

**GAO**

Report to the Subcommittee on Labor,  
Health and Human Services, Education,  
and Related Agencies, Committee on  
Appropriations, U.S. Senate

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April 2006

# WORKPLACE SAFETY AND HEALTH

## OSHA Could Improve Federal Agencies' Safety Programs with a More Strategic Approach to Its Oversight



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# Highlights

Highlights of [GAO-06-379](#), a report to the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate

## Why GAO Did This Study

Federal workers' compensation costs exceeded \$1.5 billion in 2004, with approximately 148,000 new claims filed that year. Because of concerns for the safety of federal workers, as well as the costs associated with unsafe workplaces, GAO described the characteristics of federal agencies' safety programs and the implementation challenges they face, and assessed how well the Occupational Safety and Health Administration (OSHA) oversees and assists federal agencies' efforts to develop and administer their safety programs.

## What GAO Recommends

The Secretary of Labor should direct OSHA to conduct targeted inspections of federal facilities; track disputed violations through OSHA to their resolution and ensure that unresolved disputes are reported to the President; conduct evaluations of the largest and most hazardous agencies as required; and include in OSHA's annual report to the President an assessment of each agency's safety program and recommendations for improvements.

GAO received written and/or technical comments from several agencies. Labor generally agreed with GAO's findings and recommendations. In addition, other agencies generally agreed with the findings.

[www.gao.gov/cgi-bin/getrpt?GAO-06-379](http://www.gao.gov/cgi-bin/getrpt?GAO-06-379).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Robert Robertson, (202) 512-9889 or [robertsonr@gao.gov](mailto:robertsonr@gao.gov).

## WORKPLACE SAFETY AND HEALTH

# OSHA Could Improve Federal Agencies' Safety Programs with a More Strategic Approach to Its Oversight

## What GAO Found

Based on a survey of 57 agencies, GAO found that most agencies reported having at least one activity for each of the six components generally associated with a sound safety program—(1) management commitment, (2) employee involvement, (3) education and training, (4) identification of hazards, (5) correction of hazards, and (6) medical management (which includes having a return-to-work program for injured employees). However, agencies faced implementation challenges that cut across the components in the areas of data management, accountability, and safety resources. The survey results indicated that many agencies do not have automated systems for tracking elements of their safety programs, such as training. In addition, several of the agencies did not demonstrate that their managers are held accountable for maintaining effective safety programs. Finally, many agency officials stated that, due to limited resources, they often must depend on safety officers with limited professional safety experience.

### Forest Service Smokejumpers Fighting a Blaze at Selway-Bitterroot Wilderness, Idaho



Source: Buck Nelson.

OSHA's oversight of federal agencies' safety programs is not as effective as it could be because the agency does not use its enforcement and compliance assistance resources in a strategic manner. Although inspections are one of OSHA's primary enforcement tools, it does not conduct many inspections of federal worksites or have a national strategy for targeting worksites with high injury and illness rates for inspection. Furthermore, although OSHA is responsible for tracking violations that agencies dispute and reporting any unresolved disputes to the President, OSHA does not track these disputed violations or their resolution. In addition, although OSHA is required to review agencies' safety programs annually and submit a report on them to the President each year, as of January 2006, the last report submitted was for fiscal year 2000. Finally, while OSHA has a range of compliance assistance programs designed to help agencies comply with its regulations and improve safety, these programs are not being fully utilized.

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## **Abbreviations**

OFAP	Office of Federal Agency Programs
OSHA	Occupational Safety and Health Administration
OWCP	Office of Workers' Compensation Programs
OSH Act	Occupational Safety and Health Act
VPP	Voluntary Protection Programs
SHARE	Safety Health and Return to Employment

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United States Government Accountability Office  
Washington, DC 20548

April 21, 2006

The Honorable Arlen Specter  
Chairman  
The Honorable Tom Harkin  
Ranking Minority Member  
Subcommittee on Labor, Health and Human Services,  
Education, and Related Agencies  
Committee on Appropriations  
United States Senate

In the early to mid 1990s, five Yellowstone National Park employees were killed in on-the-job accidents ranging from a snowmobiling accident to a drowning. By the time the last death occurred, the Occupational Safety and Health Administration (OSHA)—the Department of Labor agency responsible for overseeing federal agencies’ safety programs—decided to conduct a comprehensive inspection and identified over 500 violations at the park. OSHA also worked with park officials to improve safety. As a result, Yellowstone transformed its safety program and according to Yellowstone officials, OSHA has deemed it a success. However, this worksite represents only one of thousands of locations where federal employees work. During the past decade, the number of executive branch workers killed or injured in work-related accidents at federal worksites has fluctuated, although the number has decreased overall.<sup>1</sup> Over this period, over 800 workers died from work-related accidents, with 47 deaths occurring in 2004. Non-fatal work-related injuries declined over the first half of this period and increased over the subsequent 5-year period, with approximately 148,000 claims for injuries being filed in 2004. While the number of injuries fluctuated, the costs of the claims for these injuries—adjusting for inflation—remained constant for most of the decade and rose slightly in 2004 to \$1.5 billion. In view of these injuries and their affiliated costs, you asked us to answer the following questions: (1) What are the components of federal agencies’ safety programs and what implementation challenges do they face? (2) How well does OSHA oversee and assist federal agencies’ efforts to develop and administer their safety programs?

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<sup>1</sup>In this report, we use the term “injuries” to refer to workers’ injuries and illnesses.

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To respond to your request, we focused on the executive branch because OSHA has more oversight responsibilities with respect to these agencies than it does for judicial and legislative branch agencies.<sup>2</sup> We obtained information using a data collection instrument from 57 safety managers for agencies in the eight largest executive branch departments, which represent about 80 percent of the federal workforce.<sup>3</sup> The instrument requested information and documentation on six components of sound safety programs we identified from previous GAO work: (1) management commitment, (2) employee involvement, (3) education and training, (4) identification of hazards, (5) following up and correcting hazards, and (6) medical management.<sup>4</sup> We reviewed the information in the data collection instrument and documentation that the agencies provided, assessing whether the documentation supported the agency's responses and identifying the types of activities the agency conducted for each program component. In addition, we conducted more detailed follow-up interviews with safety officials from 12 of the 57 agencies surveyed. We also interviewed employee representatives from 8 agencies and visited 5 federal worksites, most of which were identified by OSHA as having strong safety programs. In addition, we obtained information on workers' compensation claims from the Department of Labor's Office of Workers' Compensation Programs (OWCP). We also interviewed all 10 of OSHA's regional administrators and federal agency program officers and officials

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<sup>2</sup>The Occupational Safety and Health Act requires all federal agencies, including those in the executive, judicial, and legislative branches, to develop and maintain safety programs. However, while Executive Order 12196 and OSHA's regulations provide that OSHA plays a key oversight role with respect to executive branch agencies, its role is more limited for judicial and legislative branch agencies. Specifically, the executive order indicates that OSHA's role with respect to judicial and legislative branch agencies is to cooperate and consult with them to aid them in adopting their safety and health programs. Judicial and legislative branch agencies are not subject to OSHA's regulations unless they have entered into an agreement to that effect with OSHA. For the purpose of this work we did not include contract employees on federal worksites. Contract employees are not covered by federal agency safety programs, but are instead covered by private-sector procedures under the act.

<sup>3</sup>The eight largest departments are the Departments of Defense, Veterans Affairs, Homeland Security, Treasury, Agriculture, Justice, Interior, and the Social Security Administration. We excluded the U.S. Postal Service because, under the Occupational Safety and Health Act, it is considered a private-sector employer. For this report, "agency" refers to a division within these federal departments. For example, the agencies we reviewed in the U.S. Department of the Treasury include the Internal Revenue Service, the Bureau of Engraving and Printing, and the U.S. Mint.

<sup>4</sup>For this report, we use the term "safety program" to mean an agency's occupational safety and health program.

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in 10 area offices including the area director, a compliance safety and health officer, and, in many cases, a compliance assistance specialist. In addition, we examined OSHA's inspection data from fiscal year 1995 to 2004 and reviewed, when available, the annual reports that the eight largest federal departments provided to OSHA from 2000 to 2004. Finally, we reviewed the reports on federal safety programs that OSHA provided to the President during this time frame. For a more detailed explanation of our methodology, see appendix I. We conducted our work between November 2004 and February 2006 in accordance with generally accepted government auditing standards.

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## Results in Brief

Most agencies reported having at least one activity for each of the six safety program components. However, we identified common implementation challenges that cut across the components in the areas of data management, accountability, and safety resources. Of the 57 agencies surveyed, 54 reported that their safety programs contain at least one activity for each of the six safety program components. Agencies reported the fewest activities for the medical management component. For example, 12 agencies reported they do not have a program to offer injured employees light or restricted duty to help them return to work more quickly. Moreover, our analysis of the survey data and interviews with agency officials revealed a number of challenges agencies face in implementing their safety programs. The survey results indicated that many agencies do not have automated systems for tracking elements of their safety programs, such as training, and agency officials told us that some of their systems are difficult to use. In addition, many agencies did not demonstrate that their managers are held accountable for maintaining effective safety programs. For example, only 16 agencies (28 percent) were able to provide copies of their performance appraisal review forms citing safety as a rating element—the remaining agencies provided only their policies or other written documentation. Agencies we interviewed also reported difficulties in managing resources for their safety programs because many do not have a line item for safety in their budgets or face production goals that compete with safety priorities. In addition, many agencies told us that, due to limited resources, they often must depend on safety officers with limited technical or professional safety experience.

OSHA's oversight of federal agencies' safety programs is not as effective as it could be because the agency does not use its enforcement and compliance assistance resources in a strategic manner. One of OSHA's primary enforcement tools is conducting inspections of federal worksites. However, the agency does not conduct many inspections of federal



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worksites or have a national strategy for targeting worksites with high injury and illness rates for inspection. Instead, OSHA conducts inspections of federal worksites mainly in response to complaints from employees. In addition, although OSHA is responsible for tracking violations that agencies dispute and reporting any unresolved disputes to the President, it does not track these disputed violations or their resolution, and OSHA regional officials said they can sometimes remain unresolved for years. Evaluations, another enforcement tool OSHA has available, entail reviewing agencies' safety policies and programs and assessing the overall effectiveness of their safety programs. However, while OSHA is required to evaluate certain federal agencies annually, it has not done any evaluations in the last 6 years. Moreover, although OSHA is required to review federal agencies' safety programs and submit a report on their programs to the President each year, the last report OSHA submitted was for fiscal year 2000. Finally, although OSHA has a range of compliance assistance programs designed to help agencies comply with its regulations and improve safety, not all of these programs are being fully utilized. OSHA officials acknowledged these problems with their enforcement and compliance assistance strategies but noted that they have relatively few staff dedicated to federal agency oversight.

In order to improve OSHA's oversight of federal agencies' safety programs, we are recommending that the Secretary of Labor direct the Assistant Secretary for Occupational Safety and Health to (1) conduct targeted inspections of federal worksites; (2) track violations disputed by federal agencies and ensure that unresolved violations are reported to the President; (3) conduct evaluations of federal agencies as required; and (4) include in OSHA's annual report to the President an assessment of each agency's safety program and recommendations for improvements. In responding to a draft of this report, the Department of Labor generally agreed with our findings and recommendations. We also received written comments from the Departments of Homeland Security and Interior. These agencies generally agreed with our findings and conclusions. Copies of written comments from these agencies are provided in appendixes II, III, and IV. In addition, we received technical clarifications from the Departments of Defense, Justice, and Veterans Affairs, which we incorporated as appropriate.

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## Background

Congress passed the Occupational Safety and Health (OSH) Act in 1970 to ensure safe and healthful working conditions for working men and women, including federal employees.<sup>5</sup> While OSHA was created to administer the OSH Act, the act also gave federal agencies primary responsibility for providing federal employees with working conditions and workplaces that are free from safety and health hazards.<sup>6</sup> The act authorizes OSHA to set mandatory occupational safety and health standards, rules, and regulations and to enforce their compliance. In turn, each federal agency is required to establish and maintain a comprehensive and effective occupational safety and health program that is consistent with OSHA's standards.<sup>7</sup>

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## OSHA's Role

OSHA's Office of Federal Agency Programs within its Directorate of Enforcement Programs has primary responsibility for overseeing federal agencies' safety programs. OSHA's regulations and an Executive Order establish its responsibilities for monitoring federal agencies' programs.<sup>8</sup>

OSHA uses two strategies to provide oversight of federal agencies' safety programs—enforcement and compliance assistance. OSHA's enforcement strategy includes inspections and evaluations of federal worksites that help ensure that federal agencies are not violating any OSHA standards and are complying with the requirements for their safety programs.<sup>9</sup> In

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<sup>5</sup>29 U.S.C. §§ 651–678.

<sup>6</sup>29 U.S.C. § 668.

<sup>7</sup>Executive Order 12196, issued on February 26, 1980, prescribes executive branch agencies' and OSHA's responsibilities. 29 C.F.R. Part 1960 contains OSHA's regulations for federal agency programs.

<sup>8</sup>Executive Order 12196 and OSHA's regulations apply to federal executive departments. Military personnel and uniquely military activities of executive agencies are not included.

<sup>9</sup>OSHA is generally authorized to conduct announced or unannounced inspections of federal agencies that have not established OSH committees that conform to the regulatory requirements. OSHA's inspection authority is somewhat more limited if an agency has established an OSH committee. Currently, only six departments have such committees: the Central Intelligence Agency, Securities and Exchange Commission, General Services Administration, Department of Labor, Tennessee Valley Authority, and U.S. International Trade Commission. None of the departments we reviewed had such committees. For those agencies with established OSH committees, OSHA may only conduct an inspection if (1) half the membership of record of the federal agency's OSH committee requests an OSHA inspection; or (2) an employee reports an imminent danger to the agency's OSH committee, but OSHA determines that neither the committee nor the agency has adequately responded to the employee's complaint. 29 C.F.R. §1960.31.

