sector	10	45	20	20
Federal Agency	90	533	100	100
Total	9,700	8,411	9,850	10,080
Resource Center Lending:				
Items lent	5,200	3,187	3,200	3,300
Number of persons trained	20,500	0	0	0
Total	25,700	3,187	3,200	3,300
Education Centers:				
Number of persons trained	31,000	38,496	39,600	40,800
Outreach Training Program				
Number trained	782,000	716,062	737,000	759,000
Total	782,000	716,062	737,000	759,000
Strategic Partnerships	25	20	20	18
Alliances	20	22	22	15
Voluntary Protection Programs (new)	100	101	100	60
Voluntary Protection Programs (reapproved)	250	291	280	280
Strategic Goal 3 - Assure Fair and High Quality Work-Life Environments	--		--	--
Outcome Goal 3.3 Ensure worker voice in the workplace	--		--	--
Formal complaints received	3,892	7,979	8,000	7,750
Calls to OSHA hotline	210,000	211,074	215,000	220,000
Cumulative Number of Training Hours of Federal OSHA Students Trained at OTI	0	61,693	62,000	65,700

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

COMPLIANCE ASSISTANCE - FEDERAL

OSHA will strategically utilize outreach, training, education, and cooperative program activities to support the Secretary's vision of *good jobs for everyone* by *securing safe and healthy workplaces* and *ensuring worker voice in the workplace*. The agency will focus compliance assistance resources on high hazard industries, at-risk workers, and emerging workplace issues to support the agency's reinvigorated enforcement and regulatory activity. OSHA will continue to develop and disseminate new and updated safety and health publications and easy-to-understand reference materials, such as fact sheets, portable QuickCards, and web-based training tools. OSHA will continue to improve its outreach to diverse workforces, including Spanish-speaking, Asian-American and Pacific Islander, immigrant worker, and low-literacy workers.

In FY 2013, OSHA will reduce its efforts to reach workers in workplaces through Strategic Partnerships and Alliances with employers, workers, professional or trade associations, labor organizations, and/or other stakeholders. OSHA will instead expand outreach to hard-to-reach groups, develop additional materials in a variety of languages and organize additional local summits addressing the workplace health and safety needs of high risk and hard-to-reach populations.

In order to continue improvement of its Voluntary Protection Programs (VPP), in FY 2011, OSHA established an evaluation team that conducted a "top-to-bottom" review of the VPP. In FY 2012, OSHA will review the report recommendations on how to improve VPP, which OSHA expects to address in FY 2012 and FY 2013. The recommendations will focus on program consistency, administration and scope, the number of site approval and reapproval processing, and response to fatalities and willful violations at VPP sites.

OSHA will continue its focus on federal and State compliance safety and health officer (CSHO) training at the OSHA Training Institute (OTI) in Arlington Heights, Illinois, delivering the required courses for new compliance officer hires and providing more complex training to address new and emerging issues, such as hazards involving combustible dust, workplace violence and new hazards in rapidly expanding economic sectors.

In recent years, as OSHA's federal compliance officer FTE has grown, the agency has implemented a new core curriculum for its compliance officers, increasing the number of required courses. Newly hired compliance officers undergo a mandatory three-year training program to ensure competency and professionalism in conducting job safety 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.

As the new hires progress in their training, they need to attend a greater proportion of technical courses. Technical courses include those directed at reducing fatalities and serious injury/illnesses in high hazard areas as fall protection, process safety management, combustible dust, oil and gas, cranes and rigging scaffold, trenching, steel erection, machine guarding, noise, and confined spaces. Contract instructors are used as subject matter experts in advanced courses. These contract instructors have the specialized knowledge that is important to improving training course curriculum and providing access to the industry's leading safety experts.

COMPLIANCE ASSISTANCE - FEDERAL

OSHA is the primary federal government agency responsible for investigating whistleblower complaints for many agencies. Four new OSHA-administered whistleblower statutes were enacted in a ten-month period from March 2010 to January 2011, and OSHA whistleblower investigator training has not been able to keep pace with increasingly complex workload. OSHA's field offices now administer 21 whistleblower statutes – protecting employees who voice concerns about workplace safety, aviation, trucking, pipeline, rail, transit, nuclear, consumer product safety, environmental protection, health care, asbestos in schools, intermodal cargo containers, corporate fraud, food safety, and consumer financial protection.

OSHA's current investigator training consists of a two-week OSHA Section 11(c) discrimination course, a two-week course covering the other 20 statutes, and several archived webinars. To ensure a fully prepared and professional cadre of whistleblower staff, in FY 2013, OSHA proposes to develop enhanced whistleblower training consisting of the current Section 11(c) course, two new courses covering the 20 statutes, a new interviewing course, and a new course for whistleblower supervisors. Thus, four new courses would be developed. The new courses would include workshops concentrating on coverage under each statute as well as different investigation approaches needed in various worksites covered under the statutes.

OSHA will also continue to provide occupational safety and health training and education to State consultants, government agency personnel, and the private sector. Training will be delivered by conducting basic, intermediate, and advanced instructor-led technical courses, blended courses (web-based pre-course activity followed by an instructor-led class), webinars, and webcasts.

The agency is in the process of developing new workload measures to fully and accurately record its outreach to populations that are disproportionately affected by safety and health hazards, in an effort to increase the number of formal complaints submitted to OSHA.

COMPLIANCE ASSISTANCE - FEDERAL

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	29,713	31,826	28,780	-3,046
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	805	1,122	0	-1,122
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	30,518	32,948	28,780	-4,168
12.1	Civilian personnel benefits	8,132	9,096	9,194	98
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	1,823	1,876	1,879	3
22.0	Transportation of things	48	48	48	0
23.1	Rental payments to GSA	10,594	11,723	12,326	603
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	852	761	761	0
24.0	Printing and reproduction	143	143	143	0
25.1	Advisory and assistance services	321	321	321	0
25.2	Other services from non-Federal sources	2,144	3,883	4,075	192
25.3	Other goods and services from Federal sources 1/	15,195	12,173	12,203	30
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	1,960	1,960	1,960	0
26.0	Supplies and materials	855	879	883	4
31.0	Equipment	798	544	558	14
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	73,383	76,355	73,131	-3,224
	1/Other goods and services from Federal sources				
	Working Capital Fund	12,421	10,299	10,329	30
	DHS Services	465	465	465	0
	Services by Other Government Departments	2,309	1,409	1,409	0

COMPLIANCE ASSISTANCE - FEDERAL

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	-\$1,998
Personnel benefits	8
One day more of pay	115
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	633
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **-\$1,242**

Net Program **-\$1,982**

Direct FTE **-31**

	Estimate	FTE
Base	\$75,113	295
Program Increase	\$500	2
Program Decrease	-\$2,482	-33

COMPLIANCE ASSISTANCE – STATE CONSULTATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	54,688	57,890	57,890	0
FTE	0	0	0	0

Introduction

This activity supports the priority-performance strategy of reducing workplace injuries, illnesses and fatalities through compliance assistance and worker voice by providing 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. OSHA distributes funding to Consultation Projects as authorized by Section 21(d) of the Occupational Safety and Health Act of 1970. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing safety and health management systems. The On-site Consultation Program supports Federal and State enforcement initiatives to increase workplace safety and health. Many Federal and State enforcement initiatives include an outreach component, which the On-site Consultation staff provides. This activity supports the agency’s outcome goal to *secure safe and healthy workplaces, particularly in high-risk industries*. Through training and outreach activities, State Consultation Projects also support the outcome goal of *ensuring worker voice in the workplace*.

