

**FY 2009**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

*For necessary expenses for the Occupational Safety and Health Administration, [\$494,641,000] \$501,674,000, including not to exceed \$91,093,000 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 of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 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 [grants] 1/: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2009, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—*

*(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;*

*(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:*

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*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 \$10,116,000 shall be available for Susan Harwood training grants, of which \$3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act] 2/: [Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.] 3/*

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## EXPLANATION OF LANGUAGE CHANGE

- 1/ This provision provides a mechanism for OSHA to utilize training institute tuition for training grants. The suggested change would provide greater flexibility and allow OSHA to use this tuition for the various training and education programs OSHA oversees, and not just training grants.
- 2/ The agency is proposing to eliminate the Harwood Grants in FY 2009 to maximize flexibility and use alternative methods in the development and distribution of training materials, and to reach the broadest possible audience by taking advantage of ever-changing technologies to meet the needs of employers.
- 3/ The agency is proposing to eliminate the reporting requirements for the regulatory activities listed in H.R. 2764 and instead report on the progress of its rulemaking and guidance work through the semiannual regulatory agenda.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## ANALYSIS OF APPROPRIATION LANGUAGE

### Language Provision

### Explanation

" ... including not to exceed \$91,093,000 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 \$750,000 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 \$750,000 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, 2009, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace:"

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



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE for OBLIGATION</b>						
(Dollars in Thousands)						
<b>FY 2007</b>						
	<b>Comparable</b>		<b>FY 2008 Estimate</b>		<b>FY 2009 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>2,165</b>	<b>486,925</b>	<b>2,165</b>	<b>494,641</b>	<b>2,165</b>	<b>501,674</b>
Reduction pursuant to P.L. 110-161...	0	0	-47	-8,641	0	0
<b>A. 1. Subtotal, Appropriation (adjusted)...</b>	<b>2,165</b>	<b>486,925</b>	<b>2,118</b>	<b>486,000</b>	<b>2,165</b>	<b>501,674</b>
Offsetting Collections From:	0	0	0	0	0	0
Reimbursements	4	1,292	8	2,207	8	2,207
Comparative Transfer To:	0	0	0	0	0	0
Working Capital Fund for consolidation of IT resources (25.3)	0	228	0	228	0	0
Comparative Transfer From:	0	0	0	0	0	0
Contract resources for consolidation of IT resources (25.1)	0	-228	0	-228	0	0
<b>A. 2. Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>B. Gross Budget Authority...</b>	<b>2,169</b>	<b>488,217</b>	<b>2,126</b>	<b>488,207</b>	<b>2,173</b>	<b>503,881</b>
Offsetting Collections deduction:	0	0	0	0	0	0
Advances and Reimbursements	-4	-1,292	-8	-2,207	-8	-2,207
<b>C. Budget Authority Before Committee...</b>	<b>2,165</b>	<b>486,925</b>	<b>2,118</b>	<b>486,000</b>	<b>2,165</b>	<b>501,674</b>
Offsetting Collections From:	0	0	0	0	0	0
Reimbursements...	3	1,292	7	2,207	7	2,207
Allocation FTE	1	0	1	0	1	0
<b>D. Total Budgetary Resources</b>	<b>2,169</b>	<b>488,217</b>	<b>2,126</b>	<b>488,207</b>	<b>2,173</b>	<b>503,881</b>
Unobligated Balance Expiring	-110	0	0	0	0	0
<b>E. Total, Estimated Obligations</b>	<b>2,059</b>	<b>488,217</b>	<b>2,126</b>	<b>488,207</b>	<b>2,173</b>	<b>503,881</b>

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2008 Estimate	FY 2009 Request	Net Change
<b>Budget Authority</b>			
General Funds	486,000	501,674	+15,674
Trust Funds	0	0	0
<b>Total</b>	486,000	501,674	+15,674
<b>Full Time Equivalents</b>			
General Funds	2,118	2,165	+47
Trust Funds	0	0	0
<b>Total</b>	2,118	2,165	+47

Explanation of Change	FY 2008 Base		Trust Funds		FY 2009 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	2,118	180,579	0	0	0	6,100	0	6,100
Personnel benefits	0	46,776	0	0	0	1,248	0	1,248
Federal Employees Compensation Act (FECA)	0	0	0	0	0	277	0	277
Travel	0	9,793	0	0	0	0	0	0
Transportation of things	0	204	0	0	0	0	0	0
GSA Space Rental	0	21,352	0	0	0	427	0	427
Communications, utilities & miscellaneous charges	0	4,016	0	0	0	0	0	0
Printing and reproduction	0	955	0	0	0	0	0	0
Other services	0	85,123	0	0	0	0	0	0
Working Capital Fund	0	24,508	0	0	0	4,192	0	4,192
Purchase of goods and services from other Government accounts	0	5,479	0	0	0	0	0	0
Supplies and materials	0	3,826	0	0	0	0	0	0
Equipment	0	4,444	0	0	0	0	0	0
Training Grants	0	9,443	0	0	0	0	0	0
State Programs Grants	0	89,502	0	0	0	0	0	0
<b>Built Ins Subtotal</b>	<b>2,118</b>	<b>486,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,244</b>	<b>0</b>	<b>12,244</b>
<b>B. Programs:</b>								
To restore funds for costs that were not provided under the Omnibus level in 2008.	0	0	0	0	47	13,720	47	13,720
<b>Programs Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>+47</b>	<b>+13,720</b>	<b>+47</b>	<b>+13,720</b>
<b>C. Financing:</b>								
<b>Total Increase</b>	<b>+2,118</b>	<b>+486,000</b>	<b>0</b>	<b>0</b>	<b>+47</b>	<b>+25,964</b>	<b>+47</b>	<b>+25,964</b>

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Explanation of Change	FY 2008 Base		Trust Funds		FY 2009 Change General Funds		Total	
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
One day less of Pay	0	0	0	0	0	-847	0	-847
<b>Built Ins Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-847</b>	<b>0</b>	<b>-847</b>
<b>B. Programs:</b>								
This change reflects the proposed elimination of the Susan Harwood Training Grants Program								
	0	0	0	0	0	-9,443	0	-9,443
<b>Programs Subtotal</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>-9,443</b>	<b>0</b>	<b>-9,443</b>
<b>C. Financing:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-10,290</b>	<b>0</b>	<b>-10,290</b>
<b>Total Change</b>	<b>+2,118</b>	<b>+486,000</b>	<b>0</b>	<b>0</b>	<b>+47</b>	<b>+15,674</b>	<b>+47</b>	<b>+15,674</b>

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## SUMMARY BUDGET AUTHORITY and FTE by ACTIVITY

(Dollars in Thousands)

	FY 2007 Comparable		FY 2008 Estimate		FY 2009 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>Safety and Health Standards</b>	<b>78</b>	<b>16,892</b>	<b>78</b>	<b>16,597</b>	<b>83</b>	<b>17,204</b>
General Funds	78	16,892	78	16,597	83	17,204
<b>Federal Enforcement</b>	<b>1,504</b>	<b>176,973</b>	<b>1,537</b>	<b>182,631</b>	<b>1,542</b>	<b>194,000</b>
General Funds	1,504	176,973	1,537	182,631	1,542	194,000
<b>State Programs</b>	<b>0</b>	<b>91,093</b>	<b>0</b>	<b>89,502</b>	<b>0</b>	<b>91,093</b>
General Funds	0	91,093	0	89,502	0	91,093
<b>Technical Support</b>	<b>96</b>	<b>22,392</b>	<b>97</b>	<b>21,681</b>	<b>105</b>	<b>22,632</b>
General Funds	96	22,392	97	21,681	105	22,632
<b>Compliance Assistance-Federal</b>	<b>292</b>	<b>72,659</b>	<b>324</b>	<b>71,389</b>	<b>348</b>	<b>76,541</b>
General Funds	292	72,659	324	71,389	348	76,541
<b>Compliance Assistance-State Consultations</b>	<b>0</b>	<b>53,357</b>	<b>0</b>	<b>52,425</b>	<b>0</b>	<b>54,531</b>
General Funds	0	53,357	0	52,425	0	54,531
<b>Compliance Assistance-Training Grants</b>	<b>0</b>	<b>10,116</b>	<b>0</b>	<b>9,443</b>	<b>0</b>	<b>0</b>
General Funds	0	10,116	0	9,443	0	0
<b>Safety and Health Statistics</b>	<b>37</b>	<b>32,274</b>	<b>35</b>	<b>31,523</b>	<b>38</b>	<b>34,128</b>
General Funds	37	32,274	35	31,523	38	34,128
<b>Executive Direction</b>	<b>48</b>	<b>11,169</b>	<b>47</b>	<b>10,809</b>	<b>49</b>	<b>11,545</b>
General Funds	48	11,169	47	10,809	49	11,545
<b>Total</b>	<b>2,055</b>	<b>486,925</b>	<b>2,118</b>	<b>486,000</b>	<b>2,165</b>	<b>501,674</b>
General Funds	2,055	486,925	2,118	486,000	2,165	501,674

NOTE: FY 2007 reflects actual FTE.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY by OBJECT CLASS</b>				
(Dollars in Thousands)				
	<b>FY 2007 Comparable</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Request</b>	<b>FY 09 Request/FY 08 Estimate</b>
Total Number of Full-Time Permanent Positions	2,189	2,142	2,189	47
Full-Time Equivalent				
Full-time Permanent	2,055	2,118	2,165	47
Other	0	0	0	0
Reimbursable	4	8	8	0
Total	2,059	2,126	2,173	47
Average ES Salary	157,000	161,000	162,500	1500
Average GM/GS Grade	11.7	11.7	11.7	0
Average GM/GS Salary	80,000	82,000	85,000	3000
Average Salary of Ungraded Positions	N/A	N/A	N/A	
11.1 Full-time permanent	169,739	173,619	188,001	14382
11.3 Other than full-time permanent	2,436	1,851	1,875	24
11.5 Other personnel compensation	5,400	5,109	5,087	-22
11.8 Special personal services payments	0	0	0	0
11.9 Total personnel compensation	177,575	180,579	194,963	14384
12.1 Civilian personnel benefits	45,998	46,776	49,320	2544
13.0 Benefits for former personnel	0	0	0	0
21.0 Travel and transportation of persons	9,861	9,793	9,972	179
22.0 Transportation of things	204	204	204	0
23.1 Rental payments to GSA	21,515	21,352	21,779	427
23.2 Rental payments to others	0	4,016	3,673	-343
23.3 Communications, utilities, and miscellaneous charges	4,016	0	0	0
24.0 Printing and reproduction	955	955	955	0
25.1 Advisory and assistance services	2,480	2,480	2,480	0
25.2 Other services	72,261	71,304	75,166	3862
25.3 Other purchases of goods and services from Government accounts 1/	31,242	29,987	33,221	3234
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	11,339	11,339	11,109	-230
26.0 Supplies and materials	3,826	3,826	3,426	-400
31.0 Equipment	4,444	4,444	4,313	-131
41.0 Grants, subsidies, and contributions	101,209	98,945	91,093	-7852
42.0 Insurance claims and indemnities	0	0	0	0
<b>Total</b>	<b>486,925</b>	<b>486,000</b>	<b>501,674</b>	<b>15,674</b>
1/Other Purchases of Goods and Services From Government Accounts				
DHS Services	3,180	3,219	3,340	121
Working Capital Fund	25,763	24,508	28,192	3684
Census Services	0	0	0	0

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY by STRATEGIC GOAL</b>					
(Dollars in Thousands)					
Performance Goal	DOL Strategic Goal 1: A Prepared Workforce	DOL Strategic Goal 2: A Competitive Workforce	DOL Strategic Goal 3: Safe and Secure Workplaces	DOL Strategic Goal 4: Strengthened Economic Protections	Total Budget Authority
<b>Performance Goal 3A</b>					
Safety and Health Standards	0	0	17,760	0	17,760
Federal Enforcement	0	0	200,264	0	200,264
State Programs	0	0	91,356	0	91,356
Technical Support	0	0	24,553	0	24,553
Compliance Assistance-Federal	0	0	79,230	0	79,230
Compliance Assistance-State	0	0	54,688	0	54,688
Safety and Health Statistics	0	0	36,030	0	36,030
<b>Agency Total</b>	<b>0</b>	<b>0</b>	<b>503,881</b>	<b>0</b>	<b>503,881</b>

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### TOTAL BUDGETARY RESOURCES (Dollars in thousands)