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addition, agencies are required to submit annual reports to OSHA on their safety programs, which OSHA uses to prepare an annual report to the President on federal agencies' safety programs. OSHA's compliance assistance strategy consists of a range of programs intended to help agencies improve their safety programs.

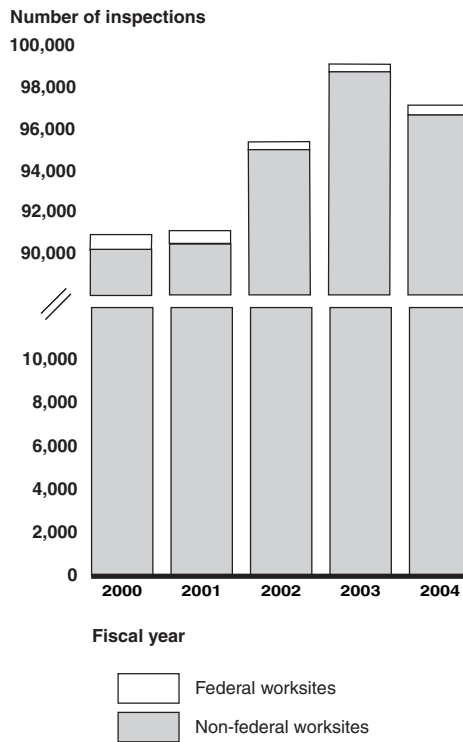
## Enforcement

OSHA is authorized to conduct inspections of federal agency worksites but, as figure 1 illustrates, inspections of federal worksites represent a very small percentage of OSHA's overall inspections.<sup>10</sup>

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<sup>10</sup> OSHA has enforcement responsibility for all federal worksites in all states, but has granted authority to about half of the states for their own enforcement of private-sector and non-federal, public-sector worksites. At present, 22 states and territories, including Puerto Rico, have been approved by OSHA to operate their own programs; 4 states and territories, including the Virgin Islands, are approved for covering non-federal, public sector employee worksites only. OSHA directly oversees enforcement for all worksites in the remaining states. The number of inspections shown includes those conducted by the states and territories.

**Figure 1: Number of OSHA Inspections, Fiscal Years 2000 to 2004**

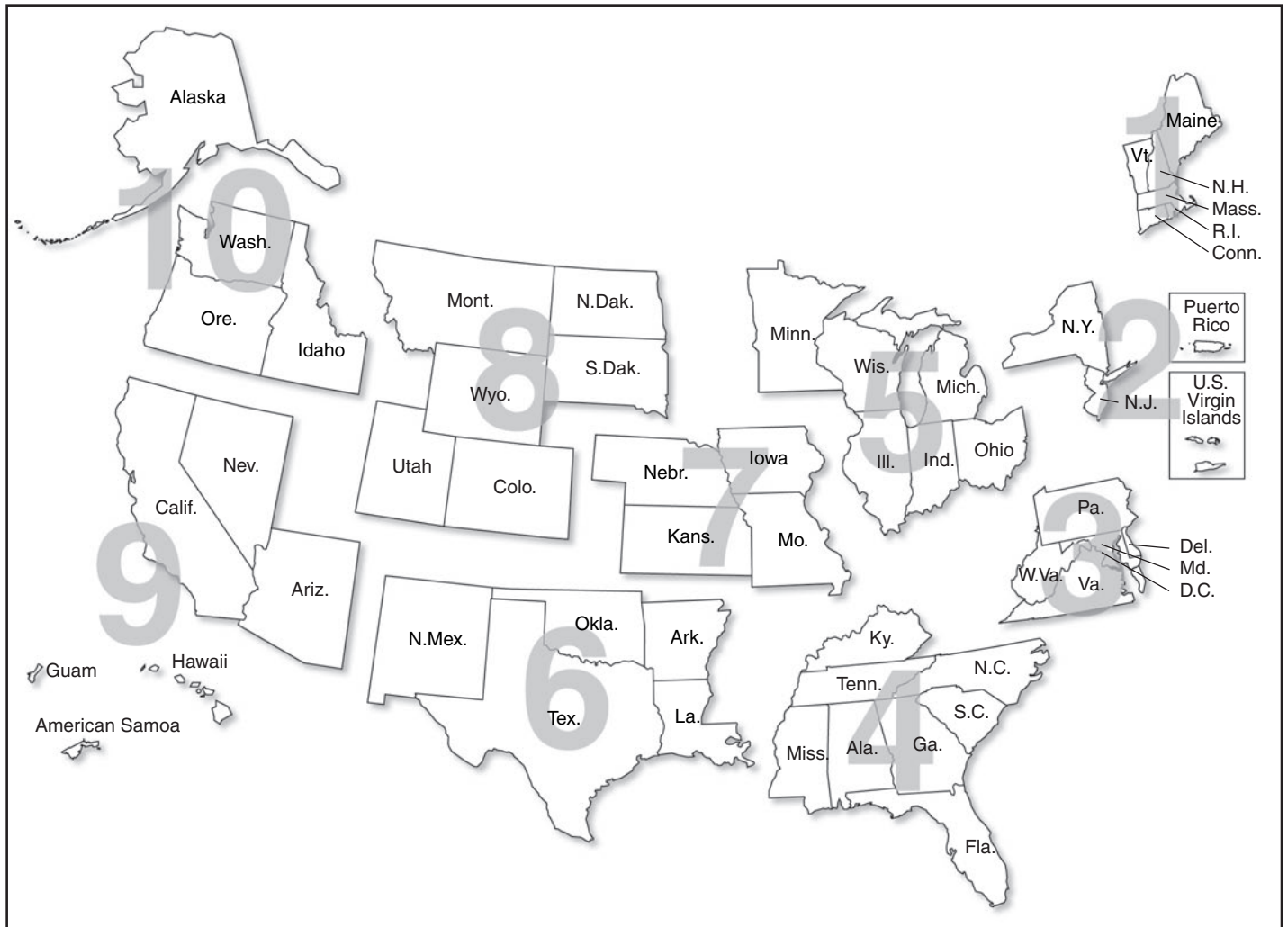


Source: GAO analysis of OSHA data.

Between fiscal years 2000 and 2004, less than 1 percent of OSHA’s inspections were of federal worksites in executive branch agencies; the remaining 99.5 percent were primarily of private-sector worksites. Federal executive branch workers represented about 1.4 percent of the overall U.S. workforce between 2002 and 2004.

Inspections are conducted by OSHA’s 80 area offices in its 10 regions. Figure 2 shows the location of OSHA’s 10 regions.

Figure 2: OSHA's 10 Regions



Source: OSHA.

OSHA categorizes inspections as those that are “programmed” and those that are “unprogrammed.” Programmed inspections are those that OSHA plans to conduct because it has targeted certain worksites for inspection due to their potential hazards. Unprogrammed inspections are not planned; they are prompted by actions such as complaints, accidents, and referrals. OSHA has established a system of inspection priorities that relate to these categories, with unprogrammed inspections being a higher priority than programmed inspections. Top priority goes to imminent danger situations in which death or serious physical harm could occur.

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The next priority for OSHA inspectors is catastrophes and fatal accidents, followed by complaints and referrals. Programmed inspections are OSHA's fourth priority. OSHA's last priority is to perform follow-up inspections, which are conducted to ensure that hazards identified during previous inspections have been corrected. From fiscal years 2000 through 2004, only 40 percent of OSHA's inspections of federal worksites were programmed. During the same period, 54 percent of its inspections of non-federal worksites were programmed.

OSHA is required to conduct comprehensive annual evaluations of the larger or more hazardous federal agencies.<sup>11</sup> Results of these evaluations are summarized by OSHA in reports that include information from the review of an agency's safety policies and reports, as well as inspections of the agency's facilities and interviews with agency personnel.

In addition, OSHA is required to submit to the President an annual report on the status of federal employees' occupational safety and health.<sup>12</sup> OSHA uses reports submitted annually by federal agencies to OSHA on their safety programs—along with the results of any evaluations it has conducted of federal agencies' safety programs—to prepare its annual report to the President. The report should also contain recommendations for improving agencies' performance.

## Compliance Assistance

OSHA's compliance assistance strategy consists of several programs available to federal agencies, although some programs have only recently been offered to federal employers. OSHA also provides technical support to federal agencies, such as conducting studies of accidents and the causes of injuries and illnesses, and providing training of agencies' safety and health personnel. Two of OSHA's compliance assistance programs—Field Federal Safety and Health Councils and Agency Technical Assistance Requests—specifically target federal agencies, while others are generally available to both private- and public-sector employers. Compliance assistance programs for private and public sector employers include the Voluntary Protection Programs (VPP), alliances, and strategic

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<sup>11</sup>Executive Order 12196, §1-401(h).

<sup>12</sup>29 C.F.R. §1960.71(b).

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partnerships.<sup>13</sup> Approval as a VPP site is OSHA's official recognition of worksites that have implemented exemplary safety and health programs.<sup>14</sup> The VPP was started in 1982 for private-sector companies but was expanded to include federal agencies in 1997. The alliance program was started in 2002 and includes organizations that have agreements with OSHA to focus on training, outreach, and promoting awareness of safety and health issues. The strategic partnership program was started in 1998 and consists of agreements between OSHA and employers to address specific safety and health problems.

OSHA also has been responsible for helping implement Presidential initiatives, with the most recent initiative being issued in 2004: the Safety and Health and Return to Employment (SHARE) initiative. This initiative directs agencies to set and adhere to both safety and workers' compensation goals. Specifically, the initiative directs federal agencies to achieve four goals: (1) reduce the overall case rate for these claims, (2) reduce the lost-time rate—the number of employees who could not return to work per 100 employees in the workforce, (3) improve the processing time of workers' compensation claims, and (4) reduce the lost production day rate—the lost days due to injury or illness per 100 employees. OSHA works with agencies in addressing the first two goals and helps them calculate the rates monitored.

## Role of the Federal Agencies

OSHA's regulations establish the basic elements of executive agencies' safety and health programs. According to the regulations, agencies' programs must include provisions for

- top management support, participation, and accountability;
- safety and health policies, procedures, and standards;
- goals and objectives;
- worker involvement;

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<sup>13</sup>OSHA's compliance assistance programs use a mix of different methods designed to improve worker safety. They target both exemplary worksites and hazardous ones, and influence employers directly by implementing safety and health programs and indirectly through collaboration with trade and professional associations. For more information on these programs, see GAO, *Workplace Safety and Health: OSHA's Voluntary Compliance Strategies Show Promising Results, but Should Be Fully Evaluated before They Are Expanded*, [GAO-04-378](#) (Washington, D.C.: Mar. 19, 2004).

<sup>14</sup>VPP sets performance-based criteria for a managed safety and health system, invites sites to apply, and then assesses applicants against these criteria. OSHA's verification process includes an application review and rigorous onsite evaluations by a team of safety and health experts.

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- safety and health training of managers and workers;
  - collection of occupational injury and illness data;
  - self-inspection of workplaces and self-evaluation of the programs;
  - abatement of unsafe and unhealthful working conditions; and
  - adequate budgets, staff, and equipment and materials.

In conducting self-inspections, agencies must meet certain requirements. Inspectors are required to be qualified to recognize and evaluate hazards and suggest corrections, and they must conduct inspections of every worksite at least once a year. According to the regulations, agencies should conduct “sufficient” unannounced inspections and unannounced follow-up inspections to ensure the identification and correction of hazardous conditions.

Agencies must also report annually to OSHA on their programs. In November 2004, OSHA issued a final rule amending the injury recordkeeping and reporting requirements applicable to federal agencies.<sup>15</sup> Prior to this time, federal agencies were required to collect only injury information related to workers’ compensation claims. OSHA revised the recordkeeping requirements in order to improve the quality of the federal recordkeeping system and to increase the utility of the data.<sup>16</sup> Beginning in January 2005, federal agencies were required to record injuries in the same manner as private-sector employers and to apply new criteria to determine whether an injury must be recorded. Specifically, a work-related injury must be reported if, for example, it results in death, 1 or more days away from work, restricted work, loss of consciousness, or a significant injury or illness diagnosed by a physician.<sup>17</sup> The regulations do not require that this data be reported to OSHA. However, the regulations state that agency heads must submit an annual report to OSHA, containing such information as OSHA requests.<sup>18</sup> At a minimum, these reports are to describe the agency’s safety program and include, among other things, the agency’s required self-evaluation findings. OSHA uses these reports, along with any evaluations it has conducted to prepare its annual report to the President.

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<sup>15</sup> 69 Fed. Reg. 68793, codified at 29 C.F.R. §§1960.66-1960.71.

<sup>16</sup> 69 Fed. Reg. 68796.

<sup>17</sup> In addition, unlike prior requirements, agencies must record the annual average number of employees employed as well as the total hours worked by all employees. This information is needed to calculate injury and illness rates.

<sup>18</sup> 29 C.F.R. §1960.71(a). The regulations also provide that the Secretary of Labor must provide the agencies with the guidelines and format for the reports.



## Six Components of a Sound Safety Program

Safety experts and federal safety agencies agree that, to build an effective safety program, organizations must take a strategic approach to managing workplace safety and health. This objective is generally accomplished by establishing programs built upon a set of commonly recognized components of sound safety programs, which, together, help an organization lay out what it is trying to achieve, assess progress, and ensure that safety policies and procedures are appropriate and effective. Drawing from our prior work, a review of the literature, and OSHA's requirements, we identified six components often found in sound safety programs: (1) management commitment, (2) employee involvement, (3) education and training, (4) identification of hazards, (5) following up and correcting hazards, and (6) medical management.<sup>19</sup> Table 1 lists these components, along with a description of their supporting activities.

