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COMMITTEE ON EDUCATION
AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

2181 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6100

July 8, 2011

The Honorable Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

On Thursday, June 16, the Subcommittee on Workforce Protections examined the successes and challenges of state workforce safety programs. Members learned during the hearing that the Occupational Safety and Health Administration (OSHA) has recently increased its scrutiny of state safety efforts; however, OSHA has failed to determine the impact of its own enforcement program. To ensure the integrity of the nation's workplace safety standards, we are writing to request that the General Accountability Office (GAO) conduct a review of OSHA using the audit protocols OSHA developed for the Enhanced Federal Annual Monitoring and Evaluation reports (EFAME).

The Occupational Safety and Health Act empowers states to manage their workplace safety programs as long as state standards remain "at least as effective" as federal safety standards. In 2010, OSHA undertook a more extensive examination of state safety plans. As a result of this review, states received EFAME reports from OSHA containing detailed findings and recommendations. OSHA also required states to describe how they would remedy programmatic issues identified by OSHA. A majority of participating states welcomed this additional oversight as a tool to improve performance and refine their focus on workplace safety and health.

Federal OSHA has never been held to the same level of scrutiny with respect to its own activity. In fact, more fundamental concerns have recently been raised regarding OSHA's oversight of state safety plans and how it administers its own workforce safety program. A report by the Department of Labor's Office of Inspector General states that "OSHA has not yet designed a method to examine the impact of State OSH programs to ensure they are at least as effective as Federal programs." The report goes on to state "OSHA has not evaluated the impact of its own enforcement program in order to establish the minimum criterion to evaluate state programs."
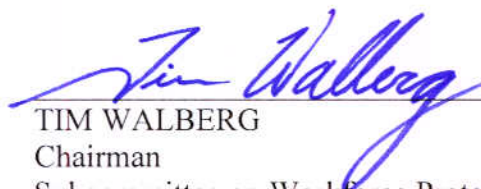
In light of these issues, we respectfully request that GAO undertake a detailed audit of federal OSHA, using the same standards for safety and accountability OSHA has used to oversee the workplace safety efforts of the states. Given the critical importance of our nation's workplace safety and health practices, we urge you to place a priority on this request. Please contact Loren Sweatt at 202-225-7101 with any questions about this request.

Sincerely,

JOHN KLINE
Chairman
Education and the Workforce Committee

TIM WALBERG
Chairman
Subcommittee on Workforce Protections