	FY 2007 Comparable				FY 2008 Estimate				FY 2009 Request			
	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total
<b>Occupational Safety and Health Administration</b>	<b>486,925</b>	<b>0</b>	<b>1,292</b>	<b>488,217</b>	<b>486,000</b>	<b>0</b>	<b>2,207</b>	<b>488,207</b>	<b>501,674</b>	<b>0</b>	<b>2,207</b>	<b>503,881</b>
Safety and Health Standards	16,892	567	0	17,459	16,597	533	0	17,130	17,204	556	0	17,760
Federal Enforcement	176,973	5,941	0	182,914	182,631	5,865	0	188,496	194,000	6,264	0	200,264
State Programs	91,093	228	0	91,321	89,502	269	0	89,771	91,093	263	0	91,356
Technical Support	22,392	752	501	23,645	21,681	696	1,190	23,567	22,632	731	1,190	24,553
Compliance Assistance-Federal	72,659	2,439	26	75,124	71,389	2,292	65	73,746	76,541	2,472	217	79,230
Compliance Assistance-State Consultations	53,357	133	0	53,490	52,425	142	0	52,567	54,531	157	0	54,688
Compliance Assistance-Training Grants	10,116	25	36	10,177	9,443	0	152	9,595	0	0	0	0
Safety and Health Statistics	32,274	1,084	729	34,087	31,523	1,012	800	33,335	34,128	1,102	800	36,030
Compliance Assistance-State	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sub Total</b>	<b>475,756</b>	<b>11,169</b>	<b>1,292</b>	<b>488,217</b>	<b>475,191</b>	<b>10,809</b>	<b>2,207</b>	<b>488,207</b>	<b>490,129</b>	<b>11,545</b>	<b>2,207</b>	<b>503,881</b>
Executive Direction	11,169	-11,169	0	0	10,809	-10,809	0	0	11,545	-11,545	0	0
<b>Total</b>	<b>486,925</b>	<b>0</b>	<b>1,292</b>	<b>488,217</b>	<b>486,000</b>	<b>0</b>	<b>2,207</b>	<b>488,207</b>	<b>501,674</b>	<b>0</b>	<b>2,207</b>	<b>503,881</b>

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

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

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## Occupational Safety and Health Administration Summary of Performance

Budget Activities, Performance Goal and Indicators	2007		2008		2009	
	Target	Result	Target	Result	Target	Result
<i>FY 2006 - FY 2011 Strategic Plan Goals</i>	Target	Result	Target	Result	Target	Result
<b>Performance Goal 3A - Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards</b>						
Reduce the rate of workplace injuries and illnesses from CY 2005 <sup>a</sup>	2.3	<sup>c</sup>	2.3		2.2	
Reduce the rate of workplace fatalities from FY 2006 <sup>b</sup>	1.73	1.58	1.58		1.57	
<b>Baselines:</b> FY 2006 - FY 2011 Strategic Plan - The baseline for the fatality goal is 1.75 OSHA-inspected fatalities per 100,000 workers, which was the fatality rate in FY 2006. The baseline for the injury/illness goal is 2.4 cases involving days away from work, job restriction, or job transfer per 100 workers (DART), which was the DART rate in CY 2005.						
<b>Data sources:</b> Injury/illness goal - Bureau of Labor Statistics (BLS) Annual Survey of Occupational Injuries and Illnesses (ASOII). Fatality goal - OSHA Integrated Management Information Systems (IMIS), Bureau of Labor Statistics (BLS) Current Employment Statistics (CES).						
<b>Comments:</b> <sup>a</sup> Rate of workplace injuries and illnesses measured using the BLS rate of injuries and illnesses involving days away from work, job restriction, or job transfer (DART); the previous Strategic Plan used the BLS rate of injuries and illnesses involving days away from work (DAFW); <sup>b</sup> Fatality results reflect annual data; the previous Strategic Plan reflected a three-year average; <sup>c</sup> The 2006 BLS DART rate was 2.3. The 2007 DART rate will be available in October of 2008.						



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

### **Process Safety Management**

House: The Committee appropriated funding for an additional 47 federal compliance safety and health officers. The Committee intends that a portion of these positions be used to reestablish the capacity to conduct comprehensive process safety management (PSM) inspections. The Committee takes note of the Chemical Safety Board recommendations following the BP Texas City disaster and believes that OSHA needs to pursue comprehensive enforcement of its process safety management standard. The additional enforcement positions not dedicated to PSM should be used to begin to rebuild and enhance OSHA's overall enforcement capacity. The Department is directed to provide quarterly reports to the Committees on Appropriations in the House and Senate on the progress of the system's implementation.

Response: OSHA has implemented a National Emphasis Program (NEP) for refineries to ensure that the process safety management (PSM) standard is being met in industry sectors that have the most fatalities and catastrophic injuries. The agency will provide quarterly reports on hiring and the recommendations of the Chemical Hazard and Safety Board as requested by the Committee.

### **Bilingual Compliance Safety and Health Officers**

House: The Committee urges OSHA to give special emphasis in its hiring and promotion activities to the number of bilingual inspectors. This action would allow OSHA to better address the disproportionately high number of injury and fatalities among immigrant workers. The Committee directs that OSHA provide reports to the House and Senate Committees on Appropriations not later than 90 days after enactment, and quarterly thereafter on OSHA's progress in filling these additional enforcement positions.

Response: OSHA has increased its hiring of bilingual staff to conduct inspections, outreach, education, and training. This has resulted in increases in the number of non-English-speaking employees and use of translation services for telephone assistance. The agency will provide reports to the Appropriations Committees on these activities.

### **Evaluation of Voluntary Compliance Strategies**

House: The Committee agrees with a March 2004 GAO report that recommended that OSHA's voluntary compliance strategies should not be expanded until they are fully evaluated. This evaluation is not possible until OSHA collects complete, comparable data that would enable a comparison of the relative effectiveness of these approaches. Therefore, the Committee directs OSHA to utilize a portion of the increased funds for

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

federal compliance assistance to develop methodologies and to collect the data necessary for a full evaluation of the effectiveness of voluntary compliance programs.

Response: OSHA utilizes complete data to identify overall trends and needs for each compliance assistance program, and has further used this data to analyze the effectiveness of the programs relative to their stated goals. The agency has examined other sources and types of data to determine both the feasibility of collection and ability to improve the understanding of program effectiveness.

## **Progress in Issuing Standards**

House: The Committee is concerned about OSHA's lack of progress in developing and issuing important safety and health standards and the repeated failures to meet the agency's timetables for action announced in the semi-annual regulatory agendas. Thus, the Committee directs the Secretary to provide to the House and Senate Appropriations Committees detailed timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization. Each of these standards has appeared on the Department's regulatory agenda over a period of years, yet deadlines have consistently slipped. In order to better understand the reasons for these delays, the reports, which shall be provided within 90 days of the enactment of this Act with updates provided every 90 days thereafter, shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

Response: OSHA will provide reports on the regulatory activities listed in House Report 110-231.

## **Ergonomics Guidelines**

House: The Committee is dissatisfied with OSHA's activities on ergonomics and the prevention of musculoskeletal disorders, which continue to be the leading cause of workplace injuries. The agency's comprehensive plan on ergonomics announced in 2002 has resulted in the issuance of only three industry guidelines, the last one issued in 2004, and only 17 general duty citations, the last one issued in 2005. The Committee directs the agency to enhance its activities by developing guidelines for the 13 other industries recommended by the national advisory committee on ergonomics in 2004, and to submit a timetable to the Committee specifying when these additional guidelines will be completed. The Committee expects the agency to step up enforcement on ergonomic hazards through the use of the general duty clause, as outlined in the Secretary of Labor's 2002 ergonomics plan, and to conduct follow-up inspections to determine if ergonomic hazards have been abated.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Response: OSHA will provide a timetable for producing ergonomics guidelines and reports of other regulatory activities requested by the Committee.

## **Personal Protective Equipment**

House: For the past four years, the Committee has included language in its report expressing disappointment and concern about the Department's lack of progress in completing rulemaking on the issue of payment for personal protective equipment (PPE), and urging OSHA to act expeditiously to issue the final rule. The Committee pointed out that the rule is particularly important for Hispanic workers who disproportionately work in low-wage hazardous jobs, and have a much higher fatality rate than other groups of workers. However, no action was taken and OSHA repeatedly missed the timetable for action set in its regulatory agenda. In response to a lawsuit filed in early 2007, OSHA has now announced that it will issue a final payment for PPE rule by the end of November 2007. However, OSHA has not committed to issue a final rule that maintains its longstanding policy that employers have the responsibility to pay for all safety equipment, with few exceptions. Given the Department of Labor's repeated failure to meet its announced deadlines, the bill includes a provision to ensure that these protections will finally be put in place.

Response: On November 15, 2007, OSHA published a final rule requiring employers to provide personal protective equipment used to comply with OSHA's standards.

## **Influenza Pandemic**

House: The Committee is dissatisfied with OSHA's lack of action to ensure that health care workers and emergency responders will be adequately protected in the event of an influenza pandemic. The Department of Labor has denied a petition for an OSHA emergency standard on grounds that a pandemic has not yet occurred. Moreover, the guidelines issued by the Department in May fail to recognize the urgency of the problem or the responsibility of employers to provide adequate protections for health care workers. In addition, reliance on guidelines instead of standards eliminates the opportunity for public review and comment. The Committee believes that it is important to plan and put protections in place before a pandemic occurs. The Committee asks that the Department reconsider the issuance of an emergency standard. The Committee directs the Department to, at a minimum, develop a permanent standard on an expedited basis to ensure that plans and measures to protect health care workers and responders from an outbreak of pandemic influenza are in place as soon as possible. The Committee directs that OSHA submit a report to the House and Senate Committees on Appropriations within 90 days of enactment, and quarterly thereafter, detailing its anticipated timeline for issuing a standard on an emergency or expedited basis, and its progress in meeting that timeline.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Response: The agency will provide quarterly reports as requested by the Committee.

## **Diacetyl**

House: The Committee also believes that the OSHA response to serious health hazards posed by exposure to the chemical diacetyl, a butter flavoring agent used in microwave popcorn and other foods is inadequate. Despite urgent warnings from NIOSH that exposure to diacetyl poses a risk of a rare and fatal lung disease (bronchiolitis obliterans) and should be controlled, and a growing number of documented cases of the disease, OSHA has failed to act. There has been no response to a petition for an emergency standard filed last year by unions and health scientists. The Committee believes this matter warrants an emergency standard, but at a minimum, OSHA should develop a permanent standard on an expedited basis. Only recently has OSHA announced it will initiate a special emphasis program, but only for those establishments that manufacture butter-flavored microwave popcorn. The Committee understands that OSHA is also in the process of finalizing a national emphasis program that will expand enforcement activities beyond microwave popcorn plants to other food manufacturing and flavoring plants where diacetyl is used or produced, and that both emphasis programs will apply existing standards (including personal protective equipment, respiratory protection, and hazard communication), as well as OSHA's general duty authority, to require that exposures to this very toxic agent be controlled. The Committee directs that OSHA submit a report to the House and Senate Committees on Appropriations within 90 days of enactment, and quarterly thereafter, detailing its anticipated timeline for issuing a diacetyl standard on an emergency or expedited basis, and its progress in meeting that timeline. The Committee also requests that a separate report be provided no later than March 1, 2008, on the special and national emphasis programs, detailing the number of establishments inspected, citations issued, and follow-up activities taken to ensure that hazardous conditions are abated.

Response: OSHA will issue reports in accordance with the timelines set by the Committees on the agency's actions involving diacetyl.

## **Susan Harwood Training Grant Program**

House: The bill includes \$10,116,000 for the Susan Harwood training grant program, which is the same as the fiscal 2007 level. This program was not included in the budget request. The Committee is concerned that OSHA has again proposed elimination of this program, which supports worker safety and health training and education programs that are an important component of a comprehensive approach to worker protection. Within these funds, the bill provides \$3,200,000 to extend funding for the

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

institutional competency building training grants which commenced in September 2000 for program activities for the October 1, 2007, to September 30, 2008, period, provided that the grantees demonstrate satisfactory performance.

Response: The agency will issue \$3,200,000 in institutional competency building grants to grantees that demonstrated satisfactory performance in Fiscal Year 2007.

## **Process Safety Management**

Senate: The Committee appropriated an additional \$11 million for federal enforcement. The Committee directs a portion of these additional funds to address the recommendations of the Chemical Safety and Hazard Investigation Board's related to the March 2005 Texas City refinery explosion, including: conducting comprehensive inspection of facilities at the greatest risk of catastrophic accident and hiring or developing new, specialized inspectors capable to enforce the process safety management standard. Funds not used for this purpose shall be directed toward rebuilding the overall enforcement capacity at OSHA through the hiring of new inspectors. Not later than 30 days after the date of enactment of this act, the Committee directs OSHA to provide a report on its plan for meeting the Board's recommendations and the Committee's intent in providing these additional funds, and quarterly reports thereafter on progress toward implementing this plan.

Response: OSHA implemented a National Emphasis Program (NEP) for refineries to ensure that the process safety management (PSM) standard is being met in industry sectors that have the most fatalities and catastrophic injuries. The agency will provide quarterly reports on hiring and addressing the recommendations of the Chemical Safety and Hazard Investigation Board as requested by the Committee.

