

DOCUMENT RESUME

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Workplace Inspection Program Weak in Detecting and Correcting Serious Hazards. HRD-78-34; B-163375. May 19, 1978. 33 pp. + 3 appendices (11 pp.).

Report to the Congress; by Elmer B. Staats, Comptroller General.

Issue Area: Consumer and Worker Protection: Death and Serious Disability Caused by Workplace Safety Hazards (910).

Contact: Human Resources Div.

Organization Concerned: Department of Labor; Occupational Safety and Health Administration.

Congressional Relevance: House Committee on Education and Labor; Senate Committee on Human Resources; Congress.

Authority: Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

The Department of Labor (DOL) estimated that during 1976 about 4,500 private industry workers suffered fatal work-related injuries and illnesses and that about 1 of every 11 workers had nonfatal injuries and illnesses. The Occupational Safety and Health Administration (OSHA) is responsible for trying to assure safe and healthful working conditions for more than 60 million workers. It establishes national occupational safety and health standards and conducts inspections of workplaces. **Findings/Conclusions:** A review of DOL and State inspections revealed that: serious work hazards were sometimes not identified--this often resulted from inadequate guidance and monitoring; compliance officers were unaware of the applicability of some standards and believed others were unenforceable; required followup inspections to assure elimination of serious hazards sometimes were not made and often, when made, were untimely; citations for some serious hazards were withdrawn, sometimes without good cause, without review and without reinspections; many serious hazards were cited as nonserious violations, and therefore, followup inspections were not made; and requests for additional time to correct hazards were routinely approved without determining that employers tried to correct hazards. **Recommendations:** The Secretary of Labor should direct OSHA and the States to establish a continuing program for evaluating the effectiveness of inspections to include: identifying worksite hazards likely to exist in a particular industry and requiring compliance officers to adequately report findings; developing procedures for effective supervisory review of inspection case files; reinspecting worksites periodically and evaluating compliance officers on the job; and reviewing officers' recommendations for "new" standards. The Secretary should inform DOL regional offices and States that certain standards are mandatory. The Secretary should require OSHA and the States to: confer with compliance officers involved before deciding whether to withdraw citations; review written justifications for modified or deleted

serious violations; reinspect sites to determine if violations, deleted from citations due to inadequate inspections or errors, should be sustained; develop procedures to assure timely and effective followup inspections; develop guidelines to assure proper classification of serious violations; and evaluate policies and practices for reviewing employers' requests for additional time to correct hazards. (HTW)

6462

BY THE COMPTROLLER GENERAL

Report To The Congress

OF THE UNITED STATES

Workplace Inspection Program Weak In Detecting And Correcting Serious Hazards

The Department of Labor and the States have made over 1-million workplace inspections to identify hazards. However, some which could cause death or serious injury were overlooked or not cited. Followup inspections to insure correction often have been untimely and sometimes not made. Employers' requests for more time to eliminate hazards were routinely approved without adequate evaluation.

The Department needs to better direct and evaluate Federal and State inspection programs.



HRD-78-34
MAY 19, 1978



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

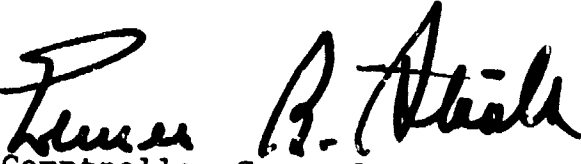
B-163375

To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the need for the Occupational Safety and Health Administration to better direct and evaluate Federal and State inspection programs.

We made our review because of congressional and public interest in assuring that workers are adequately protected from serious workplace hazards that can cause serious injury or death. We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of the report are being sent to the Director, Office of Management and Budget, and the Secretary of Labor.


Luther B. Stiehl
Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

WORKPLACE INSPECTION PROGRAM
WEAK IN DETECTING AND CORRECTING
SERIOUS HAZARDS

D I G E S T

The Occupational Safety and Health Administration and State inspection programs are the primary means for insuring that employers provide safe and healthful working conditions for more than 60 million workers.

The Department of Labor estimates that during 1976 about 4,500 private industry workers suffered fatal work-related injuries and illnesses; about 1 of every 11 workers had non-fatal injuries and illnesses.

GAO reviewed Labor and State inspections to determine if they effectively detected and corrected workplace hazards that could cause death or serious injury.

GAO found that:

- Worksite hazards that could cause death or serious injury were sometimes not identified during inspections. Detecting hazards could be improved if Labor and the States provided better guidance on what to look for during inspections, better evaluated inspection reports, and better monitored compliance officers' performance at workplaces. (See p. 4.)
- Many serious hazards were not being cited and were probably not being corrected because compliance officers were unaware of the applicability of some standards and believed others were unenforceable. Although Labor was aware of these problems, it had not acted to solve them. (See p. 10.)
- Required followup inspections to assure elimination of serious hazards sometimes were not made and often, when made, were untimely. (See p. 18.)

- Citations for some serious hazards were withdrawn, sometimes without good cause or discussion with the compliance officer who had cited the hazard. No review was made to assure that withdrawals were justified. When citations were withdrawn because of inadequate inspections, reinspections were not performed. (See p. 21.)
- Many serious hazards were cited as nonserious violations. Consequently, followup inspections were not made. (See p. 24.)
- Requests for additional time to correct hazards were routinely approved without determining that employers tried to correct hazards and that correction efforts would result in compliance with standards. (See p. 27.)

RECOMMENDATIONS TO THE
SECRETARY OF LABOR

The Secretary of Labor should direct the Occupational Safety and Health Administration and the States to establish a continuing program for evaluating the effectiveness of inspections to include:

- Identifying worksite hazards likely to exist in a particular industry and requiring compliance officers to adequately report their findings on such hazards.
- Developing procedures for effective supervisory review of inspection case files.
- Reinspecting worksites periodically and evaluating compliance officers on the job to determine the quality of inspections.
- Reviewing compliance officers' recommendations for "new" standards to cover observed hazards and promptly informing inspectors when hazards are covered by existing standards.