**Table 1: Six Components of a Sound Safety Program and Their Supporting Activities**

Component <sup>a</sup>	Supporting activities
Management commitment	<ul style="list-style-type: none"> <li>• Establish goals for the program.</li> <li>• Develop activities to communicate the importance of the safety program to staff, including management, employees, and contractors.</li> <li>• Use management and information systems that allow for trend analysis, risk analysis, etc.</li> <li>• Establish program responsibilities of managers and employees for safety and health in the workplace and hold them accountable for carrying out those responsibilities.</li> </ul>
Employee involvement	<ul style="list-style-type: none"> <li>• Establish procedures for employees to report job-related fatalities, injuries, illnesses, incidents, and damage to property or equipment.</li> <li>• Establish procedures for employees to report hazards.</li> <li>• Provide employee access to the system that captures information on accidents and hazards.</li> <li>• Ensure employee involvement in safety committees that report on hazards.</li> <li>• Allow employees to provide input on safety-related training curricula.</li> <li>• Ensure employees participate in walkthroughs of worksites to identify hazardous conditions on a daily, weekly, or monthly basis.</li> <li>• Allow employee involvement on accident investigation teams.</li> </ul>

<sup>19</sup>See GAO, *Architect of the Capitol: Management and Accountability Framework Needed for Organizational Transformation*, [GAO-03-231](#) (Washington, D.C.: Jan. 2003) and *Private Sector Ergonomics Programs Yield Positive Results*, [GAO/HEHS-97-163](#) (Washington, D.C.: Aug. 27, 1997).

Component <sup>a</sup>	Supporting activities
Education and training	<ul style="list-style-type: none"> <li>• Provide general awareness training to all employees so that they can recognize hazards and risks; learn procedures for reporting job-related fatalities, injuries, illnesses, incidents, and hazards; and become familiar with the program (national-level training).</li> <li>• Provide targeted training to specified groups of employees because of the jobs they hold, the hazards they face, or their role in the program (agency-level training).</li> <li>• Maintain an automated system to track training completed by employees.</li> </ul>
Identification of hazards	<ul style="list-style-type: none"> <li>• Establish procedures for conducting required OSHA inspections.</li> <li>• Establish procedures for conducting informal walkthroughs of worksites to identify hazardous conditions.</li> </ul>
Following up and correcting hazards	<ul style="list-style-type: none"> <li>• Establish procedures for developing controls for workplace hazards.</li> <li>• Establish procedures for following up on inspections to ensure hazards are corrected and controls are effective.</li> <li>• Maintain an automated system that tracks workplace hazards.</li> </ul>
Medical management <sup>b</sup>	<ul style="list-style-type: none"> <li>• Establish procedures to ensure that an injured or ill employee is seen within a specified time frame by a medical provider.</li> <li>• Maintain an automated system that tracks accident data—including the type, nature, and source of injury.</li> <li>• Implement a restricted or light duty return-to-work program.</li> <li>• Maintain an automated system that tracks the return-to-work status of employees.</li> </ul>

Source: GAO and OSHA.

<sup>a</sup>Different terminology is often used to describe these components. For example, “identification of problem jobs” is sometimes referred to as “hazard identification and assessment” and “analysis and development of controls for problem jobs” is sometimes referred to as “hazard prevention and control.”

<sup>b</sup>Organizations may have a medical management program without necessarily having a safety and health program.

## Federal Workplace Trends

Over the last 10 years, the federal executive branch workforce has changed in a number of ways, including its size, demographic characteristics, experience levels, and types of occupations. During this time, there was a 6 percent decrease in the federal workforce—from 2 million employees in fiscal year 1995 to 1.9 million in fiscal year 2004. In addition, the average age of federal workers increased from 44 to 47 years old and the average length of time in service increased slightly, from 16 to 17 years. Likewise, the average pay grade level of federal workers increased from approximately GS-9 to about GS-10. Moreover, the percentage of workers in professional and administrative positions increased from 85 to 89 percent.

Federal employees encompass a wide range of professions, ranging from low-risk occupations such as office workers to highly hazardous occupations such as law enforcement positions. For example, at the U.S.

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Marshals Service, duties of criminal investigators include seizing assets and apprehending fugitives. In addition, U.S. Forest Service employees are involved in a variety of potentially hazardous activities such as developing laboratory products, managing recreational lands, and fighting wildland fires, while inspectors with the Food Safety Inspection Service face daily hazards such as exposure to the chemicals used to kill pathogens in meat. Finally, employees at manufacturing operations such as at the U.S. Mint and the Bureau of Engraving and Printing use industrial production equipment such as forklifts and presses.

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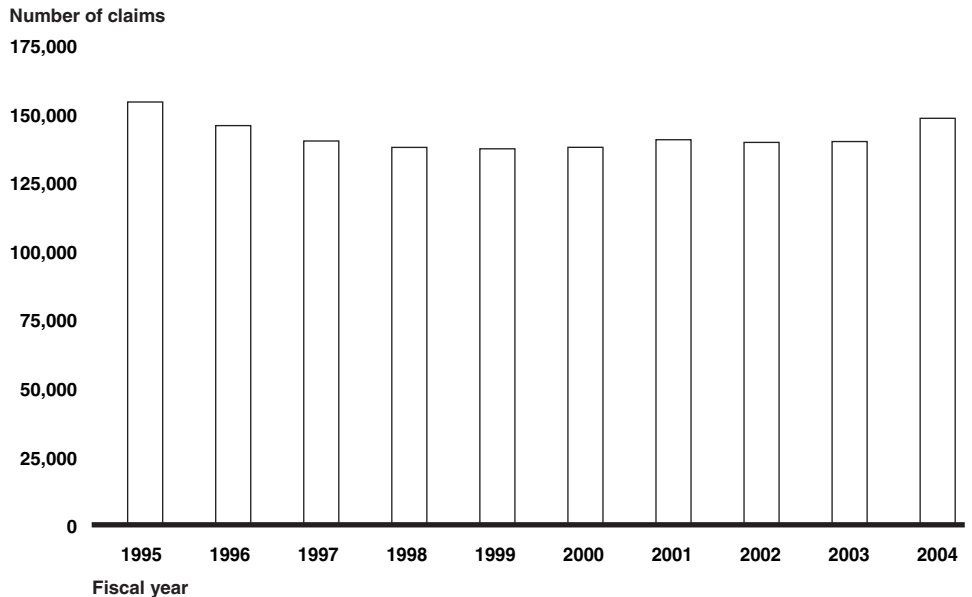
## Injury and Illness Trends in the Federal Government

The impact of demographic changes in the makeup of the federal workforce on the number of injuries they sustain is unclear. The number of active workers' compensation claims for work-related injuries declined from approximately 154,000 claims in fiscal year 1995 to about 137,000 claims in fiscal year 1999.<sup>20</sup> However, these claims increased from approximately 138,000 claims in fiscal year 2000 to about 148,000 claims in 2004, as shown in figure 3.

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<sup>20</sup>For this report, we define "active workers' compensation claims" as claims made by federal employees who sustained compensable work-related injuries or illnesses. Workers' compensation benefits provided to covered employees can include payment for medical treatment, rehabilitation services, death benefits, and replacement of lost wages.

**Figure 3: Number of Workers' Compensation Claims of Federal Workers, Fiscal Years 1995 to 2004**



Source: GAO analysis of OWCP data.

Although the severity of the injuries changed during this period, the types of injuries that federal workers incurred remained the same. Despite the fact that the number of traumatic injury claims decreased slightly—from 76,633 claims in fiscal year 1995 to 74,322 claims in fiscal year 2004, as a proportion of total claims, traumatic injury claims increased slightly over this same period. However, non-traumatic injury claims decreased by over 30 percent during this period—from 8,508 claims in fiscal year 1995 to 5,903 claims in 2004. In addition, the top five types of traumatic injuries incurred by federal workers during this period ranged from sprains and strains of ligaments, muscles, or tendons to lacerations. Over this same period, the five most common types of non-traumatic injuries ranged from hearing loss to back sprain or strain. See table 2 for a list of the five most common types of traumatic and non-traumatic injuries federal workers incurred from fiscal year 1995 to 2004.

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**Table 2: Top Five Types of Injuries Incurred by Federal Workers, Fiscal Years 1995 to 2004**

<b>Traumatic injuries</b>	<b>Non-traumatic injuries</b>
1. Sprain/strain—not back	1. Hearing loss
2. Traumatic injury—unclassified	2. Carpal tunnel syndrome
3. Back sprain or strain	3. Musculoskeletal condition, other
4. Contusion	4. Conditions of tendons, etc.
5. Laceration	5. Back sprain or strain

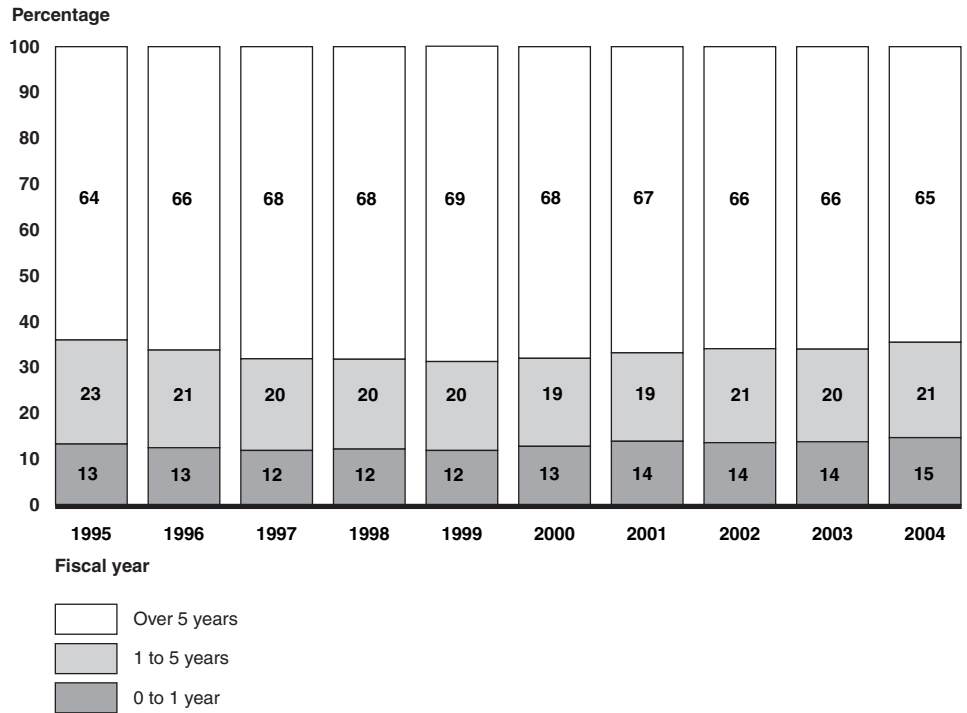
Source: GAO analysis of OWCP data.

While the size of the workforce declined, workers' compensation costs for federal employees remained fairly constant during the most recent 10-year period, from about \$1.54 billion in fiscal year 1995 to about \$1.52 billion in 2004.<sup>21</sup> In addition, the compensation per claim filed during this period increased. For example, while there were about 1,800 fewer new claims in fiscal year 2004 than there were in fiscal year 1995, the average compensation per claim increased by 3 percent from fiscal year 1995 to 2004, with the average payment per claim rising from \$9,958 in 1995 to \$10,242 in 2004. As shown in figure 4, the largest amount of workers' compensation costs for federal workers paid from fiscal years 1995 to 2004 was for claims that were over 5 years old.

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<sup>21</sup>Amounts shown have been adjusted for inflation, with a base year of 2005.

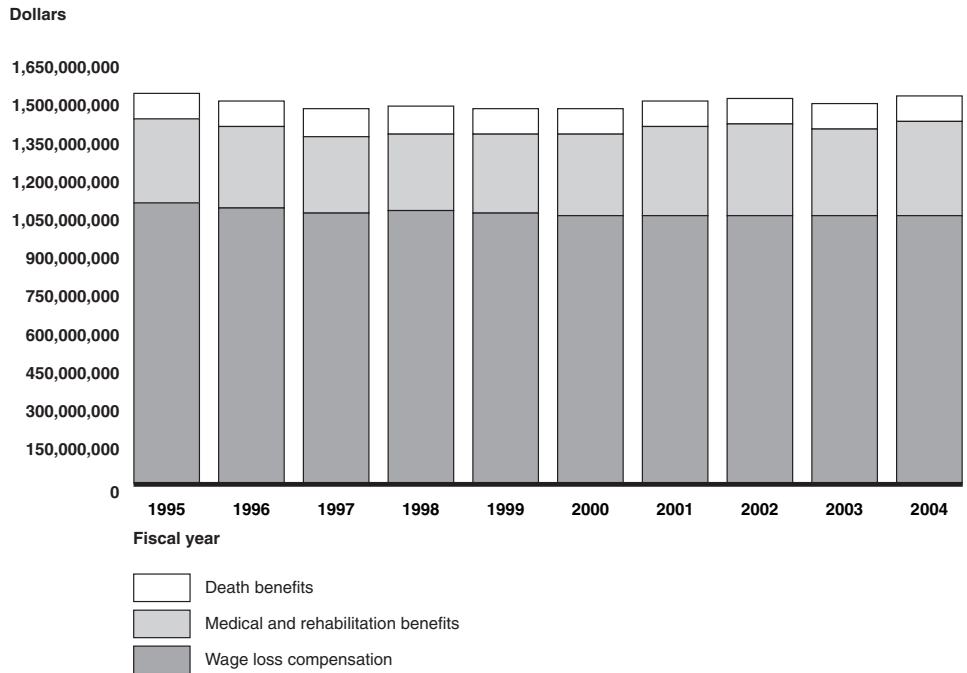
**Figure 4: Percent of Workers' Compensation Costs for Federal Workers by Age of the Case, Fiscal Years 1995 to 2004**



Source: GAO analysis of OWCP data.

Finally, the proportion of payments for lost wages, death benefits, medical costs, and rehabilitation have remained constant, with wage loss compensation being the largest proportion (approximately 70 percent) of workers' compensation payments made from fiscal years 1995 to 2004. (See fig. 5.)

**Figure 5: Workers' Compensation Payments for Federal Workers by Type of Cost, Fiscal Years 1995 to 2004**



Source: GAO analysis of OWCP data.