## **Progress in Issuing Standards**

Senate: The Committee also is concerned about the pace of occupational safety and health standards setting at OSHA, which has essentially drawn to a halt despite planned timetables announced in its regulatory agendas. In a number of areas, including the personal protective equipment standard which has been in development for 8 years, and the diacetyl standard, OSHA has not met its own deadlines for developing and issuing occupational health and safety standards. The Committee directs OSHA to provide a detailed timetable for planned actions on occupational health and safety standards not later than 30 days after enactment of this act and quarterly reports thereafter on progress on implementing the plan, including an explanation of any deviations from the initial timetable provided to the Committee.

Response: OSHA will provide reports as requested.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## Influenza Pandemic

Senate: Over the past 2 years, the Committee has provided \$5,620,000,000 to prepare for the outbreak of an influenza pandemic and includes an additional \$888,000,000 in this bill for that purpose. However, despite this sense of urgency for the Committee and other executive branch agencies, the Committee notes the Department believes that in order to issue an emergency standard to protect the health and safety of healthcare workers and emergency responders the United States needs to be in the midst of an influenza pandemic. The Committee is troubled by this interpretation and urges OSHA to reconsider the standard-setting actions it can take on an emergency or expedited basis related to an influenza pandemic. The Committee requests a letter report not later than July 31, 2007 detailing the Department's reconsideration of this issue and a plan for developing and issuing a standard on this issue.

Response: The agency will provide a letter report to the Committee that includes a plan for developing and issuing a standard on this issue.

## Personal Protective Equipment

Senate: The Committee is dissatisfied with the lack of progress on OSHA's regulation concerning Employer Payment for Personal Protective Equipment, the public comment period for which ended over 7 years ago. This is particularly important for Hispanic workers and immigrant workers who experience a disproportionate and growing number of injuries and fatalities. The Committee expects the Secretary to issue a final standard before November 30, 2007 that is at least as protective as the one promulgated in 1999.

Response: On November 15, 2007, OSHA published a final rule requiring employers to provide personal protective equipment used to comply with OSHA's standards.

## Ergonomics Guidelines

Senate: The Committee notes that, in 2005, there were 375,540 serious ergonomic injuries resulting in time off the job reported by employers. The Committee is concerned that the Department has failed to make sufficient progress on its comprehensive plan to address ergonomic injuries, which included industry-targeted guidelines and tough enforcement measures. Despite this commitment, the Department only issued one ergonomic citation over the past 2 years and 3 of 16 guidelines. Since 2004, the Department has almost abandoned any action on its announced plan. The Committee directs OSHA to provide not later than 30 days after the date of enactment of this act a report to the Committee detailing the specific steps it will take to complete the

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

issuance of the remaining guidelines and actions to practice the tough enforcement measures. This report should include a timeframe by which all 16 guidelines will be issued and for the implementation of increased enforcement on this issue.

Response: OSHA will provide a report and timetable for producing ergonomics guidelines and implementation of enforcement efforts.

### **Susan Harwood Training Grants**

Senate: The Committee believes that OSHA's worker safety and health training and education programs, including the grant program that supports such training, are a critical part of a comprehensive approach to worker protection. The Committee is concerned that OSHA has again cut funding to help establish ongoing worker safety and health training programs and has therefore restored the Susan Harwood training grant program to \$10,116,000. Bill language specifies that no less than \$3,200,000 shall be used to maintain the existing institutional competency building training grants, provided that grantees demonstrate satisfactory performance.

Response: The agency will issue \$3,200,000 in institutional competency building grants to grantees that demonstrated satisfactory performance in Fiscal Year 2007.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## AUTHORIZING STATUTES

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



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION HISTORY (Dollars in Thousands)

	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
1999....1/	355,045	336,678	348,983	354,129	2,154
2000....2/	388,142	337,408	388,142	381,620	2,160
2001....3/	425,983	381,620	425,983	425,386	2,370
2002....4/	425,835	435,307	450,262	443,897	2,300
2003....5/	448,705	0	469,604	450,310	2,260
2004....6/	450,008	450,008	463,324	457,540	2,220
2005....7/	461,599	461,599	468,645	464,156	2,200
2006....8/	466,981	477,199	477,491	472,427	2,165
2007	483,667	0	0	486,925	2,165
2008....9/	490,277	486,000	486,000	486,000	2,118
2009	501,674	0	0	0	2,165

1/ Reflects a \$608 reduction pursuant to P.L. 106-51 and a transfer of \$1,737 from the Y2K Contingent.

2/ Reflects a \$539 reduction pursuant to P.L. 106-113 and a transfer of \$159 from the Y2K Contingent.

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

4/ Reflects a \$754 reduction pursuant to P.L. 107-116 and 107-206.

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

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

7/ Reflects a \$3953 reduction pursuant to P.L. 108-447.

8/ Reflects a \$4722 reduction pursuant to P.L. 108-148.

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

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## Overview

### Introduction

OSHA's mission, as defined in its authorizing legislation (P.L. 91-596, the Occupational Safety and Health Act of 1970), is to assure so far as possible every working man and woman in the American workplace safe and healthful working conditions. OSHA's responsibilities extend to over 7.5 million private sector establishments and 200,000 major construction worksites, employing more than 114 million people. Federal OSHA also covers approximately 2.7 million Federal employees, while State Programs, providing comparable protections and services, cover over 7.7 million state and local government employees. OSHA utilizes all of its programs, including workplace inspections, compliance assistance, training and education, consultation services, and the issuance of standards and guidance, to achieve its mission. OSHA provides its services both directly and through collaboration and cooperation with state agencies and a wide array of organizations interested in occupational safety and health.

OSHA's mission supports the Department of Labor's strategic goal of Safe and Secure Workplaces. In FY 2009, OSHA is requesting \$501,674,000 and 2,165 FTE. This funding supports the agency's overarching performance goal to improve workplace safety and health. Achievement of this goal will be measured through a variety of performance indicators that will assess reductions in the rate of workplace injuries, illnesses and fatalities; increase enforcement and compliance assistance interventions in high hazard industries and those that employ non-English speaking workers or other vulnerable worker populations; and increase participation in cooperative programs to assist employers demonstrating a commitment to worker safety and health.

Results indicate that OSHA's strategies are working. Since 2001, the agency has a balanced approach combining aggressive enforcement, cooperative programs, outreach, education and compliance assistance that has contributed to a 19% reduction in overall occupational injury and illness rates. The overall fatality rate has declined by 8%, with a 10% decline among Hispanic employees. The FY 2009 budget request represents efforts to continue this trend and focus resources on hazards and industries where they are most needed.

OSHA created two new long-term performance indicators in conjunction with the Department's FY 2006 – 2011 Strategic Plan and the agency's CY 2007 PART Review. These outcome-oriented measures are to reduce the rate of workplace injuries and illnesses from the FY 2006 baseline and to reduce the rate of workplace fatalities from the FY 2006 baseline. The rate of workplace injuries and illnesses is measured by the DART (Days Away from work, restricted work activity, and/or job transfer) rate. The rate of workplace fatalities is measured by the rate of OSHA-investigated deaths among workers covered by the Occupational Safety and Health (OSH) Act. These performance measures will be analyzed both on a long-term basis (over the five years of the Strategic Plan) and on an annual basis (as measured through the agency's annual operating plan and through the Department's Annual Performance and Accountability Report).

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Included in the FY 2009 budget request is a proposal to increase resources for the Occupational Safety and Health Information System (OIS) by redirecting inflationary increases provided in the FY 08 agency request level. OSHA has recently completed conceptual planning, and is positioned to move into system design, development and testing. Continued development of OIS is critical to allow the agency to support business process management and improve the handling of case files and to do improved sampling. OIS will help to improve the performance of the agency by targeting the most dangerous worksites, and providing tools to identify trends in occupational fatalities, injuries and illnesses. Once OIS is fully implemented, the agency will have an enhanced ability to more quickly identify local trends unique to states or counties, and to predict emerging trends such as new hazardous chemicals affecting workers. Unlike the current system, the analytical tools employed by OIS will have the capacity to recognize and detect events and occurrences that are unique to specific industry sectors and geographical areas, and, therefore, will be an improvement over the current system by allowing better targeting of resources.

The President's Management Agenda (PMA) is acknowledged in OSHA's budget request. The agency takes seriously the commitment to the PMA and has achieved green progress and status scores for the five primary components. In addition, as part of the e-Gov initiative in the PMA, OSHA is leading the e-Training effort for the Department, piloting and developing an on-line system that supports professional development and delivery of learning. This pilot began with OSHA in FY 2007. OSHA staff are supporting further DOL rollouts over the next year.

OSHA's FY 2009 budget proposal is also rooted in the Department's Strategic Plan. OSHA will continue to develop and revise regulations and standards under the agency's focused regulatory agenda and will continue to direct inspections and outreach at establishments and industries with the highest injury, illness, and fatality rates. As part of OSHA's outreach effort, selected sites with high injury and illness rates will be notified in writing of available services for addressing workplace hazards. OSHA is focused on the ultimate goal of eliminating injuries, illnesses and fatalities by demonstrating national leadership in three priority areas: strong, fair and effective enforcement; outreach, education and compliance assistance; and partnerships and cooperative programs.

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

<b>PERFORMANCE GOALS AND INDICATORS</b>										
[Performance Goal 3A - Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards]										
	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved (DAFW); Goal Not Achieved (Fatalities)		Goal Achieved (DAFW); Goal Not Achieved (Fatalities)		Goal Achieved (DAFW); Goal Not Achieved (Fatalities)		Goal Achieved (Fatalities)			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Days away from work (DAFW) case rate per 100 workers*	1.5	1.4	1.5	1.4	1.4	1.3				
Workplace fatalities per 100,000 workers for sectors cover by the OSH Act**	1.57	1.61	1.52	1.61	1.47	1.65				
Days away from work, restricted and transferred (DART) per 100 workers							2.3	***	2.3	2.2
Workplace fatalities per 100,000 workers for sectors cover by the OSH Act							1.73	1.58	1.58	1.57
* Days away from work (DAFW) per 100 workers was discontinued and replaced with the Days away from work, restricted and transferred (DART) per 100 workers measure in 2007.										
**Fatality result reflecting a three year average rate was discontinued and replaced in 2007 with a result reflecting a one year rate.										
*** The 2006 BLS DART rate was 2.3. The 2007 DART rate will be available in October of 2008.										

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

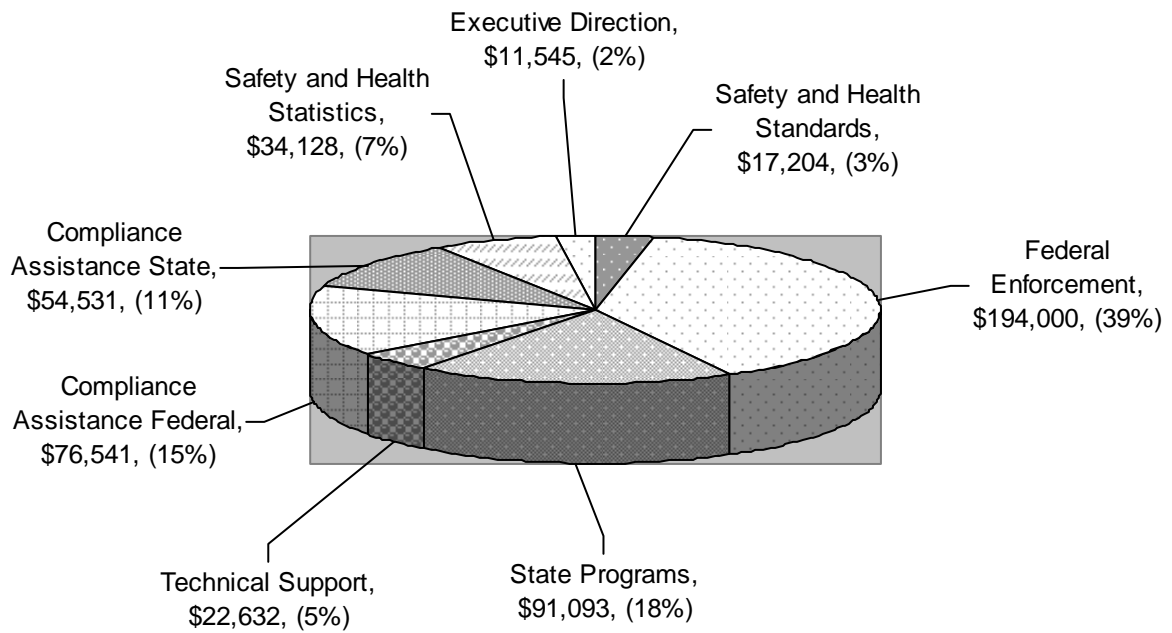
## Cost Model

OSHA's FY 2009 budget requests a total appropriation of \$501,674,000 and 2,165 FTE, an increase of \$15,674,000 over the FY 2008 Omnibus Level. The requested funds by budget activity for FY 2009 are displayed in the table below.