GAO also recommends that the Secretary of Labor inform Labor's regional offices and the States that certain standards are mandatory rather than advisory and are to be enforced. (See p. 13.)

To insure correction of cited serious hazards, the Secretary of Labor should require the Occupational Safety and Health Administration and the States to:

- Confer with the compliance officers involved before deciding whether to withdraw citations for serious violations.
- Review written justifications for modified or deleted serious violations to determine the validity of such actions.
- Reinspect worksites to determine if serious violations, deleted from citations due to inadequate inspections or administrative errors, should be sustained.
- Develop procedures and controls to assure timely and effective followup inspections of serious violations.
- Develop specific guidelines to assure proper classification of serious violations of safety standards.
- Evaluate their policies and practices for reviewing employers' requests for additional time to correct hazards. If the employer has not (1) tried to abate the hazard or (2) provided interim protection to employees as required, he should be cited for failure to abate the hazard, and the request should be recommended for denial. (See p. 31.)

AGENCY COMMENTS

Labor generally agreed with GAO's findings and recommendations and has either taken or is considering actions to improve the effectiveness of its inspection effort. Such proposed actions, if properly carried out, should improve the workplace inspection program. However, Labor must take additional actions to insure detection and correction of serious hazards present in workplaces. (See pp. 14 and 32.)

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ABBREVIATIONS

GAO	General Accounting Office
OSHA	Occupational Safety and Health Administration
OSHRC	Occupational Safety and Health Review Commission

CHAPTER 1

INTRODUCTION

The Department of Labor estimated that 4,500 private industry workers died during 1976 from work-related injuries and illnesses, and 5.16 million other workers--about 1 out of 11 in the private industry work force--experienced nonfatal injuries and illnesses. During 1976, workers and survivors received \$7.5 billion in cash and medical care benefits for work-related disabilities and deaths.

In passing the Occupational Safety and Health Act of 1970 (29 U.S.C. 651), the Congress sought to assure, so far as possible, safe and healthful working conditions for every worker in the Nation. The Department of Labor was given primary responsibility for administering the act. The Department assigned that responsibility to the Occupational Safety and Health Administration (OSHA) which was created on April 28, 1971.

OSHA is a decentralized organization administering inspection and related compliance activities through 10 regional offices and 87 area offices. The Headquarters Office develops policies and guidelines for program administration. Regional offices are responsible for coordinating and administering the OSHA program. Area office compliance safety and health officers conduct compliance investigations.

OSHA has authority to establish national occupational safety and health standards and to enforce them. OSHA compliance officers inspect workplaces and evaluate working conditions to determine compliance with the act and established standards. Safety engineers and specialists make safety compliance inspections. Industrial hygienists make health inspections.

The act provides that any State may enforce safety and health standards provided that the State's standards and enforcement are or will be as effective as OSHA's. As of October 1977, 25 States were operating under OSHA-approved plans. Such approval allows States to operate under Federal grants for up to 50 percent of State program implementation costs.

INSPECTION PROCESS

OSHA and State inspection programs are the primary means for insuring that employers provide safe and healthful working conditions for the more than 60 million workers covered by

the act. Compliance officers inspect workplaces to determine if employers are complying with safety and health standards. Employers receive citations for violating standards, and penalties are sometimes imposed. The citation informs the employer and employees about the violated standard and the period allowed for correcting the hazard. The employer must notify OSHA of any corrective action taken. If after a good faith effort to correct the hazard the employer cannot do so, he may be granted a time extension.

The employer may contest the citation or parts of it by written notice to OSHA within 15 working days of receipt of the citation. Final disposition of contested cases is handled by the independent Occupational Safety and Health Review Commission (OSHRC) or, in States operating their own programs, similar State authorities.

OSHA and the States may cite the employer for serious or nonserious standards' violations. If the violation could result in death or serious physical harm and the employer should have been aware of the hazard, it is supposed to be classified serious.

OSHA and the States must make followup inspections on serious violation citations to insure correction of hazards. Followup inspections may be made for nonserious violations.

OSHA AND STATE INSPECTION EFFORTS

OSHA safety and health standards cover about 5 million business establishments. Since the act's passage and through September 1977, over 1 million inspections have been made by OSHA and the States, including approximately 200,000 in fiscal year 1977. Eighty-eight percent of these were safety inspections. About 91 percent of violations cited, as a result of these inspections, were determined not serious.

As of October 1, 1977, OSHA employed 1,435 compliance officers--951 safety officers and 484 industrial hygienists. Also, 25 States with approved occupational safety and health plans employed 1,054 compliance officers--805 safety officers and 249 industrial hygienists.

The cost to the Federal Government for administering the Federal and State enforcement programs from inception through September 1977 was about \$404 million and is estimated at \$97 million for fiscal year 1978.

SCOPE OF REVIEW

We reviewed OSHA and State efforts to insure that compliance officers identified, cited, and required correction of

serious hazards. We made our review at OSHA Headquarters in Washington, D.C., and in six States. Our review included work at the following offices:

--OSHA Headquarters Office, Washington, D.C.

--OSHRC, Washington, D.C.

--OSHA Regional Offices at Atlanta, Georgia; Denver; Colorado; and Philadelphia, Pennsylvania.

--OSHA Area Offices at Atlanta and Macon, Georgia; Philadelphia and Pittsburgh, Pennsylvania; and Sioux Falls, South Dakota.

--State safety and health offices in Colorado, Maryland, and South Carolina.

OSHA is responsible for inspections in Georgia, Pennsylvania, and South Dakota. Colorado, Maryland, and South Carolina--States operating under OSHA-approved plans--make their own inspections. We interviewed OSHA and State officials responsible for administering the enforcement program and examined laws, regulations, procedures, directives, standards, and records on enforcement activities. We accompanied OSHA compliance officers on inspections of selected workplaces.