## Most Agencies Reported Having Many Safety Program Components, but Faced Common Implementation Challenges

Information reported by the 57 federal agencies illustrated various ways in which agencies carry out activities within the six safety program components—management commitment, employee involvement, training, identification of hazards, correction of hazards, and medical management. However, agency officials we surveyed and interviewed reported they face a number of implementation challenges that cut across the components, particularly in using automated systems, holding managers accountable for maintaining an effective safety program, and making the best use of their limited resources. Officials at these agencies also described measures they have taken to overcome each of these challenges.

## Most Agencies Reported Having at Least One Activity for Each Safety Program Component

All of the 57 agencies surveyed reported that their safety programs incorporate activities for the management commitment component. Activities supporting management commitment include setting goals for the program and communicating from upper management to frontline staff

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about the importance of the safety program. Fifty-five of the agencies surveyed (96 percent) reported that they had established goals for their safety and health programs, and all 57 agencies reported conducting activities to communicate the importance of their safety programs to employees, such as through newsletters and Web sites.

Almost all of the agencies we surveyed reported that they conduct activities for two other components—employee involvement and training. Most agencies reported having policies governing employees' participation in safety committees and reporting injuries and hazards. While 56 (98 percent) of the agencies provided procedures for employees to report hazards, half of these procedures did not specify the right of employees to report hazards anonymously, as required by an executive order.<sup>22</sup> Consistent with OSHA regulations, 56 of the 57 agencies reported that they offer some type of safety training for their employees.<sup>23</sup>

While many agencies identified a number of methods for identifying hazards, fewer had comprehensive procedures for tracking whether hazards are corrected—two additional components of safety programs. Fifty-five (96 percent) of the agencies reported that they conduct OSHA-required inspections, which must be performed at least once a year, in order to identify worksite hazards. However, although an executive order requires employee representatives to participate in these inspections, seven agencies (12 percent) reported not having any procedures for informing employees of their role during safety inspections.<sup>24</sup> Furthermore, while most agencies reported having some procedures for following up on inspections and ensuring that hazards are corrected, we found that the procedures are not always adequate because a third of these agencies did not specify a reasonable timeframe for correction, as required by OSHA.<sup>25</sup>

Agencies reported having the fewest activities for the medical management component. Eight agencies (14 percent) reported that they

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<sup>22</sup>Executive Order 12196, §1-201(h).

<sup>23</sup>OSHA regulations require agencies to provide appropriate safety and health training that must, among other things, inform employees of the agency's safety program and their rights and responsibilities under the program. 29 C.F.R. §1960.59.

<sup>24</sup>Executive Order 12196, § 1-201(i).

<sup>25</sup>OSHA regulations require agencies to promptly rectify unsafe and unhealthful conditions, and agencies are required to comply with this regulation by documenting the seriousness of identified hazards and providing a reasonable time for correcting them. 29 C.F.R. §1960.26.



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do not have any procedures designed to ensure that an injured employee is seen promptly by a physician. In addition, 12 agencies (21 percent) reported they do not have programs for offering injured employees light or restricted duty to help them return to work more quickly. Another 11 agencies reported having such programs but did not provide sufficient documentation of them. For example, two agencies reported having return-to-work programs, but the documentation they provided showed that the programs had not yet been implemented. Although federal agencies are not legally required to include these activities in their safety programs, the failure to include them may limit the effectiveness of the programs.

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## Common Implementation Challenges Include Data Management, Accountability, and Safety Resources

We found that agencies face some common challenges in implementing their safety programs, particularly in using automated systems to manage their programs, holding managers accountable for workplace safety, and operating with limited resources.

### Data Management

The use of automated systems presented challenges for many agencies. Some agencies did not use such systems, while others cited difficulties in identifying systems that would allow them to collect data relevant to their safety programs. For example, 23 agencies (40 percent) reported that they do not have automated systems to collect information on hazards that have been identified and track whether they have been corrected in a timely manner. In addition, 14 of the agencies reporting that they have such a system (41 percent) either indicated that their hazard tracking systems were not currently operational, or they did not provide sufficient documentation to support the existence of such systems. Approximately a quarter of the agencies surveyed reported that they did not have automated systems for tracking safety training completed by their employees. Furthermore, 34 agencies (60 percent) reported they did not have an automated system for tracking the status of employees in light or restricted duty return-to-work programs, and another 16 agencies did not provide sufficient documentation of their systems. While federal agencies are not required to use automated data systems, without such a system, safety officials would have difficulty tracking broader trends such as participation rates in light or restricted duty programs and the effect of program participation on worker's compensation costs.

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Ten of the 12 agencies we reviewed in more detail reported challenges with their automated systems, such as ensuring that these systems collected appropriate data needed to evaluate the effectiveness of their safety programs. For example, an official from the Tobyhanna Army Depot told us that their computer technicians were in the process of designing a hazard tracking program because no agencywide programs were available, and off-the-shelf programs required too much adaptation to be practical. She also developed a stand-alone spreadsheet to track all work-related injuries because the systems available did not capture injuries that were not recordable on the OSHA log (such as injuries requiring only first aid) or injuries for which workers' compensation claims are not filed. Furthermore, a National Park Service official stated that entering safety meetings and other non-traditional training methods into the agency's automated system is difficult because the system does not have data fields for recording these activities. As a result, the agency has difficulty determining the extent to which employees have been trained on many safety issues.

Despite these challenges, several agencies told us they have started or are in the process of implementing automated safety systems that will allow them to collect and analyze data in order to better manage these safety programs, including assessing the effectiveness of their programs. For example, according to a Transportation Security Administration official, the agency is developing a new injury tracking system that will link injury and illness data with inspection data, allowing them to identify trends, such as where injuries commonly occur and demographic characteristics of injured employees. Similarly, officials with the Bureau of Engraving and Printing said they are testing a medical management system that will aggregate data from a number of different sources including the health unit, safety investigation reports, and their workers' compensation system. Collecting these data will allow them to streamline the reporting process and better track injury trends.

## Accountability

Another challenge agencies face is holding managers accountable for implementing effective safety programs. While 51 agencies (89 percent) reported having policies that establish responsibility for workers' safety and health for all employees, 6 reported that they do not have such policies, despite an OSHA regulation requiring them to establish these policies for all management officials.<sup>26</sup> Of the 51 agencies reporting having

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<sup>26</sup>29 C.F.R. §1960.11.

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such policies, 11 agencies did not provide sufficient documentation of the policies. For example, one agency provided an Employee Performance Plan, but there were no performance expectations related to safety anywhere in the plan.<sup>27</sup> Furthermore, although we asked the agencies to provide copies of their performance appraisal review forms citing safety as a rating element, only 16 agencies (28 percent) were able to do so.

Agency officials and employee representatives at 7 of the 12 agencies selected for follow-up interviews cited further difficulties in maintaining accountability throughout all levels of their organizations. For example, a Veterans Health Administration employee representative reported that, while there is a high level of commitment to safety at the headquarters level, the message is diluted as it reaches lower levels of the agency. In another example, the Defense Commissary Agency implemented a program that requires regional safety managers to evaluate stores' safety programs. Agency officials stated that regional officials are expected to follow up to ensure that stores make timely corrections, but are not required to document when hazards are corrected. As a result, the agency has little assurance that the safety of store employees is adequately protected. In addition, according to an employee representative from the Commissary, it is not always clear who is responsible for ensuring that hazards are corrected.

Several agencies reported that they had developed ways to help ensure that employees and managers are held accountable for agency safety programs. For example, in order to address accountability issues within the agency, the Veterans Health Administration initiated a program that ties agency safety goals to performance ratings. Moreover, instead of simply including safety as a general element of performance review, the agency selects two to three specific safety program goals that change every few years according to agency needs. Past goals have included submitting workers' compensation claims on time and reducing the occurrence of needle stick injuries. According to agency officials, bonuses for executive staff members are provided based on their progress in meeting these goals. When significant improvement has been made in

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<sup>27</sup>We have reported that aligning individual performance expectations with organizational goals, such as workers' safety and health, can help hold individuals accountable for contributing to organizational results. GAO, *Results-Oriented Cultures: Creating a Clear Linkage between Individual Performance and Organizational Success*, [GAO-03-488](#) (Washington, D.C.: Mar. 14, 2003).

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these areas, safety officials set new goals—enabling continuous improvement.

## Safety Resources

Both agency and OSHA officials cited challenges in funding their safety programs, although OSHA regulations require agencies to provide adequate resources to implement and maintain these programs.<sup>28</sup> One agency official we interviewed reported difficulty identifying funding for the agency's safety program because safety funding is not specifically designated as a line item in its budget. This lack of information on available resources makes it particularly difficult to plan for long-term safety issues, such as developing and providing training. For example, officials with the National Park Service, which employs a large cadre of seasonal workers, reported that the lack of itemized safety funds within its budget makes it hard to develop their training plans. OSHA officials cited the federal budget process itself as problematic because it requires federal agencies to budget months in advance for safety-related equipment purchases or other safety devices, long before they may have identified the need for this equipment. This was corroborated by a U.S. Mint official who reported that it is difficult to correct hazards that require a lot of capital investment and planning.

In addition, a potential consequence of operating with limited resources is the use of collateral duty safety officers—employees whose primary responsibilities do not involve safety. Nearly all of the agency officials we interviewed reported relying on these positions, which are typically filled by employees who volunteer or are assigned by the agency. While some agency officials reported their collateral duty officers were appropriately trained, as required by OSHA, others reported that these officers have limited knowledge or experience in safety.<sup>29</sup> Some agency officials we interviewed said that this lack of experience, as well as the limited amount of time collateral duty officers are allotted for safety duties, has made it difficult for these officers to learn all of the safety program requirements. For example, according to a National Park Service official, collateral duty officers at this agency typically spend about 10 percent of their time on their safety responsibilities, and this may inhibit their ability to respond effectively when safety concerns arise. Moreover, one Forest Service official told us that collateral duty officers questioned the feasibility of

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<sup>28</sup>29 C.F.R. §1960.7.

<sup>29</sup>29 C.F.R. §1960.58.

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building safety programs with collateral duty officers, and was concerned that the safety duties might detract from their primary job responsibilities.

Finally, 11 of the 12 agencies selected for follow-up interviews reported that competing priorities make it difficult to manage their safety programs. For example, a Food Safety Inspection Service official noted that completing safety forms and fulfilling data requests can be a burden to the agency's overall mission of meat and poultry inspections. Similarly, an employee representative at the Forest Service told us that, because safety achievements are not typically recognized or rewarded—even though such recognition is encouraged by OSHA regulations—supervisors focus on meeting production targets rather than working safely.<sup>30</sup>

Agencies identified a number of techniques for addressing the difficulties associated with managing resources. For example, an official with a National Park Service regional office said that they host monthly conference calls with the collateral duty safety officers at several national parks, which gives these individuals a chance to ask technical questions of the regional safety officer and share effective practices among the parks. These monthly calls also enable their collateral duty officers, who have limited backgrounds in safety, to gain knowledge and experience over time. Other agencies maximized their resources by collaborating with each other. For example, one official with the Forest Service said that they have an informal partnership with the Bureau of Land Management that allows them to pool their resources by pursuing joint activities and sharing offices and staff. One activity involved jointly developing and teaching an accident investigation course and an off-highway vehicle course.

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<sup>30</sup> 29 C.F.R. §1960.11.

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## OSHA Provides Inadequate Oversight of Federal Agencies Because It Does Not Use Its Enforcement and Compliance Assistance Resources Strategically

OSHA's oversight of federal agencies' safety programs is not as effective as it could be because it does not use its enforcement and compliance assistance resources in a strategic manner. First, OSHA does not routinely conduct inspections that target federal worksites with high injury and illness rates. In addition, OSHA lacks procedures for tracking and resolving violations disputed by federal agencies. Third, OSHA has not conducted required evaluations of the larger or more hazardous agencies in the last 6 years. Fourth, OSHA has not submitted its own annual reports to the President in a timely manner, and they have not included an assessment of each agency's safety program, as required. Finally, while OSHA has a range of promising programs for assisting agencies in complying with its regulations and improving worker safety, not all of these programs are being fully utilized.

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## OSHA's Enforcement Strategy Does Not Include a Program for Targeting Worksites with High Injury Rates for Inspection

Unlike its enforcement strategy for private-sector employers, OSHA's oversight of federal worksites does not include a national program that targets federal worksites with high injury and illness rates for inspection. According to its internal guidance, OSHA is supposed to develop a list that targets federal worksites for inspection. However, OSHA's Office of Federal Agency Programs has not developed such a list in over 5 years. In the past, OSHA used workers' compensation claims data collected by OWCP to identify federal worksites with high numbers of injuries and illnesses. Because of limitations in the data, however, it was difficult to identify where each injury occurred and, therefore, use this information to target federal worksites for inspection.<sup>31</sup> OSHA officials at the national office reported that they are working to start a new targeting effort but are still facing the same difficulties in using workers' compensation data to select federal worksites for inspection.

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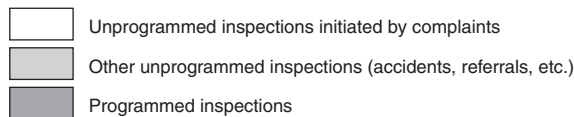
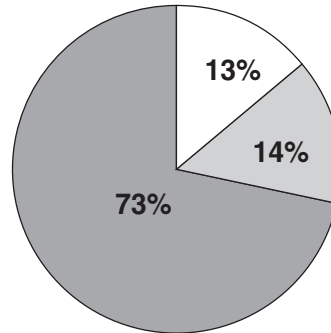
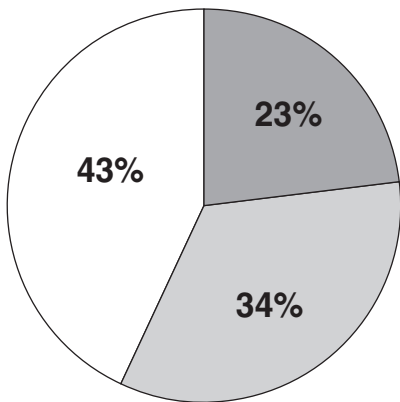
<sup>31</sup>According to OSHA officials, the database does not include a code for worksite location, and the zip code recorded often reflects where the claim was processed instead of where the injury occurred. In addition, OSHA officials said that they had to rely on the numbers of injuries rather than injury rates because federal agencies were unable to provide a list of the number of employees who worked at each worksite—information needed to calculate these rates.