Safety and Health Standards	\$17,204,000
Federal Enforcement	194,000,000
State Programs	91,093,000
Technical Support	22,632,000
Compliance Assistance	
a. Federal	76,541,000
b. State	54,531,000
c. Training Grants	0
Safety and Health Statistics	34,128,000
Executive Direction	11,545,000
Total	\$501,674,000

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

FY 2009 Budget Request by Budget Activity  
Total OSHA Budget Request \$501,674,000  
(Dollars in Thousands)



# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## Program Assessment Rating Tool (PART)

OSHA recently underwent a PART reassessment in CY 2007, and developed an improvement plan to enhance the performance of the program over the next several years. Details of this PART review can be seen at:

<http://www.whitehouse.gov/omb/expectmore/summary/10000336.2007.html>.

## Efficiency Measures

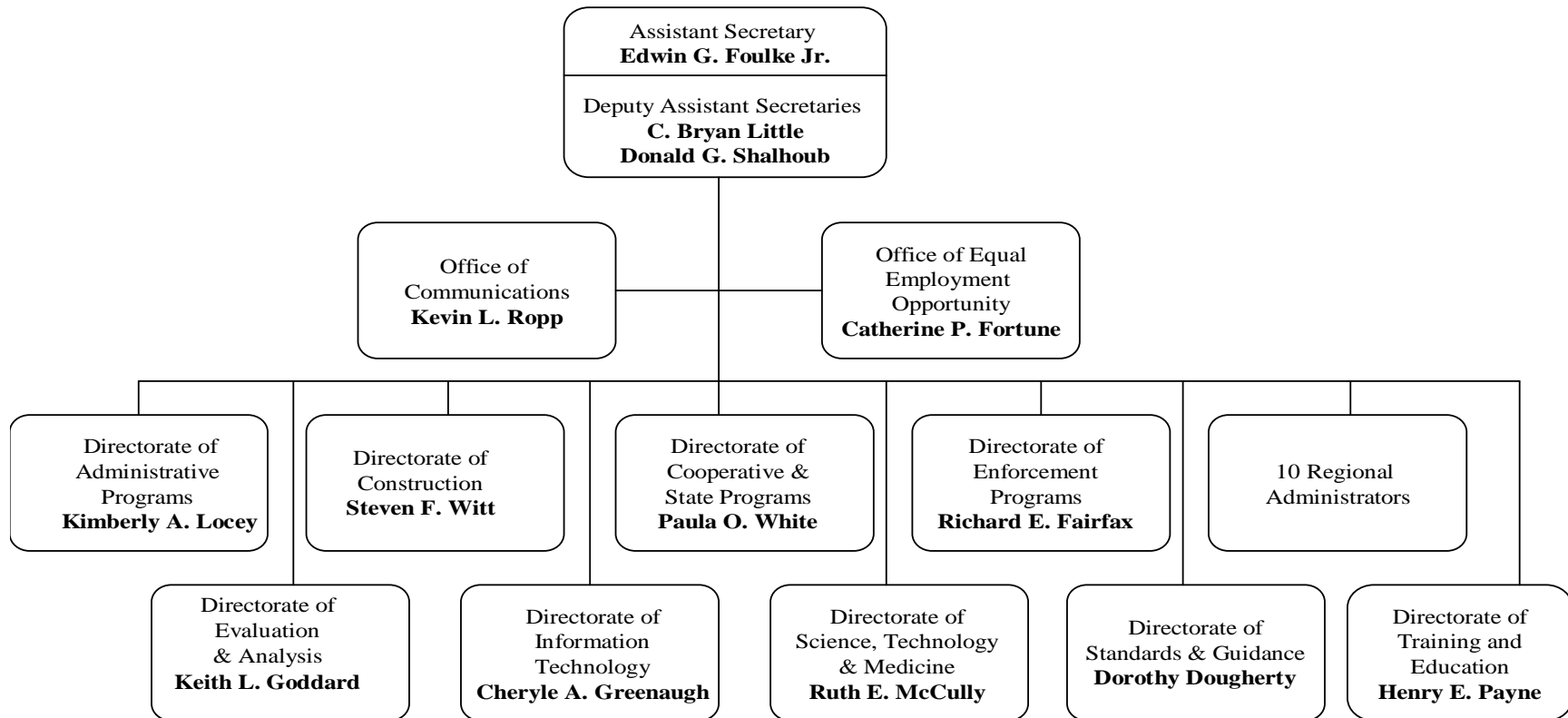
OSHA measures its efficiency through a measure related to inspections – inspections per CSHO.

<u>Program</u>	<u>Efficiency Measure</u>	<u>FY 2009 Target</u>
Federal Enforcement	Inspections Per CSHO	37.81

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## ORGANIZATION CHART

### Occupational Safety and Health Administration



November 2007



## SAFETY AND HEALTH STANDARDS

<b>Budget Authority Before the Committee</b>						
(Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>16,892</b>	<b>16,597</b>	<b>16,597</b>	<b>-295</b>	<b>17,204</b>	<b>607</b>
<b>FTE</b>	<b>78</b>	<b>78</b>	<b>78</b>	<b>0</b>	<b>83</b>	<b>5</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 83.

### **Introduction**

The development of occupational safety and health standards and guidance is a key component to achieving the goal of the OSH Act: to assure that every American worker, so far as possible, has safe and healthful working conditions. These regulatory (standards) and non-regulatory (guidance) activities cover a wide variety of occupational safety and health hazards as well as a wide variety of workplace settings in general industry, construction and maritime.

The standard setting process is timely and complex, and involves many different steps and stages of review. OSHA's rules must be accompanied by analyses that establish the technological and economic feasibility and scientific basis for the standard and meet legal requirements under the OSH Act, Executive Orders and other legislation passed by Congress. Many of these analyses require extensive research efforts and solicitation of comment from the public and affected industries in order to gather the best available information for regulatory decision making. OSHA's significant and influential rules must be peer reviewed, and a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel must be conducted when the proposed regulation has the potential to significantly impact small businesses. All OSHA standards must also conform to requirements under the Data Quality Act. Once completed, OSHA standards become: (1) obligatory safety and health requirements for employers and employees; (2) the basis for Federal enforcement actions; (3) a minimum level of effectiveness for state occupational safety and health standards; and (4) a point of reference for compliance assistance and outreach efforts to reduce workplace fatalities, injuries, and illnesses.

These regulatory activities are complemented by the development of non-regulatory guidance products. These products also cover a wide variety of occupational safety and health hazards. They provide the agency with the opportunity to more expediently inform the public about new or emerging safety and health issues and ways that employers and employees can address those concerns.

## SAFETY AND HEALTH STANDARDS

### Five-Year Budget Activity History

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	15,920	85
2005	16,003	84
2006	16,462	83
2007	16,892	83
2008	16,597	78

### FY 2009

In FY 2009, OSHA will continue to work on a variety of regulatory and guidance activities. Items on the regulatory agenda vary from extensive rules, such as beryllium, to relatively small projects, which involve corrections or adjustments to existing regulatory requirements. The challenge for OSHA is to achieve progress on all of these commitments in an increasingly complicated environment that involves significant new requirements for completing the rulemaking process. The FY 2008 appropriation for OSHA mandates an extremely aggressive schedule for the agency's rulemaking activities, such as required reporting on progress in issuing rules for beryllium, silica, and cranes and derricks that will tax limited resources and further strain the agency's regulatory commitments. OSHA's FY 2009 request for this activity includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

In FY 2009, OSHA expects to issue Notices of Proposed Rulemaking (NPRM) for beryllium, hazard communication (globally harmonized system), walking and working surfaces, and power presses. OSHA anticipates that a SBREFA panel review will be conducted for ionizing radiation. The agency expects to issue final rules for vertical tandem lifts, electrical transmission and distribution, and Phase III of the standards improvement project.

In addition to continuing work on regulatory agenda items, OSHA will develop non-regulatory guidance. More than 20 guidance products are in development at any given time and address a wide range of occupational safety and health topics. They vary from guidance products, such as Quick Cards, which give employers and employees brief information about a specific topic, to documents over 100 pages in length that treat a topic in detail and provide extensive guidance. These guidance documents are subject to many of the same constraints as rulemaking projects, such as undergoing legal review, obtaining input from the public, and administrative review at several levels of government.

The agency also must address 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. In each budget year, approximately 30-35 reviews are completed, including re-evaluating the burdens associated with the requirements, soliciting public input, and obtaining clearance from the Office of Management and Budget to continue enforcing the requirements.

In both its regulatory and non-regulatory efforts, the agency will use a comprehensive and common sense approach to ensure that safety and health hazards are effectively addressed and

## **SAFETY AND HEALTH STANDARDS**

communicated in American workplaces. OSHA will work with its stakeholders, consensus standard setting organizations, its Federal partners, and other interested parties to identify ways to enhance the development and dissemination of safety and health hazard information to help ensure its utility and accessibility for employers and employees.

In FY 2008, OSHA will continue work on rulemaking issues affecting a wide range of occupational safety and health hazards. On November 15, 2007, the agency published a final rule requiring employers to pay for personal protective equipment used to comply with OSHA's standards, and on December 14, 2007, OSHA published a direct final rule to remove several obsolete references to outdated consensus standards.

As with prior rulemakings, OSHA expects the promulgation of these rules to lead to safer workplaces. In FY 2007 OSHA completed a review of the agency's Excavations Standard (29 CFR part 1926, Subpart P). The review found that the annual number of trenching and excavation fatalities has declined from an estimated 90 fatalities per year prior to the enactment of the 1989 Standard to approximately 70 per year since 1990. This 22% reduction was achieved as construction activity increased by 20% over this period. Therefore, in relation to increased construction activity, fatalities have been reduced by more than 40% since issuance of the Excavations Standard.

OSHA has issued two Notices of Proposed Rulemaking to date in FY 2008, for confined spaces in construction and for general working conditions in shipyards. OSHA expects to issue two more proposed rules this fiscal year, for cranes and derricks and for phase III of the agency's standards improvement project.

In addition, OSHA anticipates that SBREFA panel reviews will be completed for beryllium and diacetyl in food flavorings. The agency expects to issue two final actions to update consensus standard references in its abrasive wheel and acetylene standards, and in its design standards for personal protective equipment.

In FY 2007, OSHA developed cost-effective workplace standards with a goal of improving the level of understanding for those affected by the rules. The agency issued Notices of Proposed Rulemaking for explosives and a consensus standards update on personal protective equipment. The agency issued final rules on subpart S (electrical safety) and a consensus standards update of the maritime fire protection rule. OSHA also completed a SBREFA Panel Report for the cranes and derricks rulemaking. In addition, the agency published several pre-proposal notices including Advance Notices of Proposed Rulemaking for phase III of the standards improvement project and for a revision of the power presses standard, and Requests for Information on ionizing radiation and emergency response and preparedness.

# SAFETY AND HEALTH STANDARDS

## WORKLOAD SUMMARY

	FY 2007 Actual	FY 2008 Estimate	FY 2009 Estimate
Notices of Proposed Rulemaking	2	4	4
Final rules	2	5	4
Guidance/Informational Materials	8	2	3
SBREFA Reviews	1	2	1

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	248
Personnel benefits	52
One day less of Pay	-28
Transportation of things	0
GSA Space Rental	20
Communications, utilities & miscellaneous charges	0
Other services	0
Working Capital Fund	61
Training Grants	0
State Programs Grants	0

**Built Ins Subtotal** **353**

**Net Program** **254**

**Direct FTE** **5**

	Estimate	FTE
<b>Base</b>	<b>16,950</b>	<b>78</b>
<b>Program Increase</b>	<b>254</b>	<b>5</b>

## FEDERAL ENFORCEMENT

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>176,973</b>	<b>182,631</b>	<b>182,631</b>	<b>5,658</b>	<b>194,000</b>	<b>11,369</b>
<b>FTE</b>	<b>1,504</b>	<b>1,537</b>	<b>1,537</b>	<b>33</b>	<b>1,542</b>	<b>5</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 1,542.

### Introduction

This activity reflects the authority vested in OSHA by the Congress through the enforcement of Federal workplace standards under the Occupational Safety and Health (OSH) Act of 1970. Compliance with the OSH Act is obtained in part by the physical inspection of worksites and facilities, and by encouraging cooperation between employers and employees to ensure safe and healthy workplaces. Inspections are scheduled: (1) to investigate worksite accidents that result in one or more fatalities or the hospitalization of three or more workers; (2) to investigate promptly claims of imminent danger; (3) to investigate promptly employee complaints alleging serious workplace hazards; (4) to conduct targeted inspections of high-hazard workplaces; and (5) to investigate complaints of discriminatory actions taken against employees for exercising rights afforded them under the OSH Act and 15 other whistleblower statutes under OSHA's jurisdiction.

### Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	166,015	1,581
2005	169,651	1,570
2006	172,575	1,542
2007	176,973	1,542
2008	182,631	1,537

### FY 2009

In FY 2009, OSHA plans to conduct approximately 37,700 safety and health inspections of which 29,400 will be safety inspections and 8,300 health inspections. Included in the total will be 23,400 construction inspections. An additional 550 inspections will take place in the federal sector, while 2,050 discrimination investigations will be conducted. In addition, OSHA expects to conduct approximately five complex structural collapse investigations. Through these inspections, the agency will continue to build on the steady reduction in the rate at which employees experience recordable injuries and lost workday case rates. OSHA will provide strong, fair and effective enforcement of its safety and health standards. OSHA's FY 2009 request for federal enforcement includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

## FEDERAL ENFORCEMENT

Like the federal workforce as a whole, the agency's employees continue to age, and experienced compliance officers are lost each year to retirement. Accordingly, OSHA plans to replenish the compliance safety and health officer (CSHO) ranks in FY 2009, focusing on those that are bilingual, and those knowledgeable in process safety management (PSM). Training the new CSHOs will also be a priority for the agency. Although OSHA will be expending its resources to replenish and train new CSHOs, the agency hopes to only reduce its federal inspections by less than 1 percent.

In support of the Department's Strategic Plan goal to reduce workplace fatalities, injuries and illnesses, OSHA will direct enforcement resources toward those industries and hazards where they can potentially have the most impact through the Site Specific Targeting (SST) program. The SST is OSHA's primary national programmed inspection plan for non-construction workplaces that have 40 or more employees and is based on the data received from the prior year's OSHA Data Initiative (ODI) survey. By applying industry and establishment size class criteria, OSHA focuses its data collection toward establishments that are most likely to be experiencing elevated rates and numbers of occupational injuries and illnesses. The SST program is one approach that allows the most effective use of OSHA's limited enforcement resources.

OSHA also uses worksite-specific injury and illness data to develop emphasis inspection programs that address industries with high-hazard workplaces and the most significant types of workplace injuries and causes of illnesses. Emphasis programs have been established on the national, regional and local levels. These National Emphasis Programs (NEPs), Regional Emphasis Programs (REPs), and Local Emphasis Programs (LEPs) focus on a particularly hazardous industry or a common injury or illness. Currently, OSHA has NEPs addressing hazardous activities in trenching, shipbreaking hazards, amputations, occupational exposure to lead in construction employment, occupational exposure to silica, petroleum refinery process safety management, and microwave popcorn processing plants. By addressing these industries with emphasis programs, OSHA will continue to improve its performance by reducing fatalities, injuries and illnesses in the industries in which they most often occur.

The petroleum refinery NEP focuses on reducing or eliminating workplace hazards associated with the catastrophic release of highly hazardous chemicals at petroleum refineries. Under this NEP, all petroleum refineries under Federal jurisdiction will be inspected by the end of calendar year 2009. An NEP for chemical plants is also under development. This NEP will apply to the more than 23,000 chemical plants nationwide, and is also process safety management based. Presently an inspection strategy is being developed for this emphasis program. With regard to microwave popcorn processing plants, the National Institute for Occupational Safety and Health (NIOSH) has determined that inhalation exposure to butter-flavoring chemicals used in these facilities, including diacetyl, presents a risk for occupational lung disease. In response to this report, the agency developed this new NEP, which aims to identify and reduce or eliminate exposures to butter flavorings used in microwave popcorn processing plants. A broader NEP on flavorings in general is also under development and its implementation is anticipated in FY 2009. In addition to these NEPs, the agency has more than 130 LEPs in place nationwide, addressing hazards and industries that are relevant in particular geographic areas. In FY 2009, approximately 26,068 emphasis related inspections will be conducted by the agency.

## FEDERAL ENFORCEMENT

In FY 2008, OSHA will direct enforcement resources toward those industries and hazards where they can have the most impact to reduce workplace fatalities, injuries and illnesses. Worksite-specific injury and illness data will be used to target inspections to address the most significant types of workplace injuries and causes of illnesses, industries with high-hazard workplaces, workplaces with the worst safety and health records, and industries where non-English speaking workers are at risk. The agency has also implemented National Emphasis Programs for silica and refineries to focus on reducing fatalities and injuries and illnesses in those industries.

In FY 2007, enforcement served as an appropriate response to employers who failed to meet their safety and health responsibilities. OSHA conducted approximately 39,324 federal compliance inspections, including 33,002 safety and 6,322 health inspections. This total included approximately 23,192 construction inspections. OSHA also directed the SST for the ninth year and the EEP for the fourth year, toward the most egregious problems.

OSHA has identified seven industries with high injury and illness rates and a high proportion of severe injuries and illnesses for focused targeting of enforcement and outreach and education. As identified in OSHA's Annual Operating Plan, these industries currently are: landscape and horticultural services; oil and gas field services; fruit and vegetable processing; blast furnace and basic steel products; ship and boat building and repair; public warehousing and storage; and concrete and concrete products. Currently in the final stages of development, a directive entitled *General Industry Focused Inspections in the Strategic Management Plan's Seven Target Industries* will be effective in FY 2009. This directive is to be used in conjunction with existing LEPs that target the seven industries. It provides for emphasis-program inspections that focus on the most prevalent hazards within each industry, and will result in a more efficient use of agency resources. Again, the agency's objective is to significantly lower the disproportionately high injury and illness rates in these industries.

Another tool used by the agency to make effective use of its enforcement resources is the Enhanced Enforcement Program (EEP). The EEP focuses on employers who, despite OSHA's enforcement and outreach efforts, repeatedly ignore their obligations under the OSH Act and place their employees at risk. The EEP targets cases with extremely serious violations related to a fatality or multiple willful or repeated violations. Since the program's inception, there have been 1,963 EEP cases. The objective of the EEP is to assure sustained compliance at these workplaces. If an inspection is classified as an EEP, the employer may receive thorough follow-up inspections, inspections of other workplaces of that employer, and more stringent settlement provisions. The EEP is one of the many ways that OSHA sends a clear message that employers must accept their obligations under the OSH Act.

OSHA will continue to focus on safety and health in the Federal sector as well. The Presidential Safety, Health and Return-to-Employment (SHARE) initiative, aimed at improving safety and health in the Federal sector, has been extended through FY 2009. The agency will continue to conduct annual safety and health training for Federal agencies. Federal Agency Training week at the OSHA Training Institute (OTI) will be the agency's primary tool in this endeavor.

## FEDERAL ENFORCEMENT

OSHA will continue to investigate complaints of discriminatory actions under Section 11(c) of the OSH Act and 15 other whistleblower statutes for which it has responsibility. In order to help ensure that employees are free to participate in safety and health activities, Section 11(c) prohibits reprisals, in any form, against employees who exercise rights under the Act. These rights include submitting complaints 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 15 other statutes include the recently enacted statutes passed by Congress under the Implementing Recommendations of the 9/11 Commission Act of 2007—coverage of safety- and security-related protected activity for rail (amending the Railway Labor Act to give DOL jurisdiction of employee protections) and public transportation workers (The National Transit Systems Security Act of 2007). In addition to these new responsibilities, the Act also expands protections under the Surface Transportation Assistance Act (STAA)—adding security-related concerns to protected activity, among other changes. According to the Bureau of Labor Statistics, there were over 6,000 public transportation authorities in the U.S. and 562 rail carriers with 224,100 employees in 2004. Both workforces are well aware of their rights, and will not hesitate to file complaints. Moreover, because of the publicity surrounding the Act itself, and the high profile of security concerns, far more complaints are anticipated to be filed under these three statutes than under other statutes which more narrowly protect only safety and health concerns. With no additional resources to address the new responsibilities, the agency will be challenged to ensure the continued effective and timely administration of these whistleblower provisions, which are integral to OSHA's core mission of ensuring safe and healthy workplaces for America's workers.

While OSHA's mission remains the same, the agency must also respond to new challenges from complex hazards, new technologies, and a changing workforce. Hazards, such as popcorn lung (Bronchiolitis Obliterans), isocyanate exposure in spray-on truck bed linings, and occupational asthma, have recently come to the forefront, as have new technologies such as slidelocks and advances in lockout/tagout equipment. These must be addressed and incorporated into OSHA's enforcement policy. Likewise, the increase in the number of workers speaking languages other than English must be addressed by the agency, as evidenced by efforts to hire bilingual inspectors. OSHA will also continue to respond to complaints and reports of fatalities and catastrophic incidents in the workplace. The multiple enforcement approaches utilized by the agency will continue to make the most effective and efficient use of its resources. However, with no increase in resources, it will be difficult to address the additional responsibilities mandated by Congress, and newly emerging challenges.

### **Efficiency Measure**

OSHA recently proposed a new efficiency measure in its enforcement activity— Inspections per Compliance Safety and Health Officer (CSHO). OSHA will measure its efficiency based on the average number of safety inspections and 11c Whistleblower inspections conducted by CSHOs each year. With a 2007 actual baseline of 37.51 inspections per CSHO, OSHA expects to achieve 37.81 inspections per CSHO by 2009.



# FEDERAL ENFORCEMENT

## WORKLOAD SUMMARY

	<b>FY 2007 Actual</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Estimate</b>
Federal Compliance Inspections	39,324	37,400	37,700
Safety Inspections	33,002	29,200	29,400
Health Inspections	6,322	8,200	8,300
Federal Agency Inspections	550	550	550
Discrimination Investigations	1,942	2,050	2,050
Site Specific Targeting (SST)	2,839	3,000	3,000
Silica Inspections	807	900	900
Lead Inspections	353	325	380
Amputation Inspections	3,819	3,750	4,000
Ergonomics Inspections	449	700	850
Construction Inspections	23,192	23,000	23,400
Shipbuilding/Repair	200	185	200
Seven industries under new Strategic Plan	1,617	1,500	1,650

# FEDERAL ENFORCEMENT

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments		4,046
Personnel benefits		813
One day less of Pay		-581
Federal Employees Compensation Act (FECA)		184
GSA Space Rental		118
Communications, utilities & miscellaneous charges		0
Other services		0
Working Capital Fund		3,386
Training Grants		0
State Programs Grants		0

<b>Built Ins Subtotal</b>		<b>7,966</b>
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<b>Net Program</b>		<b>3,403</b>
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<b>Direct FTE</b>		<b>5</b>
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	<b>Estimate</b>	<b>FTE</b>
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<b>Base</b>	<b>190,597</b>	<b>1,537</b>
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<b>Program Increase</b>	<b>3,403</b>	<b>5</b>
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## STATE PROGRAMS

<b>Budget Authority Before the Committee</b>						
(Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>91,093</b>	<b>89,502</b>	<b>89,502</b>	<b>-1,591</b>	<b>91,093</b>	<b>1,591</b>
<b>FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### **Introduction**

This activity supports States that have assumed responsibility for administering their own occupational safety and health programs under State Plans approved and monitored by OSHA. Section 23(g) of the Occupational Safety and Health Act of 1970 (The Act) authorizes the agency to award matching grants of up to fifty percent of the total operational costs to those states that meet the Act's criteria for establishing and implementing Programs for standards and enforcement which are at least as effective as the Federal program. In addition, State Programs conduct a wide range of outreach and compliance assistance activities including: Voluntary Protection Programs; cooperative programs with individual employers and associations similar to the OSHA Strategic Partnership and Alliance Programs; and extensive training programs for employers and employees. All 26 State Plans extend coverage to the public sector and provide enforcement and consultative services to state, local and municipal governments and school districts. Four State Plans are limited to public employee coverage only. 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 Plan.

### **Funding Mechanism**

OSHA provides grants to State Plan States to administer their own safety and health programs through a funding factor that considers -- for all approved states -- the number of workers covered by the program and the hazardousness of a state's industries, and -- in certain approved states -- the inability to fully match federal funds grants.

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

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	91,959	0
2005	91,013	0
2006	91,093	0
2007	91,093	0
2008	89,502	0

### **FY 2009**

In FY 2009, OSHA will work with its State Plan partners to support the implementation of individual state strategic, annual and biennial performance plans, which contribute to the national

## STATE PROGRAMS

goal of reducing workplace injuries, illnesses and fatalities. States will use both enforcement and compliance assistance strategies to achieve their strategic goals. States will track performance data and adjust their specific goals and strategies to assure that trends in injury, illness and fatality rate reductions are consistent with OSHA goals. OSHA's regional offices help ensure the timely submission of data used for occupational injury, illness and fatality rates. In addition, states will focus their efforts on supporting local business and industry safety and health needs, thereby strengthening the nation's economic vitality. OSHA's FY 2009 request for this activity includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

Funding levels for State Programs represent a continuing decrease in state enforcement and compliance assistance activities resulting from the absorption of inflationary costs and a reduction in the FY 2008 appropriation for the agency. Due to these reductions, overall inspections are expected to decrease by 1,400 from the FY 2008 level.