CHAPTER 2

NO ASSURANCE EXISTS THAT SERIOUS HAZARDS

ARE DETECTED AND CITED

Although the Occupational Safety and Health Administration and the States have made over 1 million inspections, workers have not been able to rely on these inspections to identify hazards which could lead to serious physical harm or death. Also, inspections do not assure workers that all hazards observed are cited as violations. Hazards not detected or cited can remain in the workplace and cause injury or death.

Our review at five OSHA offices and three State offices showed that OSHA and State compliance officers did not cite many serious hazards. Inspections would be improved if OSHA and the States (1) provided compliance officers information on the serious hazards to look for in particular industries, (2) reviewed inspection files to insure that compliance officers inspect plant operations or conditions which could cause serious harm, and (3) periodically monitored the work of their compliance officers. Better supervisory review could also result in more violations being cited when serious hazards are found even though compliance officers are unaware that a standard exists or believe a standard is unenforceable.

Unless OSHA and the States improve their inspection programs, they will be unable to determine the effectiveness of their inspections, and compliance officers will continue to miss serious hazards.

SERIOUS HAZARDS NOT DETECTED AND CITATIONS NOT ISSUED

It is impossible to determine how frequently compliance officers overlook serious hazards. Our review of OSHA monitoring reports of State inspections, inspection case files, and reinspections to determine if prior inspections covered all hazards, showed that compliance officers missed many hazards which could cause serious physical harm or death.

Review of OSHA monitoring of State inspections

The Occupational Safety and Health Act of 1970 requires the Secretary of Labor to evaluate continually each State's implementation of its plan. OSHA's monitoring of State safety and health operations includes spot-check inspections and on-the-job evaluations to determine the quality

and effectiveness of State enforcement programs. A spot-check inspection involves reinspecting a worksite inspected by the State. In an on-the-job evaluation OSHA assesses the State compliance officer's performance during the State inspection.

OSHA's monitoring of the States of Maryland and South Carolina in fiscal year 1976 showed that State compliance officers missed many hazards, as shown below.

	<u>Inspections evaluated</u>	<u>Hazards missed</u>
<u>Spot-checks</u>		
Maryland	185	662
South Carolina	<u>143</u>	<u>504</u>
Total	<u>328</u>	<u>1,166</u>
<u>On-the-job evaluations</u>		
Maryland	87	339
South Carolina	<u>81</u>	<u>(a)</u>
Total	<u>168</u>	<u>339</u>

a/The OSHA semiannual monitoring reports did not show the number of hazards missed. However, OSHA noted that the average violations cited per State inspection was 3.3 compared to 11.25 average violations cited in 56 State inspections during which OSHA accompanied the State compliance officers.

The OSHA semiannual monitoring reports for Colorado for the same period did not show the number of hazards missed by State compliance officers. However, our review of 20 randomly selected files for inspections monitored by OSHA showed 72 hazards missed on 13 spot-check inspections and 23 hazards missed on 7 on-the-job evaluations.

Although most hazards missed in the three States were classified as nonserious violations, some of these "nonserious" violations could cause serious harm to employees. For example,

--mechanical power press points of operation were unguarded;

--rip saws, radial saws, and a wood shaper were unguarded;

- a guillotine paper cutter was unguarded;
- protective clothing was not provided for handling molten metal; and
- wires were exposed on an open face electrical box.

Problems in properly classifying serious hazards as serious violations are discussed on page 24.

Review of inspection case files

OSHA and the States maintain inspection case files. The files include inspection reports, documents and forms supporting proposed citations, photographs, and inspectors' notes.

We reviewed hundreds of inspection files in five Federal and three State offices. Generally, the files did not contain enough information to enable us to determine if all serious hazards had been identified and cited. The files usually showed only information on worksite hazards the compliance officer believed should be cited. 1/ They contained a description of the alleged violations and a designation of the specific standards violated. In many instances, the case files did not contain the compliance officers' original inspection notes.

In some cases, photographs in the file showed that hazards existed, but employers were not cited, and no explanation was evident for why a citation had not been issued. Despite the limited information in the case files, we identified serious hazards that were missed and serious hazards that were identified but not cited. For example:

- In February 1976, an employee in Maryland lost part of a finger while operating a power press brake. A State compliance officer investigated the accident in April 1976 and cited the employer for violating a standard which requires that the machine point of operation be guarded to keep an operator's body out of the danger zone during the operating cycle.

Since the machine involved in the accident was not operating during the investigation, the compliance officer took pictures of two other operating

1/The compliance officer can only recommend citations. The decision to cite is made by the area director.

unguarded press brakes to document the safety violation that caused the accident. However, the compliance officer did not cite the two unguarded machines because he was investigating an accident and was concerned only with the machine involved in that accident.

--In November 1975, OSHA investigated an accident involving an elevated platform at a sawing operation and cited the platform flooring and guardrail hazards as safety violations. The standards require the employer to maintain a log deck platform flooring in good repair and to provide standard railing for a platform 4 feet or more above ground level. The sawmill involved had been inspected in April 1975, and 13 nonserious violations, none of which involved the elevated platform, were cited by OSHA.

The investigation revealed that about 6 weeks after the April 1975 inspection a worker fell through a hole in the platform, sustained serious injuries, and was unable to work for 11 weeks. This worker told the OSHA investigator that he had asked the OSHA compliance officer in April 1975 to have the employer fix the post which was guarding the cutoff saw. He also stated that on several occasions he had lost his balance on the ramp near the saw due to the faulty platform flooring and, at least once would have fallen into the cutoff saw if he had not grabbed a wire supporting a board which was being used for a saw guard. An OSHA official told us that the company should have been cited for the platform hazards during the inspection in April 1975.

Reinspection of worksites

Because we could not determine the extent of serious hazards overlooked by reviewing case files, we accompanied OSHA compliance officers on eight inspections to determine if serious hazards had been missed before. In six, previously overlooked hazards were found. Three of the six involved serious violations. Also, while accompanying OSHA on two followup inspections to determine if hazards cited during previous inspections had been corrected, we noted that additional serious hazards were identified that had been previously missed.