Funding Mechanism

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$52,425	0
2009	\$54,531	0
2010	\$54,798	0
2011	\$54,688	0
2012	\$57,890	0

COMPLIANCE ASSISTANCE – STATE CONSULTATION

FY 2013

In FY 2013, OSHA requests \$57,890,000 for State Compliance Assistance, which funds the On-site Consultation Program, the same amount as the FY 2012 Enacted Level.

The requested funding will enable Consultation Projects in all states to continue to provide assistance to small- and medium-sized businesses, and also focus on hazard identification and correction at high-hazard establishments; supporting the priority performance strategy of reducing workplace injuries, illnesses and fatalities through enforcement, standards, and worker voice.

OSHA's On-site Consultation Program is the agency's premier small business health and safety non-enforcement assistance program. OSHA understands that small- and medium-sized business cannot afford to hire in-house safety and health expertise or outside consultants. This Program, which offers free and confidential on-site safety and health assistance to small- and medium-sized employers, is separate from and independent of OSHA's enforcement program. The consultation program gives priority to high-hazard worksites, which supports the Secretary's outcome goal to *secure safe and healthy workplaces, particularly in high-risk industries*. Additionally, through training and outreach activities, consultation activities also support the Secretary's outcome goal to ensure workers have *a voice in the workplace*.

The On-site Consultation Program is driven by employers who request the expertise of safety and health professionals to assist with hazard identification and correction. These small- and medium-sized employers are generally not able to hire full-time health and safety expertise, or purchase the services of consultants. The goal is to ensure that no small- or medium-sized business will be in a position of failing to provide safe working conditions because it is not able to afford to hire or purchase workplace safety and health expertise.

OSHA On-site Consultation services complement and support the agency's enforcement efforts by providing free and confidential hazard identification, assessment, outreach and training to workers and small business employers in disproportionately hazardous jobs. OSHA health and safety consultants annually conduct approximately 28,000 visits to workplaces, and identify over 100,000 serious hazards, covering more than 1.5 million workers across the nation. Consultation projects will continue to focus their efforts on hazard identification and correction of hazards, and assist with outreach and education efforts in support of OSHA's enforcement and regulatory activities.

On-site Consultation will continue to support OSHA awareness campaigns and outreach efforts from traditionally high hazard areas, including fall prevention, hazards in the healthcare industry, and residential construction. On-site Consultation supports OSHA awareness campaigns and outreach efforts, including Distracted Driving and Heat Illness Prevention, serves as an effective mechanism to provide assistance to employers that receive the agency's Hazard Alerts and Information Letters on emerging hazards and areas of emphasis, and assists small businesses to comply with new OSHA standards and compliance directives. To improve outreach efforts, On-site Consultation will use enhanced marketing techniques and new social networking tools, such

COMPLIANCE ASSISTANCE – STATE CONSULTATION

as Facebook, wikis, YouTube, blogs, and Twitter to actively promote On-site Consultation services.

Further, On-site Consultation Projects will continue to ensure consultants are properly trained in hazard identification and abatement of hazards by identifying and completing appropriate training courses offered through the OSHA Training Institute.

As OSHA increases its enforcement and regulatory efforts, the agency expects an increased demand for consultation services, as small- and medium-sized employers seek to understand new and revised regulations, and comply with enforcement requirements. This correlation is expected to particularly occur in areas where OSHA chooses to focus its efforts on broad-based initiatives, such as National and Special Emphasis Programs (e.g., process safety management for refineries and chemical manufacturing) and other focused enforcement efforts where increases in fatalities have led to enhanced enforcement. As this effort continues, the agency has begun to expand the reach of the programs to worksites not commonly reached in the past. This is an effective method for reducing workplace injuries, illnesses and fatalities through enforcement, standards and worker voice.

FY 2012

In FY 2012, OSHA's On-Site Consultation Program will continue to focus their efforts on hazard identification and correction of high-hazard establishments, while also fostering their ability to assist with outreach and education efforts in support of OSHA's enforcement and regulatory activities.

All states across the country and U.S. territories, including Guam and the U.S. Virgin Islands, have On-site Consultation Programs. Consultation visits assist employers by identifying workplace hazards, providing advice on compliance with OSHA standards, and assisting in establishing safety and health management systems. OSHA, in furtherance of the Secretary's safety and health priorities, will continue to promote Consultation services toward those workplaces and hazards where they can potentially have the most impact to reduce workplace fatalities, injuries and illnesses.

During FY 2012, OSHA will continue to focus the On-site Consultation Program's efforts in support of the Secretary's commitment to small employers through conducting approximately 30,000 visits to primarily small, high hazard establishments. On average more than half of these visits are to employers with fewer than 25 employees, and over 97% of these visits are conducted at worksites with less than 250 employees.

In particular, the On-site Consultation Projects will continue to conduct outreach, and provide training and assistance regarding safety and health hazards in high priority areas. These areas include a continued priority emphasis on residential construction, as well as health care and those hazards addressed in the agency's Hazard Alert and Informational Letters. On-site Consultation Projects will play a vital role in supporting the agency's ongoing efforts related to fall prevention in residential construction. On-site Consultation Projects will be active in planning and implementing the agency's Fall Prevention Awareness Campaign, which will take place during

COMPLIANCE ASSISTANCE – STATE CONSULTATION

FY 2012. Also in FY 2012, On-site Consultation Projects will continue to use and explore new social networking tools, such as Facebook, wikis, podcasts, YouTube, blogs, and Twitter to actively promote On-site Consultation services. On-site Consultation Projects will continue to raise awareness of and distribute Hispanic outreach resources, including those developed by On-site Consultation Projects.

Furthermore, On-site Consultation Projects will continue to ensure consultants are properly trained in hazard identification and abatement of hazards by identifying and completing appropriate training courses offered through the OSHA Training Institute.

FY 2011

In FY 2011, OSHA conducted 27,178 On-site Consultation visits. These visits were primarily to small, high-hazard establishments. More than half of these visits were to employers with fewer than 25 employees and over 97% of these visits were conducted at worksites with less than 250 employees. OSHA also continued to promote state compliance assistance programs, including participation in the On-site Consultation Programs' Safety and Health Achievement Recognition Program (SHARP).

To ensure that small employers understood OSHA's new residential fall protection requirements, issued in December 2010, OSHA ensured that residential fall protection requests would receive top priority when the new requirements went into full effect on September 15, 2011.