In FY 2008, State Plans will continue effective enforcement and compliance-assistance activities. Several State Plans have instituted their own Special Emphasis Programs, such as in nursing homes and in the areas of ergonomics and firefighting, to enhance protections for workers. Effective outreach among State Plans also led to 537 Voluntary Protection Program participants and 531 cooperative programs in FY 2007. Since the states have not received an inflationary increase in several years, the increase in participants is indicative of enhanced outreach performance.

States will continue their outreach and training activities in FY 2009 and develop cooperative programs, including Voluntary Protection Programs, Strategic Partnerships, and Alliances with employers and associations. As many State Plan States have diverse populations, they will focus outreach efforts to address immigrant and non-English speaking workers. States will utilize both federally developed outreach materials and their own products. Outreach materials developed by State Plans are shared with other State Plan States and federal OSHA. Other outreach activities conducted by States will include: state-sponsored safety and health conferences; participation in industry conferences; publication of newsletters, articles, information bulletins, hazard alerts and voluntary guidelines; training courses and seminars; and other efforts to enhance communication and information dissemination. In addition to enforcement and compliance assistance activities, State Plan States will work with OSHA to promote greater transparency in their policies and documentation through strategies using information technology. Each State Plan will develop a standard page on its website, to be posted on OSHA's public page, that provides basic state-specific information and tell the public how to get more information from the state. These web pages will contain more information than is currently available on standards and review procedures, including differences between state and federal procedures. OSHA will also post information on how each state responds to new federal policies, especially directives and standards.

# STATE PROGRAMS

## WORKLOAD SUMMARY

	FY 2007 Actual	FY 2008 Revised	FY 2009 Revised
<b>Number of Operational Grants</b>	26	26	26
<b>State Enforcement Inspections</b>	57,380	50,900	49,500
<b>Safety</b>	44,875	39,700	38,600
<b>Health</b>	12,505	11,200	10,900
<b>Private sector consultations (Kentucky, Washington, Puerto Rico)</b>	2,894	2,800	2,750
<b>Voluntary Protection Program Participants</b>	537	450	420
<b>Cooperative Programs</b>	531	420	380
<b>Outreach/Training Participants</b>	362,114	306,000	282,400

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	0
Personnel benefits	0
Travel	0
Transportation of things	0
GSA Space Rental	0
Communications, utilities & miscellaneous charges	0
Printing and reproduction	0
Other services	0
Working Capital Fund	0
Purchase of goods and services from other Government accounts	0
Supplies and materials	0
Equipment	0
State Programs Grants	0

**Built Ins Subtotal** **0**

**Net Program** **1,591**

**Direct FTE** **0**

**Estimate** **FTE**

**Base** **89,502** **0**

**Program Increase** **1,591** **0**

## TECHNICAL SUPPORT

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	22,392	21,681	21,681	-711	22,632	951
<b>FTE</b>	96	97	97	1	105	8

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 105.

### **Introduction**

This activity provides specialized technical services and support for OSHA's program operations. Major component functions are: (1) emergency preparedness; (2) technical expertise and advice with respect to general industry, maritime and construction issues; (3) structural engineering assistance to investigate and determine causes of major construction catastrophes involving injuries and fatalities; (4) variance determinations and laboratory accreditation; (5) chemical analysis and equipment calibration and repair; (6) maintenance of docket, electronic comments, and technical and scientific databases; (7) literature searches to support rulemaking and compliance activities and public safety and health information requests; (8) OSHA's Compliance Safety and Health Officer (CSHO) Medical Program; (9) construction outreach services to all major stakeholders from industry associations, labor unions, and other governmental agencies; and (10) liaisons with construction industry employers through Alliances, Strategic Partnerships and Voluntary Protection Programs to share employer best practices, case studies, and employer success stories throughout the construction industry.

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

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	21,593	109
2005	20,742	107
2006	21,435	105
2007	22,392	105
2008	21,681	97

### **FY 2009**

OSHA will continue to fulfill an important role in the areas of homeland security, emergency response, and disaster preparedness, as the agency protects the safety and health of disaster responders and those involved in recovery efforts. As the coordinating agency for the National Response Plan's Worker Health and Safety Support Annex (Annex), OSHA will participate in the planning and execution of TOPOFF 5, a congressionally mandated terrorism response exercise that will test the Nation's response capabilities. The agency will also participate in the Spill of National Significance (SONS) exercise, led by the Environmental Protection Agency, the U.S. Coast Guard, and the National Response Team. In support of the national preparedness goal, OSHA will continue its work with Federal, state and local entities to incorporate employee

## TECHNICAL SUPPORT

safety and health in planning and other preparedness activities. The agency will continue to address worker safety and health issues and vulnerable populations involved in responding to natural disasters and pandemic flu. OSHA's FY 2009 request for its technical-support activity includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

In partnership with industry representatives and other Federal agencies, OSHA will continue to develop products and tools with special emphasis on worker safety and health, helping to meet the goals of the National Response Plan and the National Incident Management System. OSHA will also continue to develop materials on occupational safety and health issues related to the 15 national catastrophic scenarios. The agency will fully engage in federal preparedness activities related to pandemic influenza, and will participate in government-wide planning and coordination activities by developing and reviewing other organization's pandemic guidance products.

OSHA will provide construction safety assistance to all agency components. These activities include: coordinating with the Office of Training and Education to provide technical data needed for training programs; advising on the impact of new work processes on existing standards and policies; providing technical assistance for developing occupational industrial hygiene and incident investigation programs; providing structural engineering assistance to field offices in investigating construction catastrophes involving complex engineering issues; providing expert witnesses in defending citations issued by field offices; and coordinating data analysis and targeting strategies for directing safety and health inspections conducted by federal and state compliance officers to the most hazardous construction worksites. The agency will conduct approximately five complex structural collapse investigations to support its field operations. OSHA will establish and maintain technical liaisons with the Advisory Committee on Construction Safety and Health, consensus standards groups, and other professional organizations and Federal agencies to exchange information on workplace technological developments involving construction industry practices. Presentations will be given at major conferences and seminars on technical areas such as trenching and excavation, steel erection and confined spaces.

OSHA will continue its leadership as a resource for workplace safety and health information utilized by both employers and employees. For example, Safety and Health Information Bulletins (SHIBs) are an effective product that OSHA uses to inform its staff and the public of significant occupational safety and health issues concerning hazard recognition, evaluation, and control in the workplace and at emergency response sites. In FY 2007, the agency issued a SHIB to protect workers in microwave popcorn processing plants. The SHIB provided employees and employers in the microwave popcorn industry with information about the potential health effects associated with exposure to butter flavorings, recommended exposure controls that may be implemented by employers and used by employees at these facilities to reduce exposures to butter flavorings, and informed employers of applicable mandatory OSHA standards. Several more SHIBs are planned for FY 2009. In FY 2008, OSHA has issued a SHIB entitled *Use of Blunt-Tip Suture Needles to Decrease Percutaneous Injuries to Surgical Personnel*.

The agency will continue to focus efforts on strategic priorities and emerging occupational safety and health issues such as exposure to diacetyl and other flavoring agents in FY 2009. The

## TECHNICAL SUPPORT

agency will maintain existing electronic safety and health software systems and develop new electronic and hardcopy products. These include webpages, e-tools, SHIBs, and compliance assistance documents on special topics. These products are often designed in partnership with labor and industry to help employers comply with OSHA rules and present industry-recognized best practices. This allows the agency to ensure industry acceptance and achieve cost savings. Projects are selected based on the agency's performance goals, industry requests and OSHA local emphasis projects. New technologies, such as distance learning and web-based and interactive technical assistance tools, will support compliance assistance efforts and expanded training opportunities for employers and workers. Emphasis will be placed on outreach to populations of special concern, such as younger and older workers and immigrant employers and employees. OSHA will continue to lead and coordinate the Federal Network for Young Worker Health and Safety, an interagency network.

In FY 2009, OSHA's Salt Lake Technical Center (SLTC) will analyze approximately 17,100 industrial hygiene samples collected by compliance officers. Additionally, professional staff at this facility will conduct in-depth investigations to: identify unknown hazardous substances; determine explosibility of aerosols; investigate causality of material failures; and model chemical exposures. On-site technical and medical specialists will assist OSHA compliance officers in high-level investigations involving chemistry, industrial hygiene, biological agents and engineering. OSHA's Health Response Team (HRT) is a group of highly qualified professionals with advanced training and experience in various aspects of occupational safety and health. The team assists OSHA and other Federal agencies in assessing the source and extent of exposure to chemical, biological, physical energy, and ergonomic hazards, and determining the feasibility of appropriate administrative and engineering controls and personal protective equipment. In FY 2009, the HRT will provide expert assistance to OSHA's enforcement and compliance assistance staff, and will be available to provide support to other federal agencies on myriad chemical and biological hazards. The Cincinnati Technical Center (CTC) will continue to calibrate and repair equipment used by field staff.

OSHA will continue to support the CSHO physical examination program for newly hired and current compliance officers. OSHA's technical staffs in occupational medicine, occupational health nursing, and science and technology assessment will accompany field staff on site visits, assist with development of compliance directives, participate in public education activities, and reach out to professional organizations to build allies in the mission to decrease worker injuries, illnesses and fatalities. OSHA will continue to maintain the Nationally Recognized Testing Laboratory (NRTL) program, under which laboratories are recognized to test manufactured products to ensure that they can be used safely in the workplace.



# TECHNICAL SUPPORT

## WORKLOAD SUMMARY

(Dollars in Thousands)

	<b>FY 2007 Results</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>
Chemical samples analyzed	16,583	16,500	17,100
Average turnaround (days in lab)	13	13	13
Equipment units calibrated	10,582	10,600	10,750
Average turnaround (days)	37	38	37
Equipment units repaired	2,119	2,650	2,750
Average turnaround (days)	41	45	45
WEB compliance assistance products	47	48	49
Safety & Health Topics Pages	175	176	178

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	336
Personnel benefits	67
One day less of Pay	-43
GSA Space Rental	53
Communications, utilities & miscellaneous charges	0
Working Capital Fund	153
Training Grants	0
State Programs Grants	0

**Built Ins Subtotal** **566**

**Net Program** **385**

**Direct FTE** **8**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>22,247</b>	<b>97</b>

<b>Program Increase</b>	<b>385</b>	<b>8</b>
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## COMPLIANCE ASSISTANCE - FEDERAL

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	72,659	71,389	71,389	-1,270	76,541	5,152
<b>FTE</b>	292	324	324	32	348	24

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 348.

### **Introduction**

This activity reflects the cooperative aspect of authority vested in OSHA by the Congress through a variety of employer and employee assistance activities, including: (1) conducting and providing general outreach activities; (2) fostering and promoting Voluntary Protection Programs (VPP) to recognize and provide incentives to employers who establish exemplary occupational safety and health programs; (3) developing compliance assistance materials to provide hazard and industry-specific guidance in methods of complying with OSHA regulations; (4) providing leadership to assist Federal agencies in establishing and maintaining effective occupational safety and health programs; (5) providing assistance and programs to address the needs of small businesses; (6) providing opportunities to work cooperatively with employers, trade associations, universities, unions, and professional organizations to address workplace safety and health issues through the Strategic Partnership Program (OSPP) and the Alliance Program; (7) providing training through the OSHA Training Institute (OTI) to increase the technical safety and health competence of Federal, state and private sector employers, employees and their representatives; (8) administering the OSHA Training Institute Education Centers program; and (9) administering the Outreach Training Program.

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

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	67,049	356
2005	70,859	352
2006	72,545	348
2007	72,659	348
2008	71,389	324

### **FY 2009**

In FY 2009, OSHA will continue to implement a variety of outreach, compliance assistance, training and education, and cooperative program activities designed to reach the widest possible audience and have the greatest impact in the reduction of occupational injuries, illnesses and fatalities. Cooperative programs promoting and encouraging safety and health excellence will contribute to enhancing the quality of life of our nation's employees and strengthen the social and economic sustainability of businesses across the country. Continued efforts to develop and share compliance assistance products and tools through a number of outreach initiatives will

## COMPLIANCE ASSISTANCE - FEDERAL

support the agency's goal to serve as the foremost authority and resource for workplace safety and health knowledge and information. These programs not only ensure enhanced safety and health protections for the nation's workforce but also yield cost-saving benefits for employers, producing significant benefits for the overall economic health of the country. The FY 2009 request for OSHA's federal compliance assistance activities includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

Innovative strategies will be used to identify, develop and broadly disseminate compliance assistance tools and resources. Compliance assistance products will be developed to reach large employee populations, various non-English speaking communities and small businesses. The agency will focus on maintaining and enhancing compliance assistance materials available on the OSHA website and issuing web-based training and informational tools. Publications such as fact sheets and easy-to-use reference materials, including QuickCards, will be developed and disseminated.