These 10 inspections disclosed 58 previously undetected violations, including 21 which OSHA classified as serious. Some examples of these overlooked hazards include:

--In November 1976, OSHA inspected a manufacturer in Pittsburgh. The compliance officer cited the employer

for one serious violation--lack of guarding of a power press--and four nonserious violations, including a dirty restroom and lunchroom. We accompanied a different OSHA compliance officer to reinspect this workplace in December 1976. He found four additional power presses, one press brake, and one radial saw without required guarding. Because of the severity of these hazards, the compliance officer cited them as serious violations. Injuries from power presses and press brakes usually result in amputations or crushed bones. The November 1976 inspection record did not mention these hazards. The compliance officer we accompanied determined that the violations existed in November 1976, and he did not know why they had not been cited then. Abatement had not been completed at the end of our review.

--In August 1975, OSHA inspected a manufacturer in Georgia and cited 15 nonserious violations. However, OSHA officials told us that several hazards should have been cited as serious violations. We accompanied a different OSHA compliance officer to reinspect this workplace in November 1976. He found seven press brakes for bending sheets of steel without machine guarding and cited them as serious violations. One of the press brakes was cited as a nonserious violation on the previous inspection. The machines' point of operation was not guarded to keep operators out of the danger zone during operation. The machines were hand fed, and employees' hands were within several inches of the bending area. The employer said that these machines were unguarded during the previous inspection. We could not determine why they had not been cited as violations. OSHA conducted a followup inspection in April 1977 and found the employer had corrected the hazards.

--In December 1976, OSHA inspected a Philadelphia area manufacturer. The compliance officer cited the employer for two nonserious violations--lack of guarding on a bandsaw blade and horizontal belts of a drill press. We accompanied a different OSHA compliance officer in reinspecting the same worksite in March 1977. He found an unguarded press brake and an unguarded blade on a radial saw which he cited as serious violations. The December 1976 inspection record did not show these hazards, although the second compliance officer determined that they existed at that time. The employer contested the citation and the penalty. Final settlement was still pending at the end of our review in September 1977.

IMPROVEMENTS NEEDED IN INSPECTION PROGRAM

OSHA has not established management controls to assure that compliance officers look for and cite serious hazards. Preinspection information is not provided on specific plant operations, processes, or equipment which are likely to be present and pose a serious danger to workers at a particular worksite. Compliance officers do not record information in case files on what they looked for and the methods employers used to comply with standards. Major emphasis is placed on assuring that detected violations can be proven, with little emphasis on assuring that all serious hazards are detected.

OSHA has not issued specific instructions or guidelines to field offices requiring them to evaluate compliance officers' performance--either by accompanying them on inspections or visiting recently inspected workplaces. OSHA does monitor State compliance officers' performance by these methods.

Also, some serious hazards were noted but were not cited because:

--Poor wording of many standards made enforcement questionable.

--Compliance officers mistakenly believed that some hazards were not covered by standards, and they were not told otherwise.

Planning and review

In all six States visited, we found a need for (1) better guidance to compliance officers on serious hazards likely to be found at a worksite and (2) better supervisory review of inspection results.

OSHA procedures recommend that compliance officers "familiarize" themselves with an establishment's operation and determine which OSHA standards are pertinent to the worksite. Information obtained from discussions with compliance officers showed that these procedures were not always followed. Consequently, a compliance officer may not always be properly prepared as to the hazards to look for during inspection.

As previously mentioned, case files frequently did not include complete information on what potentially serious hazards were likely to be found at the workplace, if and how the compliance officer checked for compliance, and if and how the employer was in compliance.

Supervisory review of inspection results emphasized compliance officers' adequate documentation of violations

which were included in proposed citations. Generally, such review covered the adequacy of documentation, applicability of the standard cited, wording of the citation, abatement date, and need for followup inspection. Little attention was directed to assuring that compliance officers adequately checked for compliance with standards for serious hazards likely to be found at a particular worksite.

Because compliance officers are not required to record complete information on what they looked for and supervisory reviews are limited to assuring the adequacy of documentation for proposed citations, little control exists over the quality and completeness of inspections.

Monitoring inspections

OSHA and the States do not formally monitor the quality of their inspections. OSHA's monitoring of its enforcement program consists of (1) regional planning, (2) field performance evaluation, and (3) field observation. Such monitoring, however, does not evaluate the quality of inspections.

Regional planning helps to gauge the effectiveness of the region's resources' allocation to meet regional program objectives. Field performance evaluation and field observation determine if enforcement procedures are being applied and are timely and if case files include required data. An OSHA official said that none of these monitoring efforts assure that worksite hazards are identified, cited, and corrected.

We believe that OSHA and the States should perform spot-checks and on-the-job evaluations of their compliance officers to evaluate the effectiveness of inspection procedures and the performance of individual compliance officers so that appropriate action can be taken on identified weaknesses. Spot-check monitoring visits could provide information on which to judge the quality of inspections. On-the-job evaluations could provide a method for evaluating the adequacy of training, supervision, and enforcement procedures and to determine whether individual compliance officers are capable of performing satisfactory inspections.

Hazards not cited when standards are considered nonexistent

Many hazards were not cited because compliance officers were unaware of the standards covering them. In many instances, OSHA and the States knew of this problem but took no corrective action.

For detected hazards not covered by standards, compliance officers should process an OSHA-9 Form recommending

development of new or modified standards. States operating under approved plans use a similar State form. Since September 1971, OSHA and States have received thousands of such forms but generally have done little with them.