As shown in figure 6, OSHA primarily conducts inspections of federal worksites as a result of complaints.<sup>32</sup>

**Figure 6: Percent of Inspections of Federal Worksites by Type, Fiscal Years 2000 to 2004**

**Area Offices without Targeted Programs**  
(Total number of inspections = 1,658)

**Area Offices with Targeted Programs**  
(Total number of inspections = 826)



Source: GAO analysis of OSHA data.

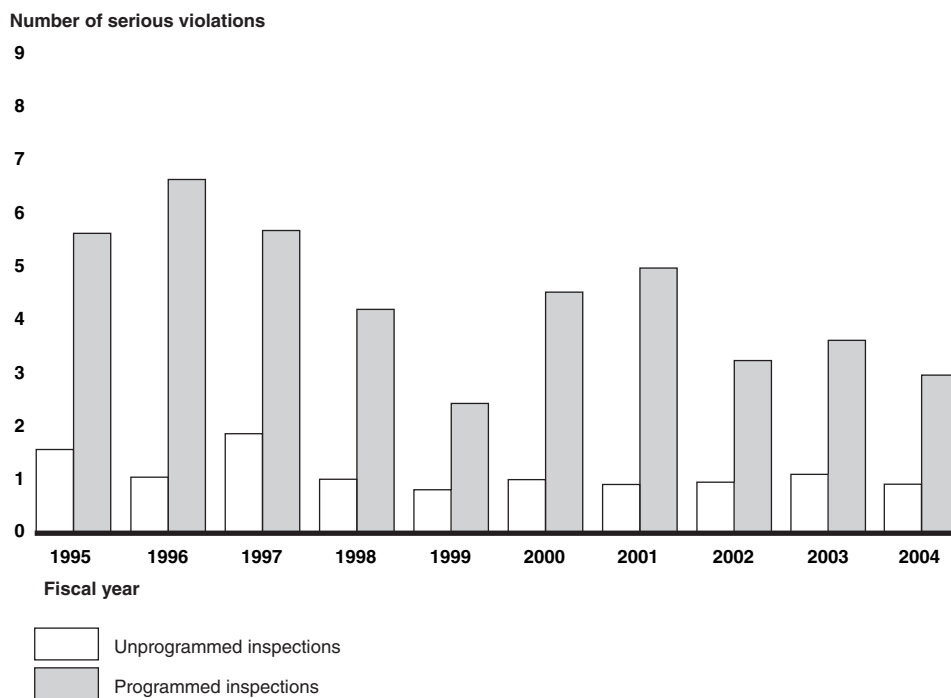
OSHA’s inspection data of federal worksites show that complaint inspections generally result in few violations compared to targeted inspections, which generally identify a greater number of serious violations (see fig. 7).<sup>33</sup> For example, over the last 10 years, unprogrammed inspections, which are generally initiated by complaints, uncovered an average of one serious violation per inspection, in contrast to an average of four serious violations for programmed (targeted) inspections. The

<sup>32</sup>OSHA regulations require that federal agencies have provisions for responding to employee reports of unsafe or unhealthy working conditions. However, employees may also report hazardous conditions directly to OSHA. If OSHA receives a complaint from an employee who works for a federal agency that lacks an established OSH committee, it may initiate an inspection or other appropriate action. 29 C.F.R. §1960.28(e).

<sup>33</sup>According to OSHA’s internal guidance, a serious violation is defined as one in which there is substantial probability that death or serious physical harm could result, and the employer knew or should have known of the hazard.

small average number of violations for unprogrammed inspections is driven by the fact that over half of these inspections result in no violations being identified.

**Figure 7: Average Number of Serious Violations at Federal Worksites by Inspection Type, Fiscal Years 1995 to 2004**



Source: GAO analysis of OSHA data.

The new recordkeeping rule, which was implemented in January 2005, requires federal agencies to begin collecting the same injury and illness data as private-sector employers and could help OSHA develop its targeting program, according to OSHA officials. Since the new rule requires federal worksites to keep logs that include information that can be used to calculate injury and illness rates, OSHA officials said these data would be more useful in creating an effective targeting program than the workers' compensation data. While the new rule does not require federal agencies to report injury and illness data to OSHA, OSHA officials said they could target federal worksites for inspection in the same way they target private-sector employers in industries with high injury and illness rates for inspection. For its targeting program of private worksites, OSHA surveys a sample of worksites in industries with the highest injury and illness rates. The survey form requires employers to report on (1) the



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average number of employees who worked for them during the previous calendar year, (2) the total hours the employees worked during the previous year, and (3) summary injury and illness data from their OSHA logs. OSHA then uses this information to compute the worksites' injury and illness rates and sends those with relatively high rates a letter informing them that they may be inspected. Finally OSHA develops a list of worksites with high injury and illness rates to be targeted for inspection. As an alternative to conducting a survey of federal worksites, OSHA has the option of requiring federal agencies to report this information in their annual reports to OSHA.

One of OSHA's regional offices—which includes four area offices—and an area office in another region developed their own targeted programs of federal agency worksites using the workers' compensation data. While officials reported using the data has been difficult, they said that these efforts have resulted in improved safety at federal worksites. In addition, they reported that the agencies that were inspected have become more aware of OSHA's role and, in turn, have sought OSHA's assistance in improving their safety programs. Furthermore, agency officials whose worksites have been selected for inspection have focused more attention on safety and shared information, resulting in further improvements. For example, at one worksite in Montana, Forest Service officials reported that, after colleagues in Idaho told them OSHA had targeted federal worksites in the state for inspection, they were reviewing their safety programs and OSHA's requirements in preparation for possible OSHA visits.

Officials with OSHA's national office said that they have encouraged regions to develop their own programs targeting federal agencies for inspection, but we identified some challenges that need to be addressed before more regions can successfully develop these programs. For example, one regional OSHA official reported requesting workers' compensation data from the national office to start a targeting program, but was told the national OSHA office did not have enough time to provide the data requested. In addition, regional and area office OSHA officials said that the ability to develop and maintain targeting programs depends on the resources available. Besides the time and effort required to identify worksites, they said the availability of inspectors is also a factor. According to OSHA's policies, OSHA inspectors' top priority is responding to imminent danger situations, followed by accidents, followed by responding to complaints; conducting targeted inspections is a lower priority.

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## OSHA Lacks a System for Tracking Disputed Violations

OSHA's procedures for tracking violations disputed by federal agencies differ from those for the private sector. Whereas private-sector employers can dispute OSHA violations cited during inspections by requesting that the violations be reviewed by an independent administrative law judge, federal agencies must seek resolution with OSHA officials. In these situations, federal agencies may first request an informal conference with OSHA area office officials to discuss the violation in question. If the dispute is not resolved, it is referred to the relevant OSHA region for review and, if necessary, to OSHA's national office.

While OSHA's internal instructions require that area office and regional officials be consulted in decisions made by national office officials and an Executive Order requires OSHA to submit unresolved violation disputes to the President, neither of these things appears to be occurring.<sup>34</sup> Although national office officials reported that there have not been any unresolved disputed violations, and they have not had to report any unresolved violations to the President in over 3 years, area office and regional staff told us some unresolved disputed violations from federal agencies have lingered for years. For example, a regional OSHA official reported that, in another region, a federal agency was cited for violating a safety standard that did not apply to that particular agency.<sup>35</sup> The agency challenged the violation, and the dispute reached the national office, where no decision was made—leaving the violation unresolved for 7 years. Another OSHA official reported a case in which the Bureau of Prisons refused to have guards wear special gloves as required while conducting cell searches because the guards thought the gloves would not provide them with enough sensitivity to feel for objects hidden by prisoners. According to this official, it was important for the guards to wear gloves during these searches because of the danger of receiving needle sticks or cuts from sharp objects. The case reached OSHA's national office, but it chose not to act on the case—leaving the guards at risk and the violation unresolved.

OSHA could not provide us with a list of all violations disputed by federal agencies or the status of their resolution because it does not have a system for tracking these disputed violations. OSHA officials at the national office indicated that part of the reason the agency has not developed such a

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<sup>34</sup>Executive Order 12196, § 1-401(k).

<sup>35</sup>According to the OSHA official, the violation involved a military maritime facility that was held to a safety standard for general industry; there is no such standard for the maritime industry.

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system is because few federal agencies dispute violations. In addition, according to these officials, disputed violations are resolved in a timely manner. These officials reported that they seek to review cases in a similar manner to the manner in which administrative law judges review private-sector employers' cases and have considered using either a permanent or ad hoc panel to ensure consistency in their review of violations disputed by federal agencies. However, without a system for tracking violations disputed by federal agencies, OSHA cannot ensure that all disputes have been resolved or that they are resolved in a consistent manner.

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### OSHA Has Not Conducted Evaluations in More Than 6 Years

Although OSHA is required to conduct annual evaluations of the larger or more hazardous federal agencies, and less frequent evaluations for smaller and less hazardous federal agencies, it has not conducted any evaluations since 1999. OSHA officials reported that because evaluations are so resource intensive, they did not have enough staff to support doing them. Evaluations are another element of OSHA's enforcement strategy and include both a national-level review of an agency's safety program and site-specific assessments. In the past, OSHA's national office identified federal worksites for evaluations and the area offices inspected them. OSHA's policies require agencies to correct any violations identified during inspections conducted as part of its evaluations. In addition, OSHA's internal guidance encourages its officials to coordinate evaluations with targeted inspections in order to use its resources more efficiently.

The last evaluation that OSHA conducted, at the Veterans Health Administration, resulted in a report that agency officials said they still use to improve their safety program. While some OSHA officials told us that evaluations are resource intensive and ineffective because agencies have not always corrected the problems identified, other OSHA and agency officials said OSHA's evaluation of the Veterans Health Administration helped bring management and union officials together for discussions during the evaluation process. According to these officials, this improved relationship continued after the evaluation was completed.

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## OSHA Has Not Submitted Timely Annual Reports on Agencies' Safety Program as Required

As of February 2006, OSHA had not submitted its annual report to the President that summarized and assessed the status of federal agencies' safety programs since 2000 nor provided recommendations of ways for federal agencies to improve their safety programs, as required.<sup>36</sup> OSHA is working to reduce the backlog for these reports, according to the officials we interviewed. In addition, OSHA officials told us that they could not assess the effectiveness of these programs or make recommendations because they do not collect original data on agencies' safety programs but, instead, rely on the reports agencies provide to them on an annual basis. According to these officials, they cannot assess or evaluate agencies' programs without collecting independent information on their programs. However, we believe that OSHA could use the information provided by the agencies in their annual reports to assess agencies' safety programs, including whether they are meeting OSHA's requirements. For example, OSHA could use the agencies' reports to determine what types of safety and health training they are providing to their managers and workers, the number and types of self-inspections they are conducting of their workplaces, and the measures used to correct unsafe and unhealthful working conditions identified during these inspections. In addition, OSHA could use these reports to make recommendations for improvement.

OSHA requires agencies to summarize their injury and illness rates and provide information on new initiatives they have started and their accomplishments in their annual reports. However, OSHA officials told us that they do not systematically review these reports over time to ensure that agencies are making progress. Our analysis of the agencies' reports for fiscal years 2000 through 2004 showed that agencies generally described the accomplishments of their safety programs but sometimes repeated their safety goals across years. For example, one agency reported in 2 consecutive years that it had "launched a new e-training program" that included safety modules. In addition, agencies generally did not provide any follow up information on their prior years' goals or challenges. For example, one agency reported having a goal to develop a database for tracking injury and illness trends but made no mention of the system in the following year's report. One OSHA regional official suggested that the national office could use regional staff more effectively by requiring each region to review selected federal agencies' annual reports. In this way, regional staff could become more familiar with specific agencies'

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<sup>36</sup>29 U.S.C. § 668(b).

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programs, which would allow them to more readily identify discrepancies and deficiencies in their annual reports.

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### OSHA Has Used a Variety of Compliance Assistance Programs for Federal Agencies, but None Is Widespread

Federal agencies can receive compliance assistance from OSHA through programs developed especially for federal agencies as well as programs initially developed for private-sector employers. The two compliance assistance programs developed specifically for federal worksites—Field Federal Safety and Health Councils and Agency Technical Assistance Requests—have generally been helpful, according to OSHA officials, but they are not consistently available to all federal agencies. Some of the programs that OSHA initially developed for private-sector employers and later expanded to federal agencies—the VPP, strategic partnerships, and alliances—have not all been widely used by federal agencies. As of January 2006, only 14 federal worksites had joined the VPP and OSHA had established few strategic partnerships and alliances with federal agencies. However, although only a limited number of federal worksites have used these programs, OSHA officials told us many of these efforts have been successful and they are encouraging more agencies to participate.

### OSHA's Regional Offices Have Struggled to Set Up and Maintain Field Federal Safety and Health Councils

Regions have anywhere from 2 to 13 active Field Federal Safety and Health Councils, depending on the effort regional OSHA officials have made to develop and maintain them. These councils, established by OSHA to facilitate the exchange of ideas and information about occupational safety throughout the federal government, consist of management and employee representatives from local federal agencies.<sup>37</sup> OSHA officials reported that the councils are intended to provide a networking and training forum for safety officials from different agencies in a given area, but all agreed that maintaining the councils has been a struggle.

Both OSHA and agency officials cited challenges in maintaining the councils. Some OSHA officials reported that federal agencies do not always give their representatives time to attend the meetings. Other OSHA officials raised concerns that federal agencies have failed to properly train their collateral duty safety officials, which has inhibited their contributions to the councils. In addition, some officials reported that distance makes it difficult for council members to attend meetings. One

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<sup>37</sup> OSHA regulations, which established Field Federal Safety and Health Councils to fulfill one of the requirements in Executive Order 12196, state that OSHA will charter these councils and maintain a liaison with agency heads to facilitate participation in the councils. 29 C.F.R. §§1960.84–1960.90.