OSHA redesigned and updated the Small Business, On-site Consultation and SHARP web pages on the agency web site to make them more accessible, user friendly and effective in communicating the resources, programs and benefits OSHA offers small businesses. Information on how On-site Consultation supports the Secretary's vision of *Good Jobs for Everyone* and the strategic goals of *securing safe and healthy workplaces* and giving workers a *voice in the workplace* is featured. In addition, Spanish language versions of these pages were posted on the OSHA web site to improve access to information to this hard-to-reach audience. On-Site Consultation Projects continued to assist other OSHA outreach and training programs in support of the overarching goal of helping small businesses come into compliance with OSHA safety and health requirements. The On-site Consultation Program continued to provide Consultation Service support to employers potentially affected by the agency's areas of emphasis. Examples of these topics include hazards addressed in the agency's Hazard Alert and Informational Letters, such as grain handling, *Brazilian Blowout*, and beverage distribution.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Compliance Assistance-State Consultations				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy				
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries	--		--	TBD
Consultation Visits				
Initial Visits	25,290	22,597	22,575	23,655
Training and Assistance	3,020	2,561	2,720	2,850
Follow-up	2,190	2,020	1,905	1,995
Total	30,500	27,178	27,200	28,500
Recognition & Exemption				
SHARP Sites	1,060	1,583	1,600	1,650
Total	1,060	1,583	1,600	1,650
21(d) Agreements				
Plan States	24	24	24	24
Non-plan States	28	28	28	28
Total	52	52	52	52

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

On-site Consultation services are free and confidential to small- and medium-sized businesses requesting them, and support the Secretary’s outcome goal of *securing safe and healthy workplaces, particularly in high-risk industries*. Additionally, through training and outreach activities, consultation activities also support the Secretary’s outcome goal to ensure workers in small and medium sized businesses have *a voice in the workplace*.

The On-Site Consultation Program 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 priority performance strategy of reducing workplace injury, illnesses and fatalities through worker voice.

OSHA has refocused compliance assistance activities, including On-site Consultation, to focus on the most vulnerable employees who face the highest risks, and toward small businesses, rather than larger employers who are more likely to have access to the technical and financial resources necessary to abate workplace hazards.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

All states and U.S. territories, including Guam and the U.S. Virgin Islands, have On-site Consultation Programs. Consultation visits assist employers by identifying workplace hazards, providing advice on compliance with OSHA standards, and assisting in establishing safety and health management systems, which educate and involve both management and workers in the identification and abatement of workplace safety and health hazards.

In furtherance of the Secretary's safety and health priorities, the agency will continue to promote Consultation services toward those workplaces and hazards where they can have the most impact on workplace fatalities, injuries and illnesses. This is accomplished by:

- Conducting consultation visits to construction trades worksites, which represent nearly a third of On-site Consultation Program visits.
- Training workers on green jobs by delivering free and confidential On-site Consultation Program services to green employers who request them.
- Conducting consultation visits to small employers. More than half of these visits are to employers with fewer than 25 employees and over 97 percent of these visits are conducted at worksites with less than 250 employees.
- Encouraging employers who receive OSHA high-hazard targeting letters, industry Hazard Alerts and Information Letters on emerging hazards and areas of emphasis, to seek assistance from the On-site Consultation Program.

COMPLIANCE ASSISTANCE – STATE CONSULTATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
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	54,688	57,890	57,890	0
25.3	Other goods and services from Federal sources 1/	0	0	0	0
	Total	54,688	57,890	57,890	0

COMPLIANCE ASSISTANCE – STATE CONSULTATION

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$0

Other services 0

Other purchases of goods and services from Government
accounts 0

Built-Ins Subtotal \$0

Net Program \$0

Direct FTE 0

Estimate FTE

Base \$57,890 0

COMPLIANCE ASSISTANCE – TRAINING GRANTS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	10,729	10,709	10,709	0
FTE	0	0	0	0

Introduction

This budget activity supports the priority-performance strategy of reducing workplace injuries, illnesses and fatalities through worker voice by providing funding for 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. These grants support the Secretary’s vision of *good jobs for everyone* by providing training to *secure safe and healthy workplaces, particularly in high risk industries*. Harwood Training Grants also support the high priority goal of *enhancing worker voice in the workplace*, by ensuring training is focused on vulnerable workers, including those in immigrant and underserved populations; and by informing them of good safety and health practices and of their rights to a safe and healthy workplace. The Harwood Training Grants greatly enhance the reach of the agency’s efforts to develop and distribute accurate information about improving safety in workplaces – particularly for hard-to-reach worker populations – by providing training to workers, who in turn provide training in the clearest and most understandable manner to groups of fellow workers.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$9,939	0
2009	\$10,000	0
2010	\$10,750	0
2011	\$10,729	0
2012	\$10,709	0

FY 2013

In FY 2013, OSHA requests \$10,709,000 for the Susan Harwood Training Grant Program, the same amount as the FY 2012 Enacted Level.

Susan Harwood Training Grants support the agency’s priority performance strategy of reducing workplace injuries and illnesses through worker voice. This program supports targeted, competitive grant awards to provide direct education and training to workers on safety and health hazards in the workplace and their rights under the law. These grants support the Secretary’s vision of *good jobs for everyone* by providing training to secure safe and healthy workplaces, particularly for hard-to-reach workers in high-risk industries, and by giving workers *a voice in the workplace*. Grants are awarded to non-profit organizations such as community organizations, business associations, labor unions, colleges and universities.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

This unique training grants program provides in-person hands-on training and educational programs for at-risk, worker-level personnel, in high-hazard industries, small businesses, and benefiting hard-to-reach and workers with limited English proficiency. The training sessions are generally short in nature, usually one day or less, and often in one- or two-hour increments. The 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 its inception, OSHA has received positive feedback from grantees, testifying to the difference in awareness, practice and conditions the training and education has meant in high-risk industries. From meatpacking to construction, these grants have informed workers and employers of the tools they need to make the workplace safer.

Since 2010, OSHA has required all grantees to conduct a three level evaluation. The first level measures workers' reaction to the training session. The second measures the skills and knowledge that the trainee retains as a result of the training. The third level, which is being required for the first time this year, looks at longer term changes in worker behavior from the safety program and worker participation that resulted from the training. Though we are just now requiring the long-term evaluation, many of the grantees from 2005-2008 have been conducting such evaluations of their program, and the results are encouraging. A few examples of these evaluations include:

- The Laborers/Associated General Contractor Education and Training Fund evaluated three different grants (2005, 2007 and 2009) covering trench safety and highway work zone safety and found that, of those responding, **an average of 74 percent indicated they had used at least one new safety practice learned at the training; an average of 64 percent have implemented skills and knowledge learned at the training within 6 months of returning to work; and an average of 90 percent** either “agreed” or “strongly agreed” that the training had helped them work better and safer on the job.
- The National Association of Home Builders Research Center, which received grants on fall protection in construction in 2005, 2007 and 2008, found that **an average of 94 percent** of respondents claimed that the training improved their awareness and knowledge for the prevention of falls on the jobsite. In addition, the evaluation found that **an average of 57 percent** of all participants responding to the survey had seen a reduction in safety violations among workers receiving the training.
- The University of Texas at Arlington also conducted a training impact evaluation of previous grants in 2008 and 2009, and found that **an average of 33 percent of ALL** participants in their program reported making changes in their workplace practice based on the information they received.

Harwood Grants include Capacity Building Developmental grants, through which OSHA will continue to build safety and health capacity in community-based, employer association, and other non-profit organizations that have access to at-risk populations to enable workers to understand the hazards they face and their rights under the law. Many of these training programs

COMPLIANCE ASSISTANCE – TRAINING GRANTS

are held with labor and management cooperation and contribute to the building of a workplace safety culture by providing the opportunity for multiple years of training through follow-on funding. At OSHA's encouragement, most grantees develop their own train-the-trainer capacity to implement programs that will remain in effect after the grant ends.

The long-term goal of the Capacity Building grants is to build institutional training capacity throughout organizations across the United States. As a result, more workers will acquire knowledge on how to recognize unsafe working conditions and to act on that recognition by exercising their rights under the law, such as accessing health and safety information, bringing hazardous conditions to the attention of employers, filing complaints when necessary. The strategy of providing training grants to non-traditional partners will also complement and support the agency's enforcement and regulatory work by directing grant funding at new and emerging workplace hazards and in industries where safety and health issues remain problematic.