According to OSHA Headquarters officials, OSHA-9s received by the Headquarters Office are filed. Although some studies have been made, they said staff resources are directed to higher priority work, and little action has been taken by the Office on the forms. In Colorado and South Carolina completed forms were placed in the case files, and no further action was taken. In Maryland the forms were reviewed, and significant ones were forwarded to the OSHA Headquarters Office, but no further action was taken by State compliance officials. At the end of fiscal year 1974, Maryland officials stopped sending the forms to OSHA because OSHA had done nothing with the forms.

Studies by OSHA showed that many OSHA-9s covered hazards already included under existing standards. OSHA officials said a 1973 study showed that about one-half of 500 OSHA-9s reviewed were for hazards covered by standards and another study conducted the same year showed similar results. OSHA took no action on these studies:

Our review in the Federal and State offices also showed that some supervisors neither reviewed the OSHA-9s or the State forms submitted to determine if a standard already existed for the hazard noted nor provided necessary feedback to compliance officers. This lack of feedback caused many hazards to be identified but not cited, and some compliance officers have stopped reporting hazards which they believe are not covered by standards.

An example of such a hazard not cited by the compliance officer follows:

--An OSHA compliance officer inspected a construction site in Pittsburgh in January 1976. He observed a gasoline-powered abrasive saw with no guard covering the lower half of the blade. Employees were exposed to the cutting edge of the saw and to sparks and debris emitted from the blade. The compliance officer did not cite the employer for the hazard because he believed OSHA standards did not cover portable gasoline-powered abrasive saws. He submitted an OSHA-9 in January 1976 to establish a standard for this hazard.

We discussed the OSHA-9 with a safety standards official at OSHA Headquarters. He said that the hazard should have been cited under OSHA Standard 1910.212 covering general

requirements for machine guarding. The standard requires all machines to be guarded to protect the operator and other employees in the machine area from hazards such as those created by the point of operation, rotating parts, flying chips, and sparks. The compliance officer who performed the inspection was not told that the hazard could have been cited under an existing standard, and no further action was taken.

Inspectors not enforcing some safety standards

Some potentially serious hazards are not cited because they fall under "should" standards which OSHA and State compliance officials consider unenforceable.

In developing its standards, OSHA adopted some national consensus standards already established for various industries. These standards included the word "should" in some instances and the word "shall" in others. The Secretary of Labor promulgated these standards as mandatory for enforcement regardless of the wording.

Officials from Labor's Office of the Solicitor, which renders legal interpretations of standards, told us that they consider "should" standards mandatory and enforceable. However, OSHA compliance and standards development officials contend such standards are advisory and are thus unenforceable. Compliance officials have not given field offices guidance on citing the "should" standards because they do not agree with this legal interpretation.

We found that OSHA and State compliance officers did not cite some potentially serious hazards because they believed the "should" standards that covered them were not enforceable. For example, an OSHA compliance officer inspected a contractor in Pittsburgh and found that terminal leads on a 260/280 volt welding machine were not protected from accidental contact by employees. Contact with the terminals could result in serious injury or death. He did not cite the violation because the standard provided that terminals "should" be protected from accidental contact by personnel or by metal objects.

An OSHA survey of 11 area offices in February 1977 showed that 6 of them cited "should" standards, and the remaining 5 did not. None of the five area offices we visited cited "should" standards. We also found a similar enforcement problem in State-administered programs. Compliance officials in Colorado and South Carolina did not cite "should" standards because they believed such standards were advisory instead of mandatory. Officials in Maryland cited them but

did not assess penalties for violations because they believed they could not penalize an employer for violating a "recommendation" standard.

While OSHA has been aware of the enforcement problem on "should" standards, OSHA has been unable to resolve it. Hazards involving "should" standards will continue unless OSHA directs Federal and State compliance officials to enforce such standards.

CONCLUSIONS

Some worksite hazards that could cause death or serious injury were overlooked during inspections. OSHA and the States need to improve their control over inspections to insure that serious hazards are identified and cited.

Detecting hazards could be improved if OSHA and the States gave better guidance on what to look for during inspections, better evaluated inspection reports, and monitored the performance of inspectors through on-the-job evaluations and spot-checks.

Some serious hazards were not being cited, and probably not corrected, because compliance officers were unaware of the applicability of some standards and believed others were not enforceable. Although OSHA is aware of these problems, it has not acted to solve them.

RECOMMENDATIONS TO THE SECRETARY OF LABOR

We recommend that the Secretary of Labor direct OSHA to establish, and require States to establish, a program for evaluating the effectiveness of their inspection efforts. The program should include:

- Developing data identifying potentially serious worksite hazards likely to exist in a particular industry and requiring compliance officers to check for and document whether and how employers are complying with standards for serious hazards.
- Developing procedures for effective supervisory review of inspection case files, including determinations on what the compliance officer looked for, what he found, and whether the inspection was adequate.
- Reinspecting worksites to evaluate the quality of inspections and the performance of individual compliance officers.

--Evaluating compliance officers on the job.

--Reviewing compliance officers' suggestions for improving standards or identifying conditions not covered by standards and informing compliance officers immediately when serious hazards are covered by existing standards and should be cited. Information received should also be analyzed to determine if new or revised standards are needed.

We also recommend that the Secretary of Labor direct OSHA and State compliance officers to enforce standards containing the word "should." If OSHA is precluded from enforcing such standards, it should use alternative means such as the general duty clause 1/ to insure workers are protected from serious hazards.

AGENCY AND STATES' COMMENTS AND OUR EVALUATION

The Department of Labor, in an April 3, 1978, letter commenting on a draft of this report (see app. I) agreed that improvements were needed in the workplace inspection program, especially in the areas of hazard identification and program evaluation. Labor said that many of our recommendations have been addressed by new programs and policies, and policies relating to other major concerns of the report are being considered.

Labor said that OSHA believed too few area offices and workplaces were sampled to draw accurate conclusions about overall OSHA practices. We believe the scope of our work was sufficient to demonstrate that the problems we identified are representative. This review covered three regional offices and five area offices in three States where OSHA enforces the act, and three States operating under OSHA-approved plans. Generally, the weaknesses found existed at all locations visited. Another review we made about the same time as this one in three other regional offices and four other States showed similar problems in detecting, classifying, and following up on high risk health hazards in workplaces. 2/

1/If a recognized hazard that is not covered by a specific standard is found, OSHA may cite an employer for not fulfilling its general duty to provide a place of employment which is free from recognized serious hazards.