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OSHA area director used the state's library videoconferencing system to bring together council members from different areas and suggested that OSHA consider similar methods to encourage collaboration. On the other hand, a couple of agency safety managers and OSHA officials told us the councils are not necessarily an effective tool for agencies because the safety concerns are so different among the agencies. For example, a Department of Veterans Affairs' safety manager might be focused on preventing needle sticks and identifying violent patients, while National Park Service safety staff might be concerned about snake bites and heat exhaustion.

The councils also have limited financial resources. Funding is provided solely by OSHA's regional offices and is not a line item in their budgets. While regions attempt to provide training to the councils, any budget constraint can quickly eliminate their ability to do so. Until last year, OSHA's national office sponsored an annual conference and the regions provided the travel funds for the council presidents to attend the conference. However, the conference was canceled in fiscal year 2005, partly because the national office did not have the funds to set up the meeting and partly because the regions reported not having the travel funds required.

#### OSHA's Responses to Agency Technical Assistance Requests Are Sometimes Delayed

OSHA officials said they sometimes are reluctant to respond to Agency Technical Assistance Requests, which can delay this assistance, because they consume their limited enforcement resources. An agency can request OSHA to provide advice on hazard abatement, training, or program assistance. OSHA cannot cite agencies for violations during this process but, in making the request, agencies understand they are expected to correct any violations OSHA observes. While these requests for technical assistance are considered part of OSHA's compliance assistance strategy, rather than enforcement, OSHA area offices and regions must use their enforcement budgets and staff to conduct them. Because these offices have limited enforcement resources, a regional OSHA official told us that, although OSHA responds to all of these requests, this assistance may be delayed.

#### Agencies Have Begun Joining OSHA's VPP

As of January 2006, there were 14 federal worksites among the more than 900 private-sector worksites in OSHA's VPP, which promotes effective worksite safety and health. In general, OSHA and agency officials told us the program is beneficial for federal agencies and they expect more worksites to join. An agency official also said that having one federal worksite join often is an impetus for others to consider applying to join the program. For example, since the U.S. Mint in Philadelphia became a VPP

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site in 2005, other agencies within the Department of Treasury have considered joining. In addition, some OSHA field staff reported that they are in the process of assisting agencies with their VPP applications. While a few agency officials told us that the VPP was not feasible for agencies because of the resources required, many told us they had worksites seeking to join the program.

Some OSHA officials reported that federal agencies face unique challenges in joining the VPP. For example, in order to participate, agencies must have an injury and illness rate below the average within their given industry. However, some agencies do not fit within a particular industry code or definition. This was the case for Yellowstone National Park when the worksite first applied to join the VPP. The park was required to classify itself in an industry category that included amusement parks and miniature golf courses, worksites with much lower injury and illness rates than the park. The industry codes were recently changed and now include a code for national parks, but Yellowstone is still challenged because its injury and illness rates are higher than those of other parks such as national monuments with many fewer hazards and injuries.

### OSHA Has Developed Few Strategic Partnerships and Alliances with Federal Agencies

OSHA has developed relatively few strategic partnerships and alliances with federal agencies, although OSHA officials said those that have been formed have generally been beneficial to the agencies in improving their safety programs. Strategic partnerships are agreements that employers make with OSHA to address specific safety and health problems, while alliances are agreements organizations make with OSHA to focus on training, outreach, and promoting awareness of safety and health issues. OSHA has created a limited number of strategic partnerships with federal agencies at the national and regional level. At the national level, OSHA has one partnership—an agreement with the Army created in October 2004 aimed at increasing awareness of safety, reducing ergonomic injuries, and sharing best practices. At the regional level, OSHA has 7 current and 10 completed partnerships with federal agencies. (See table 3.)

**Table 3: Federal Agencies' Strategic Partnerships with OSHA**

	<b>Current</b>	<b>Federal agency</b>	<b>Completed</b>	<b>Federal agency</b>
<b>National</b>	1	Army	0	
<b>Region</b>				
<b>1</b>	0		0	
<b>2</b>	1	National Park Service San Juan	1	National Park Service Fire Island National Seashore
<b>3</b>	0		0	
<b>4</b>	1	National Park Service Mammoth Cave	0	
<b>5</b>	0		2	National Park Service—Isle Royale & Sleeping Bear Dunes
<b>6</b>	1	Federal Bureau of Prisons, Three Rivers	2	National Park Service Padre Island Federal Interagency Training Council
<b>7</b>	0		0	
<b>8</b>	3	National Park Service—Grand Teton, Yellowstone, & Glacier	1	Veterans Health Administration Cheyenne
<b>9</b>	0		2	National Park Service—Yosemite & Golden Gate
<b>10</b>	1	Bureau of Land Management-Fremont National Forest	2	Defense Commissary Agency, Ft. Lewis Forest Service
<b>Subtotal - regional partnerships</b>	<b>7</b>		<b>10</b>	
<b>Total</b>	<b>8</b>		<b>10</b>	

Source: OSHA.

In general, OSHA officials said that these partnerships have helped agencies reduce their injury and illness rates by helping them to develop stronger safety programs. However, in two instances OSHA terminated its strategic partnerships with federal agencies prior to their completion, either because the agency could not agree on the terms of the partnership or because the agency lacked the commitment to make the changes needed to improve their safety programs.

Federal agencies have joined two national alliances and formed a total of 10 regional or local alliances. While most of the alliances have focused on general safety issues, more recently Region 10 signed an alliance with the Fort Lewis Army Garrison that focuses on improving the training and communication for emergency response efforts. According to one OSHA official, this alliance has leveraged both agencies' resources well. OSHA has gained training from Fort Lewis on emergency response techniques,



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and Fort Lewis has utilized OSHA's expertise in properly fitting staff members for personal protective equipment to be worn during an emergency response.

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## Impact of the SHARE Presidential Initiative Is Unclear

OSHA assists federal agencies with SHARE, the Presidential initiative begun in 2004 and intended to encourage federal agencies to improve their safety programs and reduce federal workers' compensation costs, but the impact of the initiative on agencies' safety programs is not clear. Specifically, OSHA officials reported coordinating with OWCP to provide training to the agencies about SHARE, but they had different views on the effectiveness of the SHARE initiative. According to some OSHA officials, the initiative has encouraged agencies' national offices to pay more attention to safety issues than they otherwise would have. Other officials said that they thought SHARE was a paper exercise rather than a tool for agencies to improve their safety programs, or that this type of program might encourage underreporting of injuries. OSHA's national office uses workers' compensation data to calculate agencies' injury and illness rates to determine whether they have met their SHARE goals related to workers' safety, but it has not conducted any agency reviews to determine whether underreporting has increased, according to OSHA officials.

OSHA officials at the national office said that they would like to use the SHARE data to develop a list of agencies to target for inspection. By focusing on agencies that are not meeting their SHARE goals, these officials said they thought they could assist agencies in reducing their injury and illness rates. OSHA officials said the agency will continue to use workers' compensation data to calculate agencies' injury and illness rates through 2006, but would consider using injury and illness data collected under the new recordkeeping requirements after this time. Using this new information would allow OSHA to identify trends for each federal agency worksite and set more specific goals for improving agencies' safety programs.

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## Conclusions

OSHA faces a number of challenges in monitoring federal agencies' safety programs and, over time, has adapted its methods to try to make the most of its resources. However, OSHA's oversight could be further strengthened if it took a more strategic approach. Because targeted inspections generally uncover more workplace hazards than its other inspections, by not targeting its inspection efforts to the most hazardous federal worksites, OSHA is not using its limited enforcement staff and resources in the best way possible. Now that federal agencies are collecting injury

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data that would make targeting more feasible, OSHA is missing a critical opportunity to identify and correct hazards. OSHA could require, as part of the federal agencies' annual reports, that each agency submit certain portions or summaries of the data that agencies are required to collect under the new recordkeeping requirements. This information could be used to target federal worksites for inspection in the same way it targets private-sector employers in industries with high injury and illness rates for inspection. Alternatively, as OSHA does with private employers, OSHA could develop its targeting program using the newly-required data that federal agencies are collecting by surveying selected agencies and worksites.

In addition, OSHA is not tracking violations disputed by federal agencies or how they are resolved. As a result, hazardous worksite conditions may remain uncorrected for years and OSHA may be limiting its ability to address challenges agencies are facing in complying with OSHA's standards and to provide additional assistance to the agencies.

While inspections are specific to individual federal agency's worksites, evaluations allow OSHA to make thorough, agencywide assessments of their safety programs. These evaluations require a lot of time and staff, but, in the past, OSHA has been able to maximize its resources by strategically combining evaluations of entire agencies with inspections of federal worksites. By not conducting evaluations of the larger or more hazardous federal agencies, OSHA is missing a critical opportunity to provide agencies valuable feedback and assistance to agencies for improving their safety programs in a more systematic way.

OSHA could also more effectively assess federal agencies' safety programs if it ensured that the agencies complied with the requirements for filing annual reports and used the reports, as well as OSHA's evaluations and inspection data, to assess their safety programs and develop recommendations for improvement. Because OSHA does not provide an assessment of agencies' safety programs in its annual report to the President or recommendations for improvement as required, its ability to ensure the effectiveness of these programs is limited.

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## Recommendations for Executive Action

The Secretary of Labor should direct OSHA to

- develop a targeted inspection program for federal worksites based on the new worker injury and illness data federal agencies are required to collect by requiring that relevant portions or summaries of that data be

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- included in agencies' annual reports to OSHA or by obtaining the data from agencies or worksites through periodic, selected surveys;
- track violations disputed by federal agencies to their resolution and ensure that unresolved disputes are reported to the President;
  - conduct evaluations of the largest and most hazardous federal agencies as required; and
  - use evaluations, inspection data, and annual reports submitted by federal agencies to assess the effectiveness of their safety programs, and include, in OSHA's annual report to the President, an assessment of each agency's worker safety program and recommendations for improvement.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Secretaries of the Departments of Labor, Agriculture, Defense, Homeland Security, Interior, Justice, Treasury, and Veterans Affairs and the Commissioner of the Social Security Administration. Officials from Agriculture, Treasury, and the Social Security Administration informed us that their agencies did not have any comments on our draft report. We received written comments from the Departments of Labor, Homeland Security, and Interior. These comments are reproduced in appendixes II, III, and IV. The Departments of Defense, Justice, and Veterans Affairs provided technical clarifications, which we incorporated as appropriate.

Labor generally agreed with all of our recommendations. In responding to our first recommendation, OSHA explained that, for the immediate future, it would use OWCP data to identify federal worksites for inspection. It did not support the use of the annual reports to collect data on injury and illness recorded by the agencies to use in targeting federal worksites for inspection, but thought the use of surveys to collect these data was noteworthy.

In regard to our second recommendation, OSHA reported that it will create a database to track the status of OSHA citations disputed by federal agencies. In responding to our final two recommendations, OSHA reported that it would begin evaluations and a more rigorous review of agencies' annual reports once staffing had increased.

The Departments of Homeland Security and Interior noted that Labor could provide more assistance to agencies in addressing the challenges we identified. While we believe agencies should seek assistance from OSHA on ways to overcome these challenges, we also believe that these

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challenges will require agencies to work internally to build support for worker safety programs.

In addition, the Department of Homeland Security suggested that our recommendations to Labor to increase OSHA's enforcement activities may not appreciably lower the incidence of injuries and illnesses and may indeed reduce agencies' requests for OSHA's assistance. We continue to believe that increased enforcement activities would provide OSHA with a balanced strategy for ensuring workplace safety. In addition, inspections will allow OSHA to review federal agencies' injury and illness logs to ensure that underreporting is not occurring—another concern that Homeland Security raised in its comments. Finally, Homeland Security suggested that OSHA should take the lead on developing a government-wide safety information system. We agree that it is important to have a governmentwide safety information system and note that Labor has made some effort in that direction.

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We will make copies of this report available upon request. In addition, the report is available at no charge on GAO's Web site at <http://www.gao.gov>.

If you have any questions about this report, please contact me at (202) 512-9889 or at [robertsonr@gao.gov](mailto:robertsonr@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix VII.



Robert E. Robertson  
Director, Education, Workforce,  
and Income Security Issues

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# Appendix I: Scope and Methodology

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We sent a data collection instrument to 57 agencies within the 8 largest departments. The instrument requested information and documentation on six components of sound safety programs we identified from previous GAO reports: (1) management commitment, (2) employee involvement, (3) education and training, (4) identification of hazards, (5) following up and correcting hazards, and (6) medical management. We chose the eight departments because they represented 80 percent of the federal executive branch workforce—excluding the U.S. Postal Service, which under the OSH Act is considered a private sector employer. We contacted officials with each of the 8 departments to obtain the names of their operational agencies and they provided us with the names of 57 agencies. We reviewed the documentation supplied by the agencies to support their answers to selected questions on the data collection instrument. In reviewing the documentation, we made two assessments: (1) whether the documentation supported the agency's responses and (2) what types of activities the agency conducted for each program component. We examined each document provided by the agencies in support of their responses and assessed each as either “supporting” or “not supporting” the agencies' responses. Each document was reviewed by two people to ensure that our assessment of the sufficiency of the documents provided by the agencies was consistent. Of the 57 agencies that completed the data collection instrument, two did not provide any supporting documentation.

The practical difficulties of conducting any survey may introduce errors, commonly referred to as nonsampling errors. For example, differences in how a particular question is interpreted, the sources of information available to respondents or in how the data are entered into a database or were analyzed can introduce unwanted variability into the survey results. We took steps in the development of the survey instrument, the data collection, and the data analysis stages for the purpose of minimizing such nonsampling errors. For example, a survey specialist designed the survey instrument in collaboration with GAO staff with subject matter expertise. We pre-tested this survey at two agencies and, based on the results and comments received during pre-testing, made appropriate revisions. We also independently verified the entry of all survey responses entered into an analysis database as well as data analyses procedures.