No new capacity building grants will be offered in FY 2012 (aside from pilot grantees who apply for a full capacity building grant. Existing capacity building grants that are in good standing will be continued.

Other grant categories include one-year Targeted Topics, which increase opportunities for workers to receive occupational safety and health training on specific topics, including training based on recently issued standards, areas that require special attention, and areas where new hazards or novel approaches are being addressed. OSHA will continue to target at-risk and hard-to-reach populations such as immigrant, non-English speaking, limited English proficiency, and low-wage workers.

In addition, many grantees in these various categories will develop training materials, which OSHA makes available on the Internet, ensuring that safety and health training information is more widely available and easily accessible to workers and employers. OSHA ensures that written materials do not duplicate currently existing materials and encourages grantees to use existing materials where available.

FY 2012

In FY 2012, OSHA will continue the use of capacity building and targeted training grants to increase opportunities for workers to receive occupational safety and health training, which is tailored to focus heavily on hazards that workers face in a particular industry, how to most effectively address those hazards, and what their rights are under law and how to file complaints when necessary. No new capacity building grants will be offered in FY 2012 (aside from pilot grantees who apply for a full capacity building grant). Existing capacity building grants that are in good standing will be continued. One-year targeted training grants, covering a variety of topics that require attention, will be used to reach non-English speaking, limited English proficiency and low-wage workers. OSHA will continue to build relationships with community-based organizations that have access to these at-risk, hard-to-reach populations. The agency will also continue to encourage grantees to develop materials that OSHA will disseminate by making available on the Internet, ensuring that safety and health training information is more widely

COMPLIANCE ASSISTANCE – TRAINING GRANTS

available to workers and employers. OSHA ensures that written materials do not duplicate currently existing materials and encourages grantees to use existing materials where available.

OSHA is constantly striving to develop new and innovative training methods and training materials directed at adult learners. This includes the possible use of social media and other technologies to deliver timely safety and health training. While recognizing that direct training can be an effective way to train hard-to-reach workers, OSHA will continue to explore the use of alternative training technologies, including webcasts, distance learning and the use of social networks and cell phone technology to provide increased access to occupational safety and health training and information for workers and employers. In addition, these technologies will provide an effective tool for reaching young workers.

FY 2011

Through the Susan Harwood Training Grants Program, OSHA makes training grant funds available to non-profit organizations to provide training and education for workers and employers on occupational safety and health topics. OSHA solicited applications for both Capacity Building (multi-year) Grants and for Targeted Training Grants (one year), and awarded 57 Capacity Building grants and 12 Targeted Training grants. Emphasis in awarded grants was placed on hazardous, high-risk industries and at-risk populations, such as immigrant workers, non-English speaking workers and low-literacy workers, in accordance with the agency's performance goals.

OSHA enhanced the Harwood Training Grant Program in FY 2011 by increasing the number of multi-year Capacity Building grants and improving outreach and training to underserved populations such as immigrant, non-English speaking, limited English proficiency, and low-wage workers. The agency is accomplishing this by increasing the number of training sessions through grants with non-traditional partners, such as community groups, who have not traditionally received grants, but have unique access to workers who historically have not had a voice in the workplace. OSHA continued to issue small Capacity Building Pilot grants to assist organizations that have not traditionally done health and safety training to assess their needs and launch pilot training programs.

The long-term goal of the Capacity Building grants is to build institutional training capacity throughout organizations across the United States. As a result, more workers will acquire knowledge on how to recognize unsafe working conditions and to act on that recognition by exercising their rights under the law, such as accessing health and safety information and filing complaints when necessary. The strategy of providing training grants to non-traditional partners will also complement and support the agency's enforcement and regulatory work by directing grant funding at new and emerging workplace hazards and in industries where safety and health issues remain problematic.

Results from the active grants in FY 2011 (awarded in FY 2009 and FY 2010) show that the number of workers trained, 94,207, exceeded the number planned, 82,162, by 15 percent.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Compliance Assistance-Training Grants				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy	--		--	
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.	--		--	
Strategic Goal 3 - Assure Fair and High Quality Work-Life Environments	--		--	
Outcome Goal 3.3 - Ensure worker voice in the workplace	--		--	
Participants trained as a result of Susan Harwood worker training grants	88,695	94,207	82,162	82,170
Targeted Training Grants	15	12	10	10
Capacity Building Grants	46	57	57	57
Percent of Susan Harwood grantees who receive a training observation visit	100	77	100	100

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

OSHA awards grants to nonprofit organizations on a competitive basis through its Susan Harwood Training Grant Program to support the priority performance strategy of reducing workplace injuries, illnesses and fatalities through worker voice. Grants are awarded to provide training and education programs as well as written materials for workers and employers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces, as well as workers' rights, employer responsibilities, and how to file a complaint. The agency holds a national competition to award grants in categories including Targeted Topics and Capacity Building. Non-profit organizations, including community and faith-based organizations are also eligible to apply. State and local government-supported institutions of higher education may also apply. This program of direct worker occupational safety and health training, along with train-the-trainer programs is unique in the federal government.

Harwood grants have been awarded to various nonprofit organizations including professional associations, colleges, universities, business associations and labor unions. These grants support the Secretary's vision of *good jobs for everyone* and the Department's Strategic Plan outcome goals by providing training to *secure safe and healthy workplaces, particularly in high-risk industries*, and providing *a stronger voice to workers* by informing them of good safety and health practices.

OSHA will focus the Susan Harwood Training Grant Program to provide education and training to high-risk workers, to build capacity in organizations that can assist workers in enhancing their

COMPLIANCE ASSISTANCE – TRAINING GRANTS

voice in the workplace, and to provide training materials to employers and worker representatives for training workers.

OSHA estimates 67 grants will be awarded in FY 2013, resulting in 82,000 workers and employers to be trained. The agency will target grant funding to new and emerging workplace hazards. The agency plans to leverage the training and knowledge of academic institutions, safety and health professional organizations, and employee unions to reach a broader sector of customers through training delivery, including partnering with community-based organizations to deliver training.

The one-year Targeted Topic grants will support the development of quality safety and health training materials and the delivery of training 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.

The agency is also seeking to improve the performance of the program by increasing the number of Capacity Building grants that could be funded for multiple years through follow-on funding. These grants allow non-profit 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 and low-wage workers.

OSHA utilizes the Harwood Training Grants to improve outreach to hard-to-reach and non-English speaking workers who are employed in disproportionately hazardous jobs, and improve the outcome goals of *ensuring worker voice in the workplace* and *securing safe and healthy workplaces*. Training grants provided to non-traditional parties will be used to increase the focus on the hazards workers are facing, their right to file a complaint, and their other rights under the law. This will complement the agency's high priorities of enforcement and regulatory development by directing grant funding at new and emerging workplace hazards and in industries where safety and health hazards continue to produce high injury and illness rates. Through the expanded grant program, OSHA expects to develop specialized training programs targeted at immigrant and other hard-to-reach and non-English speaking workers in high hazard occupations, safety and health professional organizations, employee unions, and community-based organizations that deliver training targeted at adult learners, which should result in fewer workplace accidents and fatalities.