2/"Sporadic Workplace Inspections for Lethal and Other Serious Health Hazards" (HRD-77-143, Apr. 5, 1978).

Labor said that OSHA believes the best means of ensuring that serious hazards are not overlooked during inspections is to better educate compliance officers in hazard recognition, classification, and documentation.

To help compliance officers better identify serious hazards, OSHA said it had begun a study of the incidence and causes of fatalities it investigates to determine the major causes.

Labor said OSHA is considering developing hazard identification and abatement guidelines for inspecting the 10 industries having the potential to produce the greatest number and the most severe injuries and illnesses. This would be a good first step, but identification of potentially serious worksite hazards is needed for all industries where workers are exposed to serious hazards.

Along with identifying potentially serious worksite hazards, we believe it is essential to document whether and how employers are complying with standards for serious hazards. OSHA said this would be extremely time-consuming and would substantially reduce the total number of workplace inspections. We believe that, in many cases, it would take little time and effort to tell how the employer was in compliance. Such documentation would add assurance that inspection attention is given to the serious hazards. Also, such documentation is needed for an effective supervisory review of the program.

OSHA said that a regional audit program is being developed which would center audit and evaluation responsibility in each region to ensure that a thorough annual program evaluation can be made of every regional and area office. On-the-job evaluations and case file reviews will be important parts of the audit program. OSHA is also considering making spot-checks of its inspections.

As stated on p. 6, we reviewed hundreds of inspection files. Generally, the files did not contain enough information to enable us to determine if all serious hazards had been identified and cited. Before an adequate case file audit program can be implemented, we believe OSHA needs to develop data identifying potentially serious worksite hazards likely to exist in each industry and require compliance officers to check for and document whether and how employers are complying with standards for serious hazards. OSHA should include spot-checks as part of the evaluation program and not depend solely on on-the-job evaluations. We believe also, that once the regional audit system is operational, OSHA should require States to establish similar programs.

Since our review, OSHA said it had established supervisory positions in most area offices to review inspections. We believe supervisory review of inspections is necessary in all area offices. Also, OSHA should develop procedures for effective supervisory review of inspection case files, including determining what the compliance officer looked for, what he found, and whether the inspection was adequate.

Our draft report recommended that OSHA review OSHA-9 forms to (1) inform compliance officers when hazards are covered by existing standards and (2) analyze the data on the forms to determine if new or revised standards are needed.

OSHA plans to eliminate the OSHA-9 form because it has not been useful in identifying the need for new standards. To improve its responsiveness to a compliance officer's request for assistance, OSHA is now emphasizing regional office technical support to area offices. Also, OSHA plans greater use of its hazard alert system by which a compliance officer or area office can notify the national office of any unique industry-associated hazard. The national office may in turn alert all regions of the hazard.

Our review showed a major weakness with the OSHA-9s was the lack of supervisory review and feedback to the compliance officers. In implementing its new procedures, OSHA should remain aware of the need for continuous feedback to compliance officers.

OSHA stated that the 10th Circuit Court of Appeals ruled that OSHA may not enforce "should" standards in one case. Other similar cases are currently in litigation. OSHA said, however, that its policy is to continue to enforce these standards unless the Occupational Safety and Health Review Commission and other appellate courts rule that "should" standards may not be enforced.

OSHA should inform its own and the States' compliance officers of its policy to continue to enforce "should" standards. If other courts rule against these standards, OSHA should decide on necessary action to protect workers from serious hazards covered by "should" standards.

South Carolina, in commenting on a draft of this report, said that it would implement our recommendations and would employ a monitor to evaluate its program. Maryland said it was evaluating certain recommendations in the draft report for implementation under its program and that other recommendations had already been implemented.

Maryland also said that many problems pointed out in the draft report were procedural problems which are inherent in any new program and occurred during the State's developmental phase. However, an OSHA report covering operations after the State's completion of its developmental phase showed results similar to those found during our review.

CHAPTER 3

NO ASSURANCE EXISTS THAT SERIOUS

HAZARDS ARE CORRECTED

When workplace hazards are identified and cited, the employer must correct them in the shortest reasonable time. Although OSHA and States have followup procedures to determine if serious violations are corrected, some serious hazards are not corrected promptly, and some are not corrected at all.

OSHA and the States need to improve their enforcement programs to insure that serious hazards are corrected. We found that:

- Required followup inspections to verify that employers corrected serious violations were often untimely and sometimes not made.
- Citations for some serious hazards were modified from serious to nonserious violations or were withdrawn without good reason. Once the citation was withdrawn, no corrective action was required.
- Serious hazards were cited as nonserious violations; followup inspections to insure correction are not required for violations cited as nonserious.
- Employers' requests for additional time to correct violations were routinely approved without verifying that the employer attempted to correct the hazards in good faith.

FOLLOWUP INSPECTIONS NOT MADE OR NOT TIMELY

OSHA and State policies require followup inspections for serious violations. OSHA requires them within 7 working days after the correction date. The three States we reviewed had similar requirements. In many instances, the inspections either were not made or were not made within the required period.

OSHA and States used logs or files to schedule followup inspections. The logs or files generally did not contain sufficient data to determine if followup inspections had been made. For example, one office kept a file to assure that followup inspections were scheduled and assigned to

inspectors. However, the file was discarded on each inspection as the scheduled date passed without anyone assuring that the inspection had been made. In reviewing OSHA and State case files, we identified many instances in which required followup inspections were not made.

We reviewed 228 violations requiring followup inspections and determined that inspections had not been performed in 108 cases because either the hazards were corrected during initial inspections or employers were no longer at the work-site, as in trenching and construction operations. Of the remaining 120 violations for which followup inspections should have been made, we found that 33 had not been. OSHA and State officials told us that, in most of these instances, the inspections had been overlooked.