OSHA's innovative strategies with compliance assistance and outreach led to 31,911 consultation visits to assist employers and 251 new site-based Voluntary Protection Programs (VPPs) in FY 2007. The agency has continued its successes with innovative strategies to date in FY 2008 with the recent completion of a national competition to select new education centers, bringing the total to 26 that are comprised of 45 organizations. These new centers will join the current program participants in providing additional opportunities for the private sector and other government personnel to attend OTI safety and health training courses and seminars.

In FY 2009, OSHA will continue to recognize worksites that demonstrate safety and health excellence through the VPP. Based on National Safety Council estimates, VPP participation saves the economy millions of dollars each year. Within available resources, the agency will continue to implement initiatives targeting federal agencies, Fortune 500 companies, and the construction industry for expanded VPP participation. Overall participation in VPP will exceed 1,600 worksites. Participants in the mobile workforce program will include 10 new worksites and 15 re-approvals. The OSHA Challenge Program should maintain a constant growth rate with an estimated 40 new participants in FY 2009. Because of the successful compliance assistance outreach to employers that has led to an expansion of the VPP, the program is operating near capacity in FY 2009. The agency anticipates approving 155 new VPPs in FY 2009 but will have to shift its focus to maintaining current projects by performing 330 re-approval onsite evaluations.

The OSHA Strategic Partnership Program (OSPP) will focus on developing effective partnerships with employers, employees, non-profit associations and other organizations to address critical safety and health issues. This program, which has a far-reaching ability to impact the safety and health of large numbers of employers and employees, including entire industry groups, will focus on key strategic areas for the agency. OSHA expects to maintain the program's average growth rate of 45 partnerships per year, with approximately 15 renewals of existing partnerships.

## COMPLIANCE ASSISTANCE - FEDERAL

Under the Alliance Program, OSHA will form collaborative relationships with groups such as trade and professional organizations, businesses, labor, government agencies, educational institutions and other groups not previously reached through this program. The agency will focus on the development of new Alliances with organizations that address specific areas of the agency's Operating Plan and other major agency initiatives. During FY 2009, OSHA will sign an estimated 50 new Alliances and renew 75 existing Alliances.

In FY 2009, OSHA will continue to implement initiatives to ensure that the occupational safety and health issues of small employers are addressed. The agency will strengthen its relationships with the Small Business Administration (SBA) and other national organizations that represent the interests and concerns of small business. OSHA will increase direct dialogue with smaller establishments through SBA-sponsored programs such as Regulatory Fairness hearings and through the agency's own "Business of Small Business" forums. Other agency initiatives will focus on creating plain-language publications, enhancing the small business webpage and web tools, promoting small business success stories, and developing visually enhanced safety and health compliance assistance tools for non-English speaking employees. Efforts to reach non-English speaking employees will include identifying specific populations by locality to better target compliance assistance and outreach efforts, and developing materials and publications in the appropriate language.

OSHA will continue to be the primary resource for occupational safety and health training courses, programs, and materials through the OSHA Training Institute, the OSHA Training Institute Education Centers, the Outreach Training Program, and the Resource Loan Service. In FY 2009, the agency will continue to implement strategies that increase the number of training opportunities and access to safety and health training programs for both agency staff and the public sector. In addition, improvements in the use of electronic media for reporting and evaluating program performance will be identified and implemented.

The OTI will continue to provide training and education in occupational safety and health for federal and state compliance officers, state consultants, other government agency personnel, and the private sector, by offering a series of basic, intermediate and advanced courses. In FY 2009, OTI will maintain a high level of professionalism in agency personnel by developing and providing training courses and programs on new standards and National Emphasis Programs.

In addition, training for newly hired compliance staff and for succession planning will be areas of emphasis and will be expanded as needed. In order to meet the continuing need for highly trained CSHOs, OSHA has developed a new training program for newly hired and experienced compliance personnel. This program is designed to ensure that more comprehensive training is provided to compliance personnel so that they are better equipped to apply technical information and skills in their work.

OTI will also continue to develop web-based training materials and will increase its presentation of online seminars and programs. OTI will also support the management of human capital under the PMA by continuing to restructure the agency's safety and health training programs to ensure that training courses support the professional development of staff by addressing core compliance officer competencies. The agency also has the lead in implementing the

## COMPLIANCE ASSISTANCE - FEDERAL

Department's e-training initiative, Learning Link, which will provide employees with a one-stop portal to training programs and services.

The OSHA Training Institute Education Centers will present OTI courses and seminars, including training provided in Spanish. The OTI Education Centers Program extends the reach of the OSHA Training Institute by providing increased opportunities for occupational safety and health training for private sector and other governmental personnel who otherwise would not have access to OSHA training. The number of OTI Education Centers will increase in FY 2009 based on the FY 2008 selection. OSHA will encourage the OTI Education Centers to extend their geographic coverage and to develop new courses and seminars. The centers will continue to support OSHA Regional and Area Offices in compliance assistance and outreach initiatives.

OSHA will continue to expand the Outreach Training Program through implementation of industry specific programs in such areas as electrical transmission and distribution, maritime and youth. The Outreach Training Program represents the agency's primary mechanism for providing training to employees on the basics of occupational safety and health hazard recognition and avoidance. In addition, the 10- and 30-hour courses in construction and general industry are available online, including programs in Spanish. In FY 2009, OSHA will encourage the development of online courses and increase the number and variety of informational and training materials on the web that support the Outreach Training Program.

The Resource Loan Center lends a collection of training video and book titles covering more than 100 occupational safety and health subjects -- from accident investigation to workplace violence -- including products in Spanish) to Outreach Program trainers, OSHA federal, state and consultation personnel, and OSHA Cooperative Program Members (SHARP, VPP, Alliance, and Strategic Partnership participants). These training materials will continue to be made available to support occupational safety and health training for employers and employees.

## COMPLIANCE ASSISTANCE - FEDERAL

### WORKLOAD SUMMARY

(Dollars in Thousands)

	<b>FY 2007 Estimate</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>
Number of Persons Trained:	3,544	3,300	3,500
Federal Enforcement	1,214	1,130	1,214
State Enforcement	883	822	883
State Consultations	415	386	415
Private Sector	181	168	181
Federal Agency	851	794	851
Resource Center Lending			
Number of loans	1,445	1,500	1,500
Items lent	7,807	7,000	7,000
Number of persons trained	32,450	32,000	32,000
Education Centers			
Number of persons trained	27,346	25,000	25,000
Voluntary Protection Programs			
Site-Based (New)	251	215	185
Site-Based (Re-approval)	204	270	330
Mobile Workforce (New)	4	10	10
Mobile Workforce (Re-approval)	1	12	15
New Challenge	56	40	40
OSHA Strategic Partnerships			
Strategic Partnerships (New)	59	45	55
Partnership Renewals	0	15	15
New Alliances	79	60	50
Renewed Alliances	70	80	75
Outreach Training Program	522,248	538,000	554,000
Number trained – Construction	413,576	426,042	438,713
Number trained – General Industry	106,164	109,322	112,573
Number trained – Disaster Worker	2,508	2,636	2,714

# COMPLIANCE ASSISTANCE - FEDERAL

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments		1,106
Personnel benefits		234
One day less of Pay		-160
Federal Employees Compensation Act (FECA)		93
GSA Space Rental		203
Communications, utilities & miscellaneous charges		0
Working Capital Fund		74
Training Grants		0
State Programs Grants		0

<b>Built Ins Subtotal</b>		<b>1,550</b>
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<b>Net Program</b>		<b>3,602</b>
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<b>Direct FTE</b>		<b>24</b>
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	<b>Estimate</b>	<b>FTE</b>
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<b>Base</b>	<b>72,939</b>	<b>324</b>
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<b>Program Increase</b>	<b>3,602</b>	<b>24</b>
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## COMPLIANCE ASSISTANCE – STATE CONSULTATION

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	53,357	52,425	52,425	-932	54,531	2,106
<b>FTE</b>	0	0	0	0	0	0

### **Introduction**

This activity provides on-site consultative services for employers who request assistance in achieving voluntary employee protection.

### **Funding Mechanism**

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

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

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	52,211	0
2005	53,362	0
2006	53,357	0
2007	53,357	0
2008	52,425	0

### **FY 2009**

OSHA will work with On-site Consultation Projects to further improve program performance and support OSHA and State strategic goals in the reduction of injuries, illnesses and fatalities. In FY 2009, On-site Consultation Projects will perform an estimated 29,050 consultation visits. The agency will also conduct outreach and promote the On-site Consultation Program to diverse employers. The FY 2009 request for this activity includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

OSHA distributes grants to Consultation Projects as authorized by Section 21(d) of the Occupational Safety and Health Act of 1970. The agency considers four performance criteria 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.



## COMPLIANCE ASSISTANCE – STATE CONSULTATION

In FY 2009, OSHA will continue to promote other state compliance assistance programs including participation in the SHARP program, which recognizes small employers with exemplary safety and health performance, and provide further opportunities for employers working towards SHARP. On-Site Consultation Projects will continue to provide support to other OSHA compliance assistance activities and cooperative programs, such as Alliances and Strategic Partnerships.

In FY 2008, Consultation Programs will make an estimated 29,700 consultation visits to employers focusing on small business. On-site Consultation Projects will continue to provide support to other OSHA compliance assistance activities and cooperative programs.

In FY 2007, OSHA added to program performance with enhancements such as improving consultant competencies, and developing effective training methods and tools for On-site Consultation Project Managers. Emphasis was placed on outreach and promotion of services to small employers, effective technical assistance, and improving program consistency. Program outreach efforts included development of new promotional products that were tailored for different groups and audiences.

### WORKLOAD SUMMARY

(Dollars in Thousands)

	FY 2007 Actual	FY 2008 Revised Target	FY 2009 Revised Target
<b>Consultation Visits</b>	<b>31,911</b>	<b>29,700</b>	<b>29,050</b>
<b>Initial Visits</b>	<b>26,360</b>	<b>24,510</b>	<b>23,970</b>
<b>Training and Assistance</b>	<b>3,154</b>	<b>2,950</b>	<b>2,885</b>
<b>Follow-up</b>	<b>2,397</b>	<b>2,240</b>	<b>2,195</b>
<b>Off-site Assistance</b>	<b>1,656</b>	<b>1,500</b>	<b>1,425</b>
<b>Recognition &amp; Exemption<sup>1</sup></b>	<b>1,074</b>	<b>930</b>	<b>890</b>
<b>SHARP Sites<sup>2</sup></b>	<b>671</b>	<b>575</b>	<b>550</b>
<b>State Recognition and     Exemption<sup>3</sup></b>	<b>403</b>	<b>355</b>	<b>340</b>
<b>21(d) Agreements</b>			
<b>Plan States</b>	<b>19</b>	<b>19</b>	<b>19</b>
<b>Non-plan States</b>	<b>34</b>	<b>34</b>	<b>34</b>

<sup>1</sup> Total recognition and exemption sites (SHARP) nationwide.

<sup>2</sup> This number includes recognition and exemption sites in all states participating in 21(d).

<sup>3</sup> This number represents recognition and exemption sites in state plan states only.

# COMPLIANCE ASSISTANCE – STATE CONSULTATION

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

#### Built Ins Subtotal

0

**Estimate**

**FTE**

**Base**

52,425

0

**Program Increase**

2,106

0

## COMPLIANCE ASSISTANCE – TRAINING GRANTS

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>10,116</b>	<b>9,443</b>	<b>9,443</b>	<b>-673</b>	<b>0</b>	<b>-9,443</b>
<b>FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Introduction

This activity provides oversight for the competitive safety and health training grants program.

### Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	10,509	0
2005	10,217	0
2006	10,116	0
2007	10,116	0
2008	9,443	0

### FY 2009

No resources are requested for the Susan Harwood Training Grants Program in FY 2009. The agency is proposing to eliminate the Harwood Grants in FY 2009 to maximize flexibility and use alternative methods in the development and distribution of training materials to reach the broadest possible audience.

OSHA provides a variety of compliance assistance resources that offer training opportunities for employees and employers, which will sufficiently compensate for the elimination of the Susan Harwood Grants. These include the training offered by the OSHA Training Institute Education Centers and the Outreach Training Programs. Additionally, many Alliance Program agreements contain a training element, and numerous training and information resources are available on OSHA's website.