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. The agency plans to leverage the training and knowledge of academic institutions, safety and health professional organizations, and employee unions to reach a broader sector of customers through training delivery, including partnering with community-based organizations to deliver training.

COMPLIANCE ASSISTANCE – TRAINING GRANTS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
41.0	Grants, subsidies, and contributions	10,729	10,709	10,709	0
	Total	10,729	10,709	10,709	0

COMPLIANCE ASSISTANCE – TRAINING GRANTS

CHANGES IN FY 2013

(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
Base	\$10,709	0

SAFETY AND HEALTH STATISTICS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	34,805	34,739	34,313	-426
FTE	42	40	40	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 42.

Introduction

This activity supports the priority-performance strategy of reducing workplace injuries, illnesses and fatalities through enforcement, standards and worker voice 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 activity also funds the agency's information technology (IT) resources, including its popular and informative webpage, and allows the agency to maintain and enhance its leadership in workplace safety and health by providing reliable, well-managed information, data systems, web services, varied opportunities for communicating important safety and health messages, and customer support.

To align with the agency's current and future strategic objectives, OSHA's new real-time data system, the OSHA Information System (OIS), will bring a number of overarching benefits to the agency by more comprehensively automating its critical business processes, including enforcement and consultation, and providing a more efficient means for primary users and the public to get accurate data more quickly. The OIS is replacing applications currently on the agency's antiquated National Cash Register (NCR) machines including: enforcement; consultation; health sampling; establishment processing; injury and illness tracking; time usage tracking; and tracking of compliance assistance activities.

The OIS will provide OSHA with the methods to identify at-risk worker populations to more rapidly and efficiently target appropriate interventions, while concurrently providing the tools to identify trends in occupational fatalities, injuries, and illnesses. Additionally, OIS will help OSHA build and maintain a more accurate database of workplace establishments by continually adding and updating data, which will allow for more expedient and accurate data searches.

Providing greater power to the agency's compliance safety and health officers to generate current and accurate reports is critical to their efforts to tie resources and time to the achievement of productivity measures and performance indicators that support the outcome goal to *secure safe and healthy workplaces, particularly in high-risk industries*. The automation of compliance assistance activities with real-time data will *ensure worker voice in the workplace* through enhancing the ease of tracking the progress of programs, investigations, and workload goals.

SAFETY AND HEALTH STATISTICS

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$31,523	35
2009	\$34,128	38
2010	\$34,875	43
2011	\$34,805	42
2012	\$34,739	40

FY 2013

OSHA is requesting \$34,313,000 and 40 FTE for the Safety and Health Statistics activity, a decrease of \$426,219 compared to the FY 2012 Enacted Level. This activity includes a program increase of \$1,750,000 for a modernized recordkeeping system, which is more than offset by a program decrease of \$2,200,000 from the elimination of the system being replaced, the OSHA Data Initiative (ODI).

OSHA's goal in FY 2013 is to ensure that critical Information Technology (IT) support and infrastructure is implemented and maintained, and that IT resources are utilized in a cost-effective way to provide outreach and education to the workplace safety and health community. This goal will achieve the Secretary's vision of *good jobs for everyone* and the Strategic Plan's outcome goals of *securing safe and healthy workplaces* and ensuring that workers have a strong *voice in the workplace*. The agency will focus on improving the transparency of agency information, and expanded interaction with the public.

In FY 2013, OSHA will work with the Department to improve the IT infrastructure to meet the DOL goals of real-time continuous monitoring of IT systems, and address security vulnerabilities and threats more expeditiously. With DOL support, OSHA will continue to operate an agency-wide computer security program to aggressively identify and address any security threats to agency assets.

In FY 2013, OSHA will continue to build upon the FY 2011 and FY 2012 DOL Open Government Plan goals by: enhancing transparency and more effectively interacting with citizens through OSHA's website, and expanding use of social media. This is intended to expand OSHA outreach efforts and to improve the American public's ability to engage in the work and decisions of OSHA. In FY 2013, OSHA expects more than 200 million visitor sessions to its website.

In FY 2013, OSHA will continue to focus on transparency and continual improvement in content and capabilities on the OSHA Public Web Site. This will interconnect compliance assistance information, safety and health topics, publications, training and education materials, as well as assistance targeted to small businesses. Workers, employers, and organizations will have more direct interactive access to agency inspection data and rich content on the site, which will be easily extractable for use on dashboards and software applications. The public will be able to directly report online workplace decimation complaints. Over 30,000 online worker complaints

SAFETY AND HEALTH STATISTICS

about life threatening and hazardous conditions at workplaces were reported in FY 2011 and are anticipated to continue to increase. More smartphone applications to provide workers, employers, researchers, and educators with targeted interactive resources will also be provided. Number of visitor sessions to the site is expected to exceed 210 million.

OSHA will continue to support the DOL five-year infrastructure optimization plan. This includes effective training for agency staff in the use of updated laptop hardware and software for use in the office, and improving telework plans to continue the work of the agency in case of a crisis. Working with the Department, the agency will continue to support virtualization and Data Center Consolidation Initiative (DCCI), and will complete the DOL initiative to move e-mail for all DOL agencies to the cloud.

OSHA is requesting \$1,750,000 in FY 2013 to develop a new electronic data collection capability to replace the OSHA Data Initiative (ODI). The new system is expected to enhance OSHA's targeted enforcement and outreach activities, improve data submission and enable workers, employers and other stakeholders to better identify and abate hazards. Under the new system, more accurate data will be gathered on a quarterly basis. The new system will collect case-specific data on approximately 900,000 work related injuries and illnesses from 38,000 establishments. It will include information about the nature and source of the injury or illness and the event or exposure that led to it. In addition to the case specific data, the system will collect OSHA Form 300A summary information on an annual basis from 440,000 establishments, allowing the agency to calculate establishment specific injury and illness rates. This will improve the agency's ability to identify, target, and remove safety and health hazards, thereby preventing workplace injuries, illnesses, and deaths. More comprehensive posting of the data collected will also be valuable in identifying patterns of injuries and illnesses across establishments where workers are exposed to similar hazards, including the identification of patterns that were previously unrecognized.

The cost of the new data-collection system is more than offset by the \$2,200,000 in savings from the agency's elimination of all funding for collection and analysis of the OSHA Data Initiative (ODI), which collects data that is currently used for OSHA's Site Specific Targeting efforts. The ODI has been an expensive investment for the agency in past years. To preserve funding to National Emphasis Programs and other programmed safety and health inspections, the agency is eliminating the ODI because it supports less than five percent of the agency's inspection totals.

The OSHA Information System (OIS), the agency's next generation replacement for its antiquated legacy occupational safety and health data system, will be utilized to enable CSHOs and other front line staff to better target, analyze, and track high-risk industries in their particular geographical jurisdiction, which will continue to support more focused Local Emphasis Programs to target high-risk industries in their respective jurisdictions.

When fully deployed and operational, the OIS will speed up the agency's capability to more quickly retrieve, report on, and disseminate collected and up-to-date worker safety and health data throughout the agency. In turn, the agency expects to improve its responsiveness and actions for addressing safety and health issues arising within a particular jurisdiction, regionally, or nation-wide. While OIS will enable the agency to better track worker issues and complaints,

SAFETY AND HEALTH STATISTICS

by significantly increasing the number of data points collected as a result of workers' complaints. The OIS will continue to feed current data into existing OSHA public website applications, additional fields of data could also be added that will provide the public with even more accurate occupational safety and health data than in the past.