The following examples illustrate the need for OSHA and the States to better control followup inspections.

--In March 1975, OSHA's Pittsburgh Area Office cited an employer for a serious violation because employees were exposed to excessive levels of lead which can cause severe blood, digestive system, liver, kidney, and nervous system disorders. The standard limits acceptable exposure to .2 milligrams per cubic centimeter. The citation ordered the employer to implement immediate protective procedures and to reduce lead levels in the air to an acceptable level by July 1975. OSHA agreed to extend the abatement date to November 1975. As of April 1976, OSHA had not performed a followup inspection to determine if the hazard had been corrected. An OSHA official told us he did not know why. He concluded that it had been overlooked. After we discussed this case with OSHA officials, they performed followup inspections in June and July 1976. These inspections showed that employees were exposed to lead levels as high as .47 milligrams per cubic centimeter. The compliance officer found that after the first inspection in February 1975, 12 employees lost worktime because of lead poisoning and 3 required extended hospitalization. OSHA cited the employer for a repeated serious violation, assessed a penalty of \$1,700, and set a date for correction of February 17, 1977. On February 24, 1977, OSHA followed up again and found the hazard had been corrected.

--In March 1976, OSHA's Atlanta Area Office cited an employer for a serious violation because nine mechanical power presses did not have the required guarding for

protecting workers from serious injury. The citation required the hazards to be corrected by June 17, 1976. A followup inspection was not performed. At our request, OSHA performed a followup inspection on November 1, 1976, and found two mechanical power presses still unguarded. OSHA cited the employer for a willful/repeat/serious violation, assessed a penalty of \$4,500, and required abatement of the hazards by November 11, 1976. The employer contested the type of citation and the amount of the penalty. The contest settlement brought removal of the willful aspect of the citation and reduction of the penalty to \$600, but the abatement date remained unchanged. On November 17, 1976, OSHA followed up on the violation and found that the hazards had been corrected.

Our review of selected case files showed that followup inspections by some OSHA and State offices were not performed within the required 7 workdays after the date for correcting hazards. OSHA Pittsburgh Office inspections averaged about 43 workdays beyond the required abatement date and, in some instances, ranged as long as 131 workdays later. The OSHA Philadelphia Office averaged about 25 workdays beyond the abatement date and ranged to 90 workdays. Cases reviewed in Maryland averaged about 27 workdays and ranged from 8 to 41 workdays. Other OSHA and State offices we reviewed generally conducted followup inspections within the required period.

Followup inspections on contested citations

When cited violations are contested, dates for correcting hazards are suspended until the action is settled. Many contested cases are settled by mutual agreement between OSHA and the employer with approval of OSHRC or equivalent State authority. The settlement is formalized in a signed stipulation of settlement agreement stating the employer (1) has abated the hazard or (2) will abate the hazard, and a new date is established for correcting the hazard.

We found that when stipulation of settlement agreements were reached, followup inspections were not made because (1) certain offices believed they were unnecessary and (2) copies of agreements or final settlement orders were not received by the area office. Followup inspections on stipulation of settlement agreements were not performed by OSHA's Atlanta and Macon, Georgia, Area Offices and in South Carolina because compliance officials considered them unnecessary in view of the binding legal agreements.

Policies and procedures followed at the OSHA Pittsburgh and Philadelphia Area Offices required followup inspections on contested serious violations which had been settled by mutual agreement. In some cases, however, followup inspections for serious violations were not performed because the area office did not receive copies of the agreements or the final orders of approval by OSHRC and, accordingly, was unaware that followup inspections were due.

CITATIONS MODIFIED OR WITHDRAWN

The Occupational Safety and Health Act of 1970 allows an employer to contest a citation or parts of it by written notice within 15 working days after receipt of the citation. Contested cases may be settled only by OSHRC or equivalent State authority. However, the employer may withdraw his contest action, or OSHA may drop its citation at any time. Any compromises reached with the employer on a contested violation must be approved by OSHRC or an equivalent State authority. If the employer fails to contest within the 15-day period, the citation becomes an OSHRC final order. When citations are withdrawn, no further followup occurs by OSHA and the States, and the hazards may continue to exist.

Our review showed that OSHA and the States modified or withdrew citations based on incomplete information or a misunderstanding of the facts. In some instances, the compliance officer who made the inspection and wrote the citation was not consulted for his views or inspection details before the citation was modified or withdrawn. Such information was relevant or essential to help sustain the citation. In other cases, citations were modified or withdrawn because the compliance officer made an error during the inspection or did not obtain sufficient evidence to support the citation. In either instance, whether management failed to obtain complete information or the compliance officer failed to adequately document the case, a reinspection was not made to determine whether the citation should be sustained.

Some OSHA and State offices did not keep a log of modified or withdrawn cases. Consequently, we could not determine the number of citations modified or withdrawn or how many were due to faulty or inadequate inspections.

The following cases illustrate the need for (1) consulting the compliance officer before citations are modified or withdrawn and (2) periodically reviewing decisions to modify or withdraw citations.

--A Maryland compliance officer cited an electric power company for leaving a 220-volt main electric panel and a 480-volt transformer unguarded. These could cause serious injury or death if contacted by employees. An OSHA standard requires guarding the live electrical parts of equipment using 50 or more volts of electricity. As a result of an informal conference with the employer, State compliance officials withdrew the citation because they concluded the cited standard did not apply to electric utility companies. The standard exempts electric utility companies with respect to generating, transmitting, and distributing electrical energy.

The compliance officer who conducted the inspection was not consulted and was unaware that the citation had been withdrawn until we discussed it with him. According to the compliance officer and his supervisor, the citation should not have been withdrawn because the equipment was used in the building's electrical system and not for generating, transmitting, and distributing electrical energy. If the inspector had been consulted, he said he would have informed conference participants that the standard did apply in this case.