### **WORKLOAD SUMMARY**

(Dollars in Thousands)

	<b>FY 2007 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>
Training Grants			
Targeted Training Grants	55	50	0

# COMPLIANCE ASSISTANCE – TRAINING GRANTS

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:		
Costs of pay adjustments		0
Personnel benefits		0
Travel		0
Transportation of things		0
GSA Space Rental		0
Communications, utilities & miscellaneous charges		0
Printing and reproduction		0
Other services		0
Working Capital Fund		0
Purchase of goods and services from other Government accounts		0
Supplies and materials		0
Equipment		0
Training Grants		0
<b>Built Ins Subtotal</b>		<b>0</b>

<b>Net Program</b>		<b>-9,443</b>
<b>Direct FTE</b>		<b>0</b>
	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>9,443</b>	<b>0</b>
<b>Program Decrease</b>	<b>-9,443</b>	<b>0</b>

## SAFETY AND HEALTH STATISTICS

<b>Budget Authority Before the Committee</b>						
(Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>32,274</b>	<b>31,523</b>	<b>31,523</b>	<b>-751</b>	<b>34,128</b>	<b>2,605</b>
<b>FTE</b>	<b>37</b>	<b>35</b>	<b>35</b>	<b>-2</b>	<b>38</b>	<b>3</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 38.

### **Introduction**

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 and customer support. The continued availability of OSHA's mission critical application, the Integrated Management Information System (IMIS), allows OSHA managers and employees, as well as States, stakeholders, and citizens, to communicate internally and externally, access data, and document and store key safety and health documents. The IMIS houses agency inspection data and other activity measures, thereby enabling OSHA to evaluate and modify programs and strategies consistent with the Government Performance and Results Act (GPRA), the Department's Strategic Plan and the agency's Annual Operating Plan.

Relevant statistical data are maintained, reviewed and analyzed in support of agency activities, including standards development, inspection targeting, compliance assistance and program evaluation. OSHA maintains overall responsibility for the national injury and illness recordkeeping system and forms. OSHA regulations specify which cases are to be recorded by employers and ultimately included in the BLS Annual OSH Survey. The agency provides guidance to both the public and private sectors by administering and maintaining the recordkeeping system.

To align with the agency's current and future strategic objectives, OSHA is investing resources in the development of the OSHA Information System (OIS), a modern information system, to replace IMIS. The OIS will provide a number of overarching benefits to the agency, both at the field and national office level, by automating the agency's critical business processes, including enforcement and compliance assistance activities. Specifically, the OIS will replace the IMIS system's costly middle tier with a more cost effective solution and allow users to access data at a quicker pace. The system will include automation for critical OSHA business processes that have been implemented since 1992 (the last IMIS update), as well as future processes such as Emergency Response. The OIS system will provide OSHA with the methods and tools to identify at-risk worker populations in order to more rapidly target appropriate interventions, while concurrently providing the tools to identify trends in occupational fatalities, injuries, and illnesses.

## SAFETY AND HEALTH STATISTICS

### Five-Year Budget Activity History

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	22,237	39
2005	22,203	38
2006	24,253	38
2007	32,274	38
2008	31,523	35

### FY 2009

In FY 2009, OSHA will continue development of the OIS, the next generation data system that will replace the legacy IMIS (see [Exhibit 300](#)). The OIS is fully aligned with the DOL Enterprise Architecture, and supports the Federal Line of Business e-Government initiatives. OIS will incorporate an analytical tool to enable OSHA to recognize trends in occupational injuries and illnesses affecting various work demographics, such as immigrant workers and new and emerging safety and health hazards. The information yielded by this next generation information system will better position OSHA for early intervention approaches, and for applying proactive strategies to address worker injuries, illnesses and fatalities using the full range of agency programs. In FY 2009, the agency anticipates coding and testing of the remaining agency business process requirements. The FY 2009 request for this activity includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

In FY 2008, OSHA will continue development of the OIS by completing the design phase and beginning application development. Steps taken in FY 2008 will provide methods and tools for the agency to better identify trends in fatalities, injuries, and illnesses, enable OSHA's front line workers to capture information electronically where it is collected and incorporate the information into OIS, and support rapid implementation of program changes, strategic change, and other policy changes. OSHA will begin the agency-wide deployment and rollout of the completed OIS solution.

OIS will expand OSHA's ability to access data in a timely fashion by providing a single storage repository for all of the agency's critical business information. From a technological perspective, the system will leverage cutting edge approaches, including centrally located and managed application and database servers that reduce maintenance overhead, and will be built on web-based, easily maintainable and extendable platforms that reduce the agency's overall cost of ownership. The Legacy IMIS Mainframe component of IMIS that houses the agency's historical data will co-exist with the OIS until requirements are re-assessed for the mainframe system. The OIS will provide for interfaces into the Mainframe that allow for concurrent access and a single system of record for reporting against both historical and future data. The steady state maintenance of the IMIS Legacy application is critical for allowing OSHA to meet legislative mandates that require data enhancements, maintenance and reporting of data.

OIS will provide a number of critical data capabilities for OSHA as it transforms into a more efficient organization. These include: streamlined approaches for automated agency critical business functions, such as Enforcement and Consultation form entry; improved data accuracy

## **SAFETY AND HEALTH STATISTICS**

and timeliness resulting from real-time access and data validation to support instant decision-making; enhanced management of documents and records with version control and access management; expanded compliance and educational outreach through increased communication and delivery mechanisms via the web; enhanced overall data and resource security; and expedited submission of payments and certifications of abatements through electronic bill payment.

In FY 2009, OSHA will continue to strengthen the protection of its IT assets and data. The agency's computer security program is maintained and implemented in accordance with DOL and legislative mandates, such as the Federal Information Security Management Act (FISMA) and Title III of the E-Government Act. OSHA's goal is to implement and maintain an agency-wide computer security program to lower the likelihood of unintended or deliberate corruption of OSHA data, denial of service to agency assets, theft of agency assets, and loss of the public trust in OSHA's integrity and credibility. OSHA will continue to support the collection of data in response to various data calls from OMB and other Federal mandates to demonstrate our goal of improving our technology infrastructure and correcting audit and/or independent assessment findings.

The OSHA network infrastructure includes public access to the OSHA Website ([www.osha.gov](http://www.osha.gov)), as well as an increasing number of 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 2007, OSHA's electronic data systems and web site allowed more than a million users to get information about important safety and health topics quickly and in a form that can be applied to unique workplace settings.

Continued investments in the agency's infrastructure will provide for increases in web traffic and new web-based initiatives for compliance assistance and partnerships. Interactive resources are incorporated throughout the site to provide online services to the public. The OSHA public website also provides access to over 500,000 pages of information, including agency standards, training material, publications, and information on compliance assistance and workplace hazards. In addition, the public web site provides access to more than five million pages of enforcement inspections and violations.

OSHA's Data Initiative (ODI) collects establishment-specific injury and illness rates annually from approximately 80,000 employers nationwide. From this information, OSHA notifies thousands of employees through letters that their injury and illness rates are higher than the national average. These letters let employers know that assistance is available, such as free safety and health consultation services, to help them resolve safety and health hazards. The ODI collection also forms the Site-Specific Targeting (SST) plan that each year calls for several thousand high-hazard worksites to be given an unannounced comprehensive inspection over the coming year. OSHA's ODI and other information and management systems help to direct its program and field resources to where they are most needed. This efficient focusing of resources based on data analysis has contributed to the lowest occupational injury and illness rate since the Bureau of Labor Statistics began collecting such data in 1973.

# SAFETY AND HEALTH STATISTICS

## WORKLOAD SUMMARY

(Dollars in Thousands)

	<b>FY 2007 Result</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>
Web Usage (million)			
Web site User Sessions	94.9	97.0	99.0
Non-OSHA	93.5	95.0	97.0
Electronic Software Systems			
Downloads (million)	.062	.065	.068
User sessions	14.89	15.63	16.41
Web Site Hits (million)	1,015	1,058	1,075
ODI (log summaries collected)	80,000	80,000	80,000

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	134
Personnel benefits	29
Two days more of pay	0
One day less of Pay	-11
Transportation of things	0
GSA Space Rental	25
Communications, utilities & miscellaneous charges	0
Other services	0
Working Capital Fund	241
Purchase of goods and services from other Government accounts	0
Training Grants	0
State Programs Grants	0

**Built Ins Subtotal** **418**

**Net Program** **2,187**

**Direct FTE** **3**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>31,941</b>	<b>35</b>
<b>Program Increase</b>	<b>2,187</b>	<b>3</b>



## EXECUTIVE DIRECTION

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>11,169</b>	<b>10,809</b>	<b>10,809</b>	<b>-360</b>	<b>11,545</b>	<b>736</b>
<b>FTE</b>	<b>48</b>	<b>47</b>	<b>47</b>	<b>-1</b>	<b>49</b>	<b>2</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 49.

### **Introduction**

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

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

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	10,047	50
2005	10,106	49
2006	10,591	49
2007	11,169	49
2008	10,809	47

### **FY 2009**

In FY 2009, OSHA will continue to implement and refine initiatives and systems that support the President's Management Agenda, including expanding electronic government, human capital planning, improving financial performance and budget and performance integration. As part of the Department's effort to expand electronic government, OSHA has implemented the Department's e-OPF system, where official personnel records are held, and the Department's e-budgeting system. The agency also has the lead in implementing the Department's e-training initiative, Learning Link, which provides employees streamlined access to a one-stop portal of training programs and services, and is supporting e-Grants and grants.gov. The FY 2009 request for this activity includes an increase for inflationary costs that were not included in the FY 2008 appropriation.

The agency will also continue to implement its human capital plans, drawing on Departmental and government-wide programs to assist in succession planning and leadership development. OSHA continues to enhance its human capital by investing in training its workforce and hiring bilingual instructors. Through the Department, OSHA will also continue to pursue shared service opportunities in human resources. OSHA and the Department are committed to implementing the requirements outlined in the OMB Circular A-123, Management's Responsibility for Internal Controls over Financial Reporting.

## EXECUTIVE DIRECTION

Also in FY 2007, OSHA utilized a variety of succession planning tools, including participation in Departmental programs (e.g., SES candidate, management development and MBA fellows program). OSHA implemented, in conjunction with the Department, a variety of e-HR initiatives, including the Official Personnel Folder initiative (e-OPF), which converts all hard copy personnel folders into an electronic format, and e-training.

OSHA underwent a PART reassessment in 2007 and developed a performance improvement plan to enhance the program over the next several years. Following its PART recommendation, OSHA developed a new efficiency measure using FY 2007 as a baseline, which measures inspections per compliance safety and health officer. OSHA continues to address another PART recommendation to construct the OSHA Information System, which will improve data collection. In FY 2008, OSHA will address the remaining recommendations made in its PART review. The recommendations are as follows: complete regulatory reforms identified on the 2005 Report to Congress on the Cost and Benefits of Federal Regulation; and conduct independent evaluations of the relative effectiveness and efficiency of various programmatic approaches. The agency will also continue to implement and refine various management initiatives, including e-government initiatives. The agency will also continue to implement its human capital plans, drawing on Departmental and government-wide programs and support succession planning and leadership development.

In FY 2009, OSHA will direct its budgetary resources toward accomplishing the occupational fatality, injury and illness reduction targets established by the agency's approved performance indicators. To achieve this, OSHA will identify areas of emphasis and specific industries in which to focus its resources for greatest impact. Performance data will be compiled, reviewed and analyzed on a quarterly basis to track and monitor progress toward meeting agency-wide goals. In FY 2009, OSHA will continue to implement program enhancements to address criteria for success under the PMA and recommendations resulting from its 2007 PART Review, and it will continue to monitor its enforcement efficiency measure.

To measure the success of its strategic objectives set by annual operational plans and the impact of its regulations, OSHA will complete two lookback studies, covering its bloodborne pathogens and occupational exposure to noise standards. The agency will also initiate new lookback studies of standards under section 610 of the Regulatory Flexibility Act. Program evaluations will be conducted of specific programs to provide objective measurement, systematic analysis and continuous improvement in the quality of data and outcomes of agency activities.

# EXECUTIVE DIRECTION

## WORKLOAD SUMMARY

(Dollars in Thousands)

	FY 2007 Actual	FY 2008 Target	FY 2009 Target
Committee Meetings			
NACOSH	1	2	2
MACOSH	3	2	2
ACCSH	1	2	2
Evaluations			
Program Evaluations	1	2	2
Lookback Studies	2	1	1

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	230
Personnel benefits	53
One day less of Pay	-24
Transportation of things	0
GSA Space Rental	8
Communications, utilities & miscellaneous charges	0
Other services	0
Working Capital Fund	277
Training Grants	0
State Programs Grants	0

**Built Ins Subtotal** **544**

**Net Program** **192**

**Direct FTE** **2**

	Estimate	FTE
<b>Base</b>	<b>11,353</b>	<b>47</b>
<b>Program Increase</b>	<b>192</b>	<b>2</b>