In FY 2013, OSHA will continue to enhance the agency's website and web services to provide a vast network of compliance assistance information to workers and employers on safety and health topics, publications, training and education materials, job hazard analyses, and assistance targeted to small businesses. The website also supports a system for on-line worker complaints about life threatening and hazardous conditions at workplaces. Through OSHA's website, the public is provided access to data about the agency's enforcement and data collection program and services. These tools are available to employers, workers, stakeholders and the public at all times in their workplaces and homes.

FY 2012

OSHA's goal in FY 2012 is to continue to successfully implement and maintain critical focus-area investments that will improve the efficiency and transparency of the IT infrastructure. This goal will enhance the Secretary's vision of *good jobs for everyone*, through *securing safe and healthy workplaces* and ensuring that workers have a strong *voice in the workplace*. These goals will be the focus of the agency's work while OSHA's IT staff will also be focused on the Office of Management and Budget's (OMB) requirements for operational efficiencies and expanded accessibility by the public.

In FY 2012, OSHA will continue to build upon the FY 2011 DOL Open Government Plan goals by: enhancing capabilities to provide information and decisions to citizens on the OSHA website, www.osha.gov, via new technologies and easily retrievable and readable data formats; improving public participation via technology and tools, such as social media that makes public participation easier; and actively providing collaboration tools, methods and systems that allow the American public the ability to engage in the work and decisions of OSHA. OSHA recently implemented a new search tool for its website which is available in the top banner of every page on the website. The new search is cloud-based and provides fast and accurate searches similar to results on Bing and Google, enabling users to get improved access to specific workplace safety and health information based on their request. In FY 2012, OSHA expects more than 200 million visitor sessions to its website.

New security standards have been developed in recent years that will shift the reporting, monitoring and certification requirements under the Federal Information Security Management Act, requiring agencies to change from paper-based quarterly and annual reports to real-time data feeds of system statuses. OSHA will continue to build on these enhancements to meet the DOL goals of real-time continuous monitoring of IT systems, and addressing security vulnerabilities and threats more expeditiously. OSHA will also continue to maintain an agency-wide computer security program to lower the likelihood of unintended or deliberate corruption of OSHA data, denial of service to agency assets, and theft of agency assets. Finally, OSHA will support the collection of data in response to requests from OMB and other Federal agencies, while also

SAFETY AND HEALTH STATISTICS

demonstrating the agency's goal of improving our technology infrastructure and correcting audit and/or independent assessment findings.

OSHA is required to fully comply with the DOL's five-year infrastructure optimization plan. This is a collaborative plan that will be implemented by all agencies that includes investments such as desktop and operation-system upgrades and virtualization, a Data Center Consolidation Initiative (DCCI), an email system upgrade, identity access management, IT-power management, and office tools upgrades and user training. As a result of the DCCI, OSHA is required to consolidate 135 data centers located throughout the United States and U.S. Territories as documented in the DOL's DCCI plan. In FY 2012, OSHA will continue with its phased approach to implementing the DCCI Plan requirements.

The OIS, the agency's next generation replacement for its antiquated legacy occupational safety and health data system, will be deployed and enable CSHOs and other front line staff to better target, analyze, and track high-risk industries in their particular geographical jurisdiction, as opposed to using surveyed BLS data with a one to two year lag time. Field offices should also be able to develop better and more-focused Local Emphasis Programs to target high-risk industries in their respective jurisdictions.

The OIS will also enable OSHA to better track worker issues and complaints received by significantly increasing the number of data points collected as a result of worker's complaints. The OIS will continue to feed current data into existing OSHA public website applications that will provide the public with more accurate occupational safety and health data than in the past.

FY 2011

In FY 2011, OSHA strengthened the protection of its Information Technology assets and data. The OSHA network infrastructure includes public access to the OSHA website (www.osha.gov), and other web-based database applications that more effectively reach out to workers on a local level, and deliver targeted workplace information by trade and industry. In FY 2011, OSHA's public website recorded more than 198 million user sessions, providing the public quick access to electronic data systems and information about important safety and health topics in a form that could be applied to unique workplace settings. In FY 2011, greater technical assistance was provided to update the OSHA public website to support increased outreach and information to workers, employers and stakeholders. The agency produced necessary information and technology resources to support an enhanced enforcement presence, including the appropriate infrastructure to address increased information demands for guidance materials, electronic tools, social networking tools, and information related to new National and Local Emphasis Programs. OSHA also responded to 32,778 workplace safety and health questions submitted online through the OSHA Public Web Site.

In FY 2011, the agency completed much of the remaining development and testing needed for the agency-wide deployment and rollout of the OIS. Portions of the system were implemented in FY 2011. Users of the system and their leadership chain have more access into the enforcement case files being developed, and can electronically share their preliminary information up and

SAFETY AND HEALTH STATISTICS

down their respective management chains. Additionally, new data entered into case files is updated and refreshed more frequently into the central data base than it was in the legacy system.

SAFETY AND HEALTH STATISTICS

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Safety and Health Statistics				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy				
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries	--		--	TBD
Web Usage (million)				
Web site User Sessions	190.34	198.66	208.60	214.90
Non-OSHA	187.53	195.88	205.20	211.40
Total	377.87	394.54	413.80	426.30
Electronic Software Systems				
Downloads (millions)	1.12	1.22	1.28	1.32
User sessions	5.23	5.68	5.96	6.13
Total	6.35	6.90	7.24	7.45
Web Site Hits (million)	1,190	1,630	1,711	1,762
ODI (log summaries collected)	80,000	80,000	80,000	0
Strategic Goal 3 - Assure Fair and High Quality Work-Life Environments	--		--	--
Outcome Goal 3.3 Ensure worker voice in the workplace	--		--	--
Number of hits on eTools (million)	2.00	2.74	2.88	2.96
Number of web-based requests for information or assistance	22,390	32,778	34,417	35,449

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

OSHA's request will support the agency's priority performance strategies of reducing workplace injuries, illnesses and fatalities through enforcement and standards, and will encourage worker voice by providing strong data-systems support to the agency's programs.

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 information technology (IT) infrastructure, which allows the agency to maintain and enhance its leadership in workplace safety and health by providing a reliable, well-managed network, data systems, web services, social-networking opportunities for communicating important safety and health messages, and customer support.

The agency has entered a new era of information technology modernization and technological advances that will support OSHA in accomplishing its mission. OSHA will continue to seek

SAFETY AND HEALTH STATISTICS

ways to use technology to engage the public in worker safety and health to enhance agency programs and make it easier for workers and employers to get easy access to workplace safety and health information.

In FY 2013, OSHA will seek to enhance its internal infrastructure to allow members of the public to more easily share information about potential safety and health hazards with the agency. OSHA will convert information on its website to languages other than English to meet the needs of those seeking access to the agency's web to find information on occupational safety and health. The agency will also continually update information on hazards as new information is produced and/or topics arise, such as the recent record-setting heat wave that can potentially have an impact on many workplaces and workers. The implementation of this efficiency reduces agency and user challenges through enhanced interoperability and reduces duplication of effort. OSHA will also explore ways to make web information more accessible to workers using different platforms, such as cell phones and tablets.

The agency's request eliminates all funding for collection and analysis of the OSHA Data Initiative (ODI), which collects data that is currently used for OSHA's Site Specific Targeting efforts. The ODI has been an increasingly expensive investment for the agency in past years. To preserve funding to National Emphasis Programs and other programmed safety and health inspections, the agency is proposing to eliminate the ODI as it supports less than 5 percent of the agency's inspection totals. The agency will achieve a net savings of \$450,000 in FY 2013 from this reallocation.