We conducted follow-up interviews with safety managers and when possible, employee representatives from the largest agency within each department, and with the agencies with the highest lost-time or injury and illness rates. In some cases, the largest agency had both the highest lost-time and injury and illness rates. In total, we conducted follow-up interviews with safety managers in 12 agencies, as well as employee

representatives in 8 agencies. The interview questions were based on how each agency originally responded to the data collection instrument and their supporting documentation.

We also visited five federal agencies' worksites: the Tobyhanna Army Depot in Tobyhanna, Pennsylvania; Yellowstone National Park in Wyoming; the U.S. Mint in Philadelphia, Pennsylvania; the U.S. Forest Service's Gardiner District Office (Gallatin National Forest) in Gardiner, Montana; and the Veterans Health Administration's Rocky Mountain Network Office (a Veteran Integrated Service Network site) in Glendale, Colorado, and Eastern Colorado Health Care Center in Denver, Colorado. The first three worksites are OSHA recognized VPP sites. The Forest Service site bordered Yellowstone National Park, and the Veterans Health Administration site was recognized by OSHA as having a good safety program. At each of these locations, we interviewed safety officials and discussed the challenges and solutions they faced in developing their safety programs.

We obtained information on claims filed by federal workers for injuries they incurred from fiscal years 1995 through 2004 from OWCP. We used data from two of OWCP's data systems to tabulate basic descriptive statistics provided in this report. One system provides injury and case status information on all individuals who have filed claims with OWCP while the other is used to bill agencies for the actual amount of workers' compensation payments made on the agencies' behalf. These systems were used to develop our tables including the number of new cases filed; the types of injuries incurred; and the actual amounts paid, by the age of the case and types of payment. To assess the reliability of these data, we interviewed OWCP and OSHA officials, reviewed published reports based on these data (including reports from Labor's Office of the Inspector General), and performed our own tests for consistency and completeness. We found that certain data elements had high levels of missing information and thus could not be used in this report. For the elements we used, although small data discrepancies were found, we determined that the data were sufficiently reliable for providing the basic descriptive statistics reported.

In reviewing OSHA's role, we analyzed inspection data of federal agencies for fiscal years 1995 through 2004 from OSHA's Integrated Management Information System. We interviewed OSHA officials at the national office and all of its 10 regional administrators and federal agency program officers. For each region, we interviewed the director of the area office that had the largest number of inspections of federal worksites in the last 5

years. We also interviewed a compliance safety and health official in each of these offices identified by the area director and, where possible, the compliance assistance specialist, although not every area office had a compliance assistance specialist. In addition, we interviewed two OSHA officials about the local emphasis program for federal worksites that one region had implemented.

Finally, when available, we examined agencies' annual reports to OSHA from 2000 to 2004 and asked to review OSHA's annual reports to the President for the same time period. However, as noted in the report, OSHA had not completed its annual reports to the President for fiscal years 2001 through 2004 as required. We reviewed the report to the President that OSHA had completed for fiscal year 2000.

# Appendix II: Comments from the Department of Labor

Note: GAO comments supplementing those in the report text appear at the end of the appendix.

U.S. Department of Labor

Assistant Secretary for  
Occupational Safety and Health  
Washington, D.C. 20210



MAR 17 2006

Mr. Robert E. Robertson  
Director, Education, Workforce, and  
Income Security Issues  
United States Government Accountability Office  
Washington, DC 20548

Dear Mr. Robertson:

Thank you for this opportunity to comment on the draft report entitled, *"Workplace Safety and Health: OSHA Could Improve Federal Agencies' Safety Programs with a More Strategic Approach to Its Oversight,"* (GAO-06-379). The Occupational Safety and Health Administration (OSHA) is aware of the need for the Agency to continue the activities recommended in the report. Indeed, plans for initiating new approaches for these four activities were in various stages of development prior to the start of the GAO evaluation. There are, however, a few items in the body of the report that require some modification.

On Page 9 of the Draft report, the first full paragraph describes the four goals of the SHARE initiative. The last sentence attributes "the last two goals," reduction of the lost-time rate and reduction of the lost production day rate, as being those that involve OSHA working with the agencies. This is only partially correct. The goals here are listed in an unusual sequence, which may have contributed to the confusion.

In the traditional SHARE format, OSHA is charged with oversight of SHARE Goals 1 and 2, the Total Case Rate and Lost Time Case Rate goals. Meanwhile the Office of Workers' Compensation Programs (OWCP) monitors what are traditionally referred to as Goals 3 and 4, the Timeliness of Reporting Injuries and Illnesses, and Reduction in Lost Production Days. In your draft paragraph, the goals are stated in a different order. To correctly attribute responsibility, OSHA would be working on the second and third, rather than the last two goals identified in your draft narrative. We would encourage GAO to maintain the usual ordering of the SHARE Goals and associate OSHA's oversight with those for the reduction in case rates. This will help avoid confusion.

See comment 1.



See comment 2.

Tracking Disputed Violations. Page 28 of the Draft Report discusses tracking of disputed violations. There may be some confusion on the part of GAO between the tracking of violations and the tracking of resolution processes for citations and notices.

All violations issued by OSHA, regardless of whether they are notices or citations (federal or private industry), are tracked on the IMIS system. The status of each violation is updated as it proceeds through the resolution, abatement and penalty payment processes. Those violations that are in dispute are so noted on that system. Cases remain "open" until all issues are resolved. Managers in the field typically run this "open inspections" report on a weekly basis for use as a management tool.

Private sector citations that are not resolved at the area office level are "contested" and litigated before the Occupational Safety and Health Review Commission and the Federal courts. This litigation is handled by the Office of the Solicitor of Labor, and is tracked by that office. Contested cases remain open in OSHA's IMIS System, and are denoted as "under contest."

Federal agency notices of violations cannot be "contested." Rather, disputed cases, if not resolved at the Area Office level, are appealed initially to the Regional Office. If not resolved there, they are referred to OSHA's National Office - Office of Federal Agency Programs (OFAP) for review. IMIS indicates that these cases are under review. However, as you indicate, OFAP does not have a formal tracking system in place for cases it receives for resolution.

You have indicated that there is a belief by field personnel that there are a significant number of "open cases" thought to be under review by OFAP. In response, we have generated an IMIS report to verify the data. A first data run for open federal agency inspections initiated between 10/01/00 and 01/01/05 identified 19 inspections. Of these, three have violations for which abatement is not yet due as a result of Petitions for Modification of Abatement. Five have not been identified as being contested and all violations are abated; these should probably have been "closed" when abatements were complete. The status of the remaining 11 cases at 10 locations could not be determined from the report, and the three Regions involved will be asked to review their files and work with OFAP to finalize unresolved issues.

The IMIS system will be updated by the field as these issues are resolved. To avoid similar misunderstandings in the future, we are developing a formal tracking system for cases submitted to OFAP for resolution.

**RECOMMENDATIONS FOR EXECUTIVE ACTION**

**Develop a Targeted Inspection Program**

**Response:** OSHA's OFAP has been working to develop an inspection targeting program, and expects to have a program in place by FY 2007. The most effective data to use for such a program would be based on rates of injury and illness at specific worksites. OFAP continues to work with OWCP and others to devise a methodology to combine site-specific injury data with federal agency employment numbers from OWCP.

The agency annual report is a tool which can be used to request various types of data. However, there is no statutory or regulatory requirement for agencies to maintain OSHA 300 data except for at the individual worksite. Federal departments are comprised of numerous agencies or offices, often with tens of thousands of individual "establishments" as defined in the 1904 recordkeeping requirements. Requesting such a volume of data would impose resource issues on the Departments, and would fail to provide OFAP with a useable database for generating accurate site selection for a nation-wide inspection program.

The concept of using periodic, selected surveys is noteworthy, and we will look into the use of such surveys. Over time these surveys could potentially provide a better understanding of the distribution of federal employees and a clearer identification of worksites, as well as injury and illness rate data. Until such a process is fully developed, OFAP will continue to utilize the OWCP data that is presently available.

**Track Disputed Violations**

**Response:** As discussed above, disputed violations are tracked in the IMIS system. Weekly reports are provided for the area offices which identify the status of each violation. Efforts are under way in OFAP to resolve violations identified as "open" on the IMIS, and any new cases brought forward to OFAP for resolution will be included in the electronic tracking system for the office. OFAP will create an internal data base to track these citations in dispute between OSHA and another federal agency.

**Conduct Annual Federal Agency Evaluations**

**Response:** The evaluations that are recommended by GAO were last completed with the Veterans Administration and will continue for other federal agencies as soon as possible. Efforts are underway to increase the staffing level of the OFAP.


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**Use of Evaluations, Inspection Data, and Annual Reports**

**Response:** Concurrent with the recent hiring of an additional Safety Specialist in OFAP, a process was implemented whereby each agency annual report receives a review and analysis. Information from inspection and evaluation activity will be incorporated into this process as these efforts begin to provide significant information. The composite information will be used to assist the agencies in identifying areas for improvement, and to better advise the President on the true status of safety and health in the Federal workplace.

We appreciate the opportunity to provide comments in advance of the publication of the final report.

Sincerely,



Jonathan L. Snare  
Acting Assistant Secretary

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## GAO Comments

The following are GAO comments on Labor's letter dated March 17, 2006.

1. We reordered the SHARE goals as OSHA requested and identified those goals for which OSHA is responsible.
2. OSHA suggests that our finding—that violations disputed by federal agencies were not being tracked—was confusing because the agency has an inspection database that it uses to track the status of all violations. However, as noted in its comments, when OSHA generated a report to identify unresolved violations at federal agencies, staff could not determine the status of 11 violations. In addition, OSHA acknowledged that the Office of Federal Agency Programs (OFAP) does not have a formal tracking system for cases it receives for resolution. We reviewed the report language and believe that it accurately explains the process in place.

# Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

March 16, 2006

Mr. Robert E. Robertson  
Director  
Education, Workforce, and Income Security Issues  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Robertson:

We appreciate the opportunity to comment on the Government Accountability Office's (GAO's) draft report entitled "*Workforce Safety and Health: OSHA Could Improve Federal Agencies' Safety Programs with a More Strategic Approach to Its Oversight*," GAO-06-379. We also appreciate the opportunity to participate in the study underlying the report. Components of the Department of Homeland Security (DHS) certainly share with other agencies the challenges confronting implementation of safety programs.

Three of the report's four recommendations for the Occupational Safety and Health Administration (OSHA) focus on inspections, evaluations and assessments of agency programs. In particular, it recommends targeted inspection programs for federal worksites based on 29 C.F.R. 1904 injury and illness data and suggests that inspections may focus more attention on safety at worksites. That could be true, but we believe there are other actions that might have a more direct impact on reducing the challenges the report identifies.

Vigorous enforcement inspections by OSHA would probably discover a number of violations of technical OSHA standards in virtually any agency. However, in the federal workforce comprised 89% of professional and administrative workers, DHS believes most of the top ten injuries identified in the report are usually not the consequence of a violation of OSHA standards. DHS injuries are typically related to ergonomic factors, slips and falls, law enforcement operations, and activities that take place outside of a controlled workplace. Therefore, more frequent inspections are not likely to appreciably lower the incidence of injuries. On the other hand, other forms of assistance mentioned in the report, such as compliance visits, alliances, and partnerships, may become less popular with federal agencies if OSHA adopts a more aggressive enforcement posture. Increasing the incidence of inspections may actually have the unintended consequence of reducing the number or benefit of voluntary requests for assistance.

[www.dhs.gov](http://www.dhs.gov)

The Safety, Health and Return-to-Employment (SHARE) program has proven valuable in establishing common metrics across agencies. SHARE improves the visibility for easily understood program performance indicators and provides targets for program performance. Published SHARE injury rates are based on Office of Workers' Compensation Program (OWCP) workers' compensation data, and some agencies have found problems with the accuracy of these data that can be attributed to both the originating agency and to OWCP. Although the report says some officials felt that a program like SHARE encourages underreporting, DHS's experience suggests SHARE injury data is probably more likely to be over reported than underreported. Finally, while SHARE provides goals for reducing injuries, illness and lost time, it provides no resources for attaining those goals.

The report notes that OSHA is considering use of data collected in accordance with 29 C.F.R. 1904 rather than OWCP data for SHARE and for evaluating agencies. DHS believes that switch could prove problematic because 1904 does not require data to be collected beyond the facility at which the injuries occur. As some agencies have hundreds or thousands of facilities, rolling this data up to the headquarters level would be a significant effort, especially in view of the challenges cited by the report that many agencies face in automating their safety information systems. Also, without the financial incentive to report injuries and their medical consequences for the purpose of compensating employees, underreporting, beginning with the injured employee, would be far more likely than it is now.

DHS believes that OSHA can assist agency safety programs most effectively by providing helpful tools and systems rather than by increasing inspections. For example, a common government-wide automated safety information system could address at least three of the four agency implementation challenges cited in the report as well as the widely reported lack of a medical management program component. Such a system could provide a single consolidated means of reporting all injuries and occupational illnesses for both OSHA and OWCP purposes, eliminating some duplication of effort that now exists. Such a system could 1) electronically deliver the data to the Department of Labor (DOL); 2) discriminate between injuries that are recordable for OSHA and reportable for OWCP; 3) archive injury data for appropriate use by all levels of management to manage safety programs and allocate resources; 4) provide other tools for facility, agency and DOL program management; 5) provide both data and tools needed for a medical management program component to help agencies and supervisors return injured workers to duty; 6) assist agencies in tracking elements of their safety programs such as training and medical monitoring; and 7) help agencies enhance manager and supervisor accountability by providing easily obtainable metrics and statistical tools for analyzing the performance of any organizational unit.

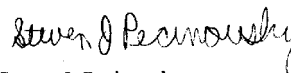
With reliable information on the types and numbers of injuries, their physical and organizational locations, and trends, agencies could more effectively manage their limited safety program resources. Concurrent collection of OWCP and OSHA injury data will help ensure high quality data for both purposes by linking accurate and timely reporting to employee compensation and payment of medical expenses.