The FY 2013 request includes funds to replace the ODI with a modernized, and more cost effective recordkeeping system, which is contingent on successful promulgation of the recordkeeping modernization rule. Without a new recordkeeping rule, the ODI would continue to provide injury and illness data for the agency's enforcement targeting programs. The new system will improve workplace safety and health through the collection and publication of more timely, establishment-specific injury and illness data. Although there will be a delay between the elimination of the ODI and the full implementation of the new data-collection system, in addition to improving the agency's targeting, the new system will enable employees, employee representatives, employers, government agencies and researchers to better identify and control workplace hazards, and prevent work-related injuries, illnesses and deaths. The new system for collecting injury and illness data will be more efficient by making it easier for employers to submit data, and will allow the agency to notify employers of the need for special collections. Annual summary, quarterly details, and special collections will also be more efficiently converted to information that will benefit the agency's programs and the public at large.

Data will be made available on the web and allow for the ability to search for specific reported instances of injuries and fatalities across multiple locations for an employer, which will make workplace safety data more transparent. Information will also enable employers and employees to easily and quickly compare their workplace injury and illness experience against similar employers in their industry.

SAFETY AND HEALTH STATISTICS

OSHA will also rely on the OSHA Information System for critically needed data to assess performance and track all agency interventions. Under the fully implemented OIS, for the first time in the agency's history, all of OSHA's performance measures will be housed and tracked in a single web-based, real-time data management system. Once agency staff are fully trained, data on all of the agency's performance measures should be more accurate, consistent, and comprehensive – improving our ability to reduce injuries, illnesses and fatalities through enforcement, standards, and worker voice.

The agency is continually seeking ways to streamline service delivery and improve customer service. OSHA will pursue improved delivery of safety and health information and targeted assistance, and make it easier for workers, employers and stakeholders to contact the agency. This includes updating the agency's website to improve user experience and access to important workplace safety and health information.

The agency will also seek to develop mobile friendly web pages that allow workers, employers, OSHA's compliance safety and health professions, and other agency customers to access existing and future OSHA web-based products, including standards, training materials, chemical databases, references and compliance assistance materials from almost any worksite without needing a traditional desktop or laptop computer.

SAFETY AND HEALTH STATISTICS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	4,859	4,859	4,891	32
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	155	155	155	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	5,014	5,014	5,046	32
12.1	Civilian personnel benefits	1,295	1,295	1,306	11
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	81	81	81	0
22.0	Transportation of things	11	11	11	0
23.1	Rental payments to GSA	1,302	1,393	1,484	91
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	857	857	857	0
24.0	Printing and reproduction	85	85	85	0
25.1	Advisory and assistance services	256	256	256	0
25.2	Other services from non-Federal sources	13,953	10,796	10,236	-560
25.3	Other goods and services from Federal sources 1/	3,333	3,333	3,333	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	7,600	10,600	10,600	0
26.0	Supplies and materials	535	535	535	0
31.0	Equipment	483	483	483	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	34,805	34,739	34,313	-426
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,975	2,975	2,975	0
	DHS Services	2	2	2	0
	Services by Other Government Departments	356	356	356	0

SAFETY AND HEALTH STATISTICS

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$19
Personnel benefits	5
One day more of pay	19
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	91
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-110
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **\$24**

Net Program **-\$450**

Direct FTE **0**

	Estimate	FTE
Base	\$34,763	40
Program Increase	\$1,750	0
Program Decrease	-\$2,200	0

EXECUTIVE DIRECTION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY 13 Req. / FY 12 Enacted
Budget Authority	11,513	11,491	11,527	36
FTE	49	49	49	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 49.

Introduction

This activity supports the priority-performance strategy of reducing workplace injuries, illnesses, and fatalities through enforcement, standards and workplace voice by providing overall leadership, policy direction and management support for the Occupational Safety and Health Administration, including coordination of policy, research, planning, evaluation, internal management, human resources, budgeting, financial control, legislative liaison, Federal agency liaison, and emergency preparedness. The Executive Direction activity is responsible for developing strategic and operating plans to carry out the Secretary's vision of *good jobs for everyone*, and putting effective performance measures in place to support both the outcome goals of *securing safe and healthy workplaces* and *ensuring worker voice in the workplace*. Performance and cost data is compiled and analyzed on a quarterly basis to track progress toward meeting these agency-wide goals in the most cost-efficient manner and with minimal waste.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$10,809	47
2009	\$11,349	49
2010	\$11,536	49
2011	\$11,513	49
2012	\$11,491	49

FY 2013

OSHA requests \$11,527,000 and 49 FTE for the Executive Direction activity, an increase of \$35,760 over the FY 2012 Enacted Level.

Executive Direction supports overall direction and management to coordinate policy, research, planning, evaluation, internal management, human resources, budgeting, financial control, legislative liaison, federal agency liaison and emergency preparedness.

In FY 2013, OSHA will continue to direct resources toward accomplishing the Secretary's vision of *good jobs for everyone* and the Strategic Plan outcome goals of *securing safe and healthy workplaces, particularly in high-risk industries* and *ensuring worker voice in the workplace*. The agency's operating plan established outcome goals and performance measures for promoting worker safety and health that will be tracked in this activity. In FY 2013, program evaluations

EXECUTIVE DIRECTION

and lookback studies will be conducted to provide objective measurement, systematic analysis and continuous improvement in the quality of data and outcomes of agency activities. In addition, the agency will rely on input from several advisory committees, including NACOSH, MACOSH, ACCSH and FACOSH to help achieve its strategic goals and mission.

OSHA will adjust strategies and priorities as needed to achieve the agency's outcome goals and accomplish its mission of reducing workplace injuries, illnesses, and fatalities. These strategies and supporting evidence cover all of the agency's activities. Performance data are compiled, reviewed and analyzed on a quarterly basis and results are discussed with program offices at the Federal level, as well as at the State Plan, Regional, and Area Office levels, as applicable.

The Government Performance and Results Act, passed by Congress in 1993, includes goals to "systematically hold Federal agencies accountable for achieving program results" and "improve congressional decision-making by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending." OSHA's Measurement and Reporting System supports these goals through performance measurement data for internal management, agency operating plans, Department strategic plans, and Congress.

OSHA will continue to implement the requirements outlined in OMB Circular A-123, Management's Responsibility for Internal Controls over Financial Reporting. Appropriate financial and programmatic reports will be provided to ensure transparency and accountability in the utilization of resources to support OSHA's programs. The agency will utilize Departmental and governmental systems such as grants.gov to increase its efficiency.

OSHA will continue to work with the Department to address its needs for succession planning and leadership development to continue to revitalize the agency and meet the challenges brought about by changes in technologies, industries and demographics. The agency will continue to seek additional experienced safety and health compliance 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 also continues to seek 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 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.

FY 2012

In FY 2012, OSHA will continue to direct budgetary resources toward accomplishing the Secretary's vision of *good jobs for everyone* through *securing safe and healthy workplaces* and a *voice in the workplace*. Under the Secretary's direction, OSHA is undertaking new strategies focused on innovation, evaluation, and improved implementation in an effort to strengthen worker protection. Program evaluations and lookback studies will be conducted to provide objective measurement, systematic analysis and continuous improvement in the quality of data

EXECUTIVE DIRECTION

and outcomes of agency activities. Under the agency's operating plan, outcome goals and performance measures are established and tracked. These strategies and supporting evidence cover all of the agency's activities. Performance data are compiled, reviewed and analyzed on a quarterly basis.

OSHA will continue to implement the requirements outlined in OMB Circular A-123, Management's Responsibility for Internal Controls over Financial Reporting. Appropriate financial and programmatic reports will be provided to ensure transparency and accountability in the utilization of resources to support OSHA's programs. The agency will utilize Departmental and governmental systems such as grants.gov to increase its efficiency.

Building on its ambitious hiring plan implemented in FY 2009 and 2010, OSHA continues 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. OSHA's hiring plans are designed to address the need for additional experienced safety and health compliance 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 continues to seek CSHOs who are proficient in a second language, in addition to English. Relationships will be cultivated with a wide variety of academic institutions and professional and trade groups, and community organizations to promote career opportunities within the agency. OSHA 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.

FY 2011

In FY 2011, OSHA administrative staff provided the appropriate financial and programmatic reports to ensure transparency and accountability on the utilization of resources that support OSHA's programs, including its responsibilities under the American Recovery and Reinvestment Act from FY 2009 and FY 2010.

OSHA directed budgetary resources toward accomplishing the occupational fatality and injury and illness reduction targets outlined in its performance goals. Evaluations were conducted to provide objective measurement, systematic analysis and continuous improvement in the quality of data and outcomes of agency activities. OSHA worked closely with the Department of Labor's Chief Evaluation Officer on studies related to the effectiveness of OSHA programs. OSHA also continued work and made substantial progress on a lookback review of its Bloodborne Pathogen standard, which is now scheduled for completion in FY 2012, given competing regulatory priorities.

OSHA began implementation of a Human Capital Strategy to assist in the succession planning and leadership development necessary to revitalize the agency and meet staffing needs. The agency also completed aggressive hiring to bolster staffing for CSHOs, whistleblower investigators, and other key positions.

EXECUTIVE DIRECTION

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2011 Comparable		FY 2012 Enacted	FY 2013 Request
	Target	Result	Target	Target
Executive Direction				
Strategic Goal 2 - Ensure Workplaces Are Safe and Healthy				
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries	--		--	TBD
Committee Meetings				
NACOSH	2	2	2	2
MACOSH	3	3	3	3
ACCSH	4	2	3	3
Total	9	7	8	8
Evaluations				
Program Evaluations	1	2	1	1
Lookback Studies	2	0	1	1
Total	3	2	2	2

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

The agency's Executive Direction activity is strongly committed to developing strategic and operating plans that will carry out the Secretary's vision of *good jobs for everyone*, and putting effective performance measures in place to support the Strategic Plan outcome goal of *securing safe and healthy workplaces*. This activity will also support the agency's priority performance strategy of reducing workplace injuries, illnesses and fatalities through enforcement, standards and worker voices.

Executive direction includes leadership and administrative support coordination of policy, research, planning, evaluation, internal management, human resources, budgeting, financial control, legislative liaison, federal agency liaison and emergency preparedness.

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. These strategies and supporting evidence cover all of the agency's activities. Performance data are compiled, reviewed and analyzed on a quarterly basis. Results are discussed with program offices at the Federal level, and at the State Plan, Regional, and Area Office levels, as applicable.

OSHA 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

EXECUTIVE DIRECTION

brought about by changes in technologies, industries and demographics. The agency will continue to develop experienced safety and health compliance officers (CSHOs), whistleblower investigators, and needed 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 proficiency.

Under the Secretary's direction, OSHA undertakes strategies focused on innovation, evaluation, and improved implementation in an effort to promote worker safety and health in a competitive market economy. The Department is also conducting an evaluation of the deterrent effect of OSHA's enforcement program. The study will test the effects of interventions through its Site Specific Targeting program (inspections and high-rate letters) on workplace safety. This evaluation will help the Agency determine what intervention or combination of interventions resulted in the greatest level of deterrence.

OSHA will also conduct program evaluations and lookback studies to provide objective measurement, systematic analysis and continuous improvement in the quality of data and outcomes of agency activities. In FY 2013, OSHA will use funding at the request level to initiate and complete one new retrospective review of existing significant regulations (lookback reviews). OSHA would identify and select the best overall candidates for review that meet the statutory criteria set forth in the Regulatory Flexibility Act and Executive Order (E.O.) 12866. In addition, OSHA will "consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal" in support of President Obama's E.O. 13563.

Executive Direction also provides for input and assistance to OSHA's executives from four advisory committees – NACOSH, MACOSH, FACOSH and ACCSH. NACOSH was established under the Occupational Safety and Health Act of 1970 to advise the secretaries of labor and health and human services on occupational safety and health programs and policies. Members of the 12-person advisory committee are chosen on the basis of their knowledge and experience in occupational safety and health. These members, representing the interests of labor, management, safety and health professionals and the public, use their expertise to help resolve major issues threatening the safety and health of American workers.

MACOSH was established to address the concerns of the entire maritime community, focusing on the shipyard and marine cargo (longshoring) handling industries. This committee continues the efforts of the previously chartered Shipyard Employment Standards Advisory Committee (SESAC) and provides a forum for ongoing discussions with the marine cargo handling community. The specific objectives of this committee are to make recommendations on issues related to: (1) reducing injuries and illnesses in the maritime industries, (2) improving OSHA outreach and training programs through the use of innovative partnerships, and (3) expediting the development and promulgation of OSHA maritime standards. This supports the goals of securing a safe and healthy workplace.

ACCSH is authorized to advise the Secretary of Labor and Assistant Secretary of Labor for Occupational Safety and Health in the formulation of standards affecting the construction

EXECUTIVE DIRECTION

industry and on policy matters arising in the administration of the safety and health provisions of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3701 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

FACOSH is a source for federal agency safety and health programs and policies. The work of the Advisory Council uses the expertise of its members, and the costs and salaries for FACOSH members are entirely borne by the participating federal agencies. FACOSH's objective is to reduce and keep to a minimum the number and severity of injuries and illnesses in the Federal Government.

EXECUTIVE DIRECTION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2011 Comparable	FY 2012 Enacted	FY 2013 Request	Diff. FY13 Req./ FY12 Enacted
11.1	Full-time permanent	7,683	7,683	7,734	51
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	234	234	235	1
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	7,917	7,917	7,969	52
12.1	Civilian personnel benefits	1,604	1,604	1,619	15
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	136	136	136	0
22.0	Transportation of things	3	3	3	0
23.1	Rental payments to GSA	396	424	452	28
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	80	80	80	0
24.0	Printing and reproduction	214	237	237	0
25.1	Advisory and assistance services	139	139	139	0
25.2	Other services from non-Federal sources	207	134	75	-59
25.3	Other goods and services from Federal sources 1/	525	525	525	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	186	186	186	0
26.0	Supplies and materials	78	78	78	0
31.0	Equipment	28	28	28	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	11,513	11,491	11,527	36
	1/Other goods and services from Federal sources				
	Working Capital Fund	491	491	491	0
	Services by Other Government Departments	34	34	34	0

EXECUTIVE DIRECTION

CHANGES IN FY 2013

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$30
Personnel benefits	6
One day more of pay	31
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	28
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-59
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	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 **\$36**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$11,527	49