The Department of Labor presently makes the Safety and Health Information Management System (SHIMS) available to agencies for a fee. SHIMS provides a means to electronically transmit workers' compensation reports from agencies to OWCP. SHIMS could provide part of the foundation of a system into which 29 C.F.R 1904 reporting utilities, data analysis tools, medical management capabilities, and other useful automation tools could be integrated. Currently, however, it is up to each agency or department to develop its own interfaces with SHIMS and to develop any additional capabilities it can afford. DHS believes considerable economies of scale and cross-agency consistencies might be found in development of a single, government-wide system. Such a system could measurably improve data accuracy, program management, and efficiency.

Various options exist for adopting or developing a government-wide safety information system. They include system development by DOL with significant input from other departments, adoption and modification of a system being used by or under development by another agency, or having another agency develop a system using resources and guidance from DOL and other agencies. Other options may also exist. Advice and collaboration of the ultimate users of the system would be essential to its success. A project of this magnitude would not a trivial undertaking, but a comprehensive, government-wide safety information system should be well worth the effort.

We thank you again for the opportunity to provide comments on this draft report and look forward to working with you on future homeland security issues.

Sincerely,



Steven J. Pecinovsky  
Director  
Departmental GAO/OIG Liaison Office

# Appendix IV: Comments from the Department of Interior



United States Department of the Interior

OFFICE OF THE ASSISTANT SECRETARY  
POLICY, MANAGEMENT AND BUDGET  
Washington, DC 20240



MAR 13 2006

Mr. Robert E. Robertson  
Director, Education, Workforce, and  
Income Security Issues  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Mr. Robertson:

Thank you for providing the Department of the Interior (DOI) the opportunity to review and comment on the Draft Report entitled "Workplace Safety and Health: OSHA Could Improve Federal Agencies' Safety Programs with a More Strategic Approach to Its Oversight" (GAO-06-379).

The enclosure provides specific comments from the Bureau of Reclamation and the Office of Congressional and Legislative Affairs.

We hope that our comments will assist you in preparing the final report. If you have any questions, please call Deborah Williams, the DOI/GAO Liaison, at (202) 208-6405, in the Office of Financial Management.

Sincerely,

R. Thomas Weimer  
Assistant Secretary

Enclosure



U.S. Government Accountability Office Draft Report  
“Workplace Safety and Health: OSHA Could Improve Federal Agencies’ Safety  
Programs with a More Strategic Approach to Its Oversight”  
(GAO-06-379)

The following comments were received from the Bureau of Reclamation and the Office of Congressional and Legislative Affairs:

Bureau of Reclamation

The subject draft audit report primarily evaluates the Occupational Safety and Health Administration (OSHA) in its responsibilities to oversee and assist Federal agencies efforts to develop and administer their safety programs. Although the report does address OSHA’s role in providing compliance assistance, Reclamation believes it would be helpful for GAO to address the need for OSHA to provide assistance to Federal agencies with common implementation challenges including data management, accountability, and safety resources.

Office of Congressional and Legislative Affairs

Yellowstone is highlighted in the cover letter on page 1, but problems date to the early 1990s. A sentence could be added about more recent success. As a suggestion, add the following on page 1 of the cover letter (suggested addition in bold):

**“Yellowstone officials, OSHA has deemed it a success. During the last five years, there have been [only] \_\_ serious non-emergency accidents at the Park. However, this...”**

# Appendix V: Data Collection Instrument Sent to the Federal Agencies

*This questionnaire focuses on how federal agencies organize and implement their occupational safety and health programs, as well as how they monitor the effectiveness of these programs. Specifically, it contains questions in six areas: 1) management commitment, 2) employee involvement, 3) identification of workplace hazards, 4) hazard prevention and development of controls, 5) education and training, and 6) medical management.*

For each of the items below please mark **whether or not** your agency's OSH program has the item listed. Where you mark "Yes", please provide the documents requested should they exist. If no documentation exists, please check the box indicating that documentation does not exist. **In order to mark your response electronically, please double-click on the appropriate box and change the value to "check" when the dialog box is displayed.**

Area	No ▼	Yes ▼	Needed Documents
<b>MANAGEMENT COMMITMENT</b>			
Department goals established for the <i>occupational safety and health (OSH)</i> program.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's OSH program goals. <input type="checkbox"/> Check here if documentation does not exist.
Activities designed to communicate the importance of the OSH program to staff (including management, employees, and contractors).	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of activities (e.g., a monthly newsletter, a departmental website, an annual safety day poster, an OSH orientation session for new employees, etc.) that communicate the OSH program to staff. <input type="checkbox"/> Check here if documentation does not exist.
Analysis of management and information systems that allows for trend analysis, risk analysis, etc.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of a recent report generated from this system or a copy of screens from this system. [Information will not be used to audit your system] <input type="checkbox"/> Check here if documentation does not exist.

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Area	No ▼	Yes ▼	Needed Documents
<b>MANAGEMENT COMMITMENT (Continued)</b>			
Policies that establish responsibility for workplace safety and health for all staff (both management and employees – including contract employees) through performance reviews.	<input type="checkbox"/>	<input type="checkbox"/> ➔	Copy of an example of a performance review form for staff. <input type="checkbox"/> Check here if documentation does not exist.
<b>EMPLOYEE INVOLVEMENT</b>			
Procedures for employees to report accidents. <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/> ➔	Copy of employee reporting procedures (e.g. interim, draft, or approved) for accidents. <input type="checkbox"/> Check here if documentation does not exist.
Procedures for employees to report hazards. <sup>2</sup>	<input type="checkbox"/>	<input type="checkbox"/> ➔	Copy of employee reporting procedures (e.g. interim, draft, or approved) for hazards. <input type="checkbox"/> Check here if documentation does not exist.
Employee access to the system that captures information on accidents and/or hazards.	<input type="checkbox"/>	<input type="checkbox"/>	
Employee involvement in safety committees/teams that report on problem jobs/areas.	<input type="checkbox"/>	<input type="checkbox"/> ➔	Copy of materials describing the committee or team and the responsibilities of members. <input type="checkbox"/> Check here if documentation does not exist.
Employee input/involvement in the safety-related training curriculum (e.g., trainers, course auditors, reviewers, employee survey).	<input type="checkbox"/>	<input type="checkbox"/> ➔	Copy of guidance articulating employee involvement in the safety training curriculum. <input type="checkbox"/> Check here if documentation does not exist.

<sup>1</sup>An accident is defined as a situation that involves an injury or illness, damage to property, or damage to equipment.  
<sup>2</sup>A hazard is defined as a situation that is likely to cause an accident that would result in death or serious physical harm.

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Area	No ▼	Yes ▼	Needed Documents
<b>EMPLOYEE INVOLVEMENT (Continued)</b>			
Employee participation in walkthroughs of worksites to identify hazardous conditions on a daily, weekly, or monthly basis.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's procedures (interim, draft, or approved) that are used to inform employees of their role during safety inspections.  <input type="checkbox"/> Check here if documentation does not exist.
Employee involvement on accident investigation teams.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's procedures (interim, draft, or approved) that are used to inform employees of their role on accident investigation teams.  <input type="checkbox"/> Check here if documentation does not exist.
<b>IDENTIFICATION OF WORKPLACE HAZARDS</b>			
Procedures for conducting required OSHA inspections of worksites by safety personnel to identify safety violations, deficiencies, etc.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's procedures (interim, draft, or approved) for conducting required OSHA/EPA inspections by safety personnel.  <input type="checkbox"/> Check here if documentation does not exist.
Procedures for conducting informal walkthroughs of worksites to identify hazardous conditions.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's procedures (interim, draft, or approved) for conducting routine audits/walkthroughs.  <input type="checkbox"/> Check here if documentation does not exist.

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Area	No ▼	Yes ▼	Needed Documents
<b>HAZARD PREVENTION AND DEVELOPMENT OF CONTROLS</b>			
Procedures for developing controls for workplace hazards	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's procedures (interim, draft, or approved) used to develop controls for workplace hazards.  <input type="checkbox"/> Check here if documentation does not exist.
Procedures for following up on inspections to ensure hazards are abated/corrected and controls are effective.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's procedures (interim, draft, or approved) used to ensure hazards have been corrected.  <input type="checkbox"/> Check here if documentation does not exist.
Automated system that tracks workplace hazards, which may include: <ul style="list-style-type: none"> <li>• Description of the incident</li> <li>• When hazard was abated</li> <li>• Type of action taken</li> <li>• Risk assessment (e.g., the probability of a mishap and its potential seriousness within a hazardous operation)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of a recent report generated from this system or a copy of screens from this system. [Information will not be used to audit your system]
<b>EDUCATION &amp; TRAINING</b>			
Departmental OSH training program.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's OSH training program for employees (interim, draft, or approved).  <input type="checkbox"/> Check here if documentation does not exist.
National training initiatives or programs within your agency that are targeted by headquarters staff.	<input type="checkbox"/>	<input type="checkbox"/> →	Examples of several recent national training initiatives completed in the past 12 months.  <input type="checkbox"/> Check here if documentation does not exist.

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Area	No ▼	Yes ▼	Needed Documents
<b>EDUCATION &amp; TRAINING (Continued)</b>			
Automated system to track training completed by employees (e.g., certification requirements, OSHA required training, etc.) which may include: <ul style="list-style-type: none"> <li>• Target audience</li> <li>• Purpose of training</li> <li>• Certification completed</li> <li>• Licensing met</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of a recent report generated from this system or a copy of screens from this system. [Information will not be used to audit your system]
<b>MEDICAL MANAGEMENT</b>			
Procedures to ensure that an injured or ill employee is seen within a specified timeframe by a medical provider.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's emergency medical procedures (interim, draft, or approved). <input type="checkbox"/> Check here if documentation does not exist.
Automated system that tracks accident data including: <ul style="list-style-type: none"> <li>• type</li> <li>• nature</li> <li>• source of injury</li> <li>• location where injury occurred</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of a recent report generated from this system or a copy of screens from this system. [Information will not be used to audit your system]
Department restricted or light duty return-to-work program.	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of the department's return-to-work program (interim, draft, or approved). <input type="checkbox"/> Check here if documentation does not exist.

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Area	No ▼	Yes ▼	Needed Documents
<b>MEDICAL MANAGEMENT (Continued)</b>			
Automated system that tracks return-to-work status of employees including: <ul style="list-style-type: none"> <li>• on-going medical condition</li> <li>• types of modified or light duty positions available</li> <li>• location of modified/light duty position</li> <li>• return to full employment date.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/> →	Copy of a recent report generated from this system or a copy of screens from this system. [Information will not be used to audit your system]
Please describe any other information that may be relevant to our study about your agency's occupational safety and health program: Please type in the space below.			

# Appendix VI: Agencies' Responses to the Data Collection Instrument

The following table summarizes agencies' responses to the data collection instrument. In addition, the last column summarizes whether the documentation agencies provided to support their responses for selected questions was sufficient.

**Table 4: Agency Responses to the Data Collection Instrument by Safety Program Component**

Survey question	Number of agencies responding "No"	Number of agencies responding "Yes"	Percent of selected agencies responding "Yes" that provided sufficient supporting documentation <sup>a</sup>
<b>MANAGEMENT COMMITMENT</b>			
Q1 Department goals established for the occupational safety and health program.	2	55	91
Q2 Activities designed to communicate the importance of the OSH program to staff.	0	57	93
Q3 Management information system that allows for trend analysis, risk analysis, etc.	8	49	84
Q4 Policies that establish responsibility for workplace safety and health for all staff through performance reviews.	6	51	78
<b>EMPLOYEE INVOLVEMENT</b>			
Q5 Procedures for employees to report accidents.	0	57	89
Q6 Procedures for employees to report hazards.	1	56	91
Q7 Employee access to the system capturing information on accidents and/or hazards.	19	38	N/A
Q8 Employee involvement in safety committees/teams.	3	54	83
Q9 Employee input/involvement in the safety-related training curriculum.	8	49	N/A
Q10 Employee participation in walkthroughs of worksites to identify hazardous conditions.	7	50	N/A
Q11 Employee involvement on accident investigation teams.	14	43	N/A
<b>IDENTIFICATION OF HAZARDS</b>			
Q12 Procedures for conducting required OSHA inspections of worksites by safety personnel.	2	55	93
Q13 Procedures for conducting informal walkthroughs of worksites to identify hazards.	7	50	80
<b>CORRECTION OF HAZARDS</b>			
Q14 Procedures for developing controls for workplace hazards.	4	53	N/A



**Appendix VI: Agencies' Responses to the Data Collection Instrument**

<b>Survey question</b>	<b>Number of agencies responding "No"</b>	<b>Number of agencies responding "Yes"</b>	<b>Percent of selected agencies responding "Yes" that provided sufficient supporting documentation<sup>a</sup></b>
Q15 Procedures for following up on inspections to ensure hazards are corrected.	4	53	87
Q16 Automated system to track workplace hazards.	23	34	59
<b>TRAINING</b>			
Q17 Departmental OSH training program.	1	56	N/A
Q18 National training initiatives targeted by headquarters staff.	12	45	N/A
Q19 Automated system to track employee training.	14	43	63
<b>MEDICAL MANAGEMENT</b>			
Q20 Procedures to ensure that an injured or ill employee is seen within a specified time frame by a medical provider.	8	49	N/A
Q21 Automated system tracking accident data.	9	48	N/A
Q22 Department restricted or light duty return-to-work program.	12	45	76%
Q23 Automated system tracking return-to-work status of employees.	34	23	30%

Source: GAO analysis.

<sup>a</sup>Fourteen questions were selected for in-depth documentation review.

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# Appendix VII: GAO Contact and Staff Acknowledgments

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## GAO Contact

Robert A. Robertson (202) 512-9889

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## Acknowledgments

Reva E. Moran (Assistant Director) and Margaret A. Holmes (Analyst in Charge) managed all aspects of the assignment. Jessica A. Lemke, Sheila R. McCoy, and Kris Trueblood made significant contributions to this report. Other key contributors to this report included Kyle Browning, Richard Burkard, Nina E. Horowitz, Tovah Rom, Beverly Ross, Jeremy D. Sebest, John G. Smale Jr., Rachael C. Valliere, and Eric A. Wenner.

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