--OSHA cited an employer in Pennsylvania for violating a standard requiring guards on a press brake machine. An OSHA standard requires machines to be guarded to prevent operators from having any part of their bodies in the danger zone during operation. The employer contested the citation, and an attorney for the regional solicitor visited the worksite to investigate the violation. The attorney was told that a company policy prohibited employees from placing their hands within 4 inches of the operating point of the press brake machine. Based on the stated policy, the regional solicitor withdrew the citation. The standard does not exempt an employer from compliance because of a stated company policy "prohibiting" accidents. Such a policy does not adequately protect employees from the hazard, and the citation should not have been withdrawn.

Also, an employee said the "4-inch rule" was no longer followed. The compliance officer told us he was not consulted prior to the withdrawal action, and he was not aware of it. He disagreed with the action taken and said he would have stated his views if he had been consulted.

--A compliance officer in Maryland issued a serious citation to an employer for violating a standard requiring machines to be guarded to protect workers from exposure to the press rollers. Prior to this inspection, a worker had crushed his hand in the rollers and was out of work for over 3 months. During an informal conference with the employer, the citation was modified from serious to nonserious. According to the case file, the citation was modified because (1) the employer was very cooperative during the inspection, (2) the employer had a good accident record prior to the recent injury, and (3) the injured worker said he should have been more careful.

Modifications and withdrawals generally were made by the area director and regional solicitor without review at other management levels, such as the regional administrator. Review by the regional administrator would help insure that modification or withdrawal actions are based on sound judgment and adequate consideration of pertinent information which is available from the compliance officers who performed the inspections.

The following cases illustrate the need for reinspection when violations are withdrawn because of inadequate inspection.

--The OSHA Philadelphia Area Office cited an employer for seven unguarded table saws. During an informal conference, OSHA agreed to withdraw the citation because:

- (1) The inspector cited the wrong standard.
- (2) The saw locations were reported incorrectly.
- (3) The employer claimed only six saws were unguarded.
- (4) The compliance officer observed only one table saw but cited the employer for seven.
- (5) The saws were guarded, although not in accordance with OSHA standards.
- (6) OSHA held no closing conference.

OSHA did not reinspect the worksite. In March 1977, we accompanied an OSHA compliance officer on an inspection, made at our request, to determine if the hazards

still existed. He found five unguarded table saws and issued a citation for a serious violation.

--A State compliance officer inspected a construction site in South Carolina and observed employees standing on 4-inch steel beams, 65 feet above the ground, without safety belts and safety lines to protect them from falling. The compliance officer cited the employer for a serious repeat violation because the employer had been cited previously for the same violation. During an informal conference, the employer contended that (1) none of his employees were standing on the beams and (2) the only employee identified in the inspection report was employed by another contractor at the worksite. State compliance officials withdrew the citation because the compliance officer had not taken photographs and had not adequately identified the employees and employer involved in the violation. The compliance officer was not consulted prior to the withdrawal and was not aware of the action taken. State compliance officials did not reinspect the worksite to determine if the hazard still existed and which employer was responsible.

SERIOUS HAZARDS NOT CITED AS
SERIOUS VIOLATIONS--FOLLOWUP
INSPECTIONS NOT REQUIRED

OSHA and State policies require followup inspections on serious violations but not on nonserious violations. The Occupational Safety and Health Act of 1970 defines a serious violation as follows:

"* * * a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. * * *"

Although OSHA provided additional clarification of its general guidelines for citing serious violations in December 1976, neither OSHA nor the States have provided specific guidelines for citing safety violations. OSHA issued specific instructions in December 1976 for citing violations of

toxic substance health standards. In March 1977, OSHA issued specific instructions on safety standards which would normally involve serious violations but withdrew them because of objections from OSHA field officials. An OSHA Headquarters' official told us that field officials believed that many conditions and factors must be considered when citing a violation and felt the list would be too restrictive.

Many apparent serious violations often are classified as nonserious by OSHA and State compliance officers because of varied and inconsistent interpretations of the term "serious." For example, during the fiscal year ended June 30, 1976, OSHA cited 1,284 violations of standards for unguarded mechanical power presses. Only 377, or about 29 percent, of them were classified serious.

Also, OSHA performed a separate study of injuries caused by mechanical power presses during the 6-month period from July through December 1975 and found that 75 percent of the injuries probably were permanent and disabling. About 50 percent of the accidents resulted in amputations of fingers, hands, or arms. Similar data were not developed for injuries related to other safety hazards.

We noted that many violations which appeared serious to us were usually classified nonserious. For example:

--The standard on woodworking machinery requires guards on power saw blades to prevent employees from being cut by the blades or struck by debris thrown by the blades. Power saw blades can cause permanent and disabling injuries, such as amputation of fingers or hands.

During the fiscal year ended June 30, 1976, OSHA cited 2,544 violations of the standard requiring guards for radial power saws. OSHA classified 2,329, or about 92 percent of the violations, as nonserious and the remaining 215 violations as serious.

Our review of case files showed that compliance officers in Colorado, Maryland, and South Carolina also classified many seemingly serious violations as nonserious.

Examples of questionable hazard classification identified during our case file review included the following:

--The OSHA Macon Area Office cited an employer for a nonserious violation for not shoring or sloping the walls of a trench 11 feet deep to prevent a

construction site cave-in. An OSHA supervisor told us the hazard should have been cited as a serious violation because of the trench depth, employee exposure, and occurrence of a partially collapsed wall.

- South Carolina cited an employer for a nonserious violation for a main light and switch panel without an approved cabinet or enclosure. Live wires of a 230-volt electrical system were exposed and were within 3 feet of a metallic heating system in a room that was not well lighted.
- Colorado cited an employer for a nonserious violation for permitting welders to work on suspended steel beams at a construction site without safety nets or other safety devices to protect them from falling. The employees were exposed to a potential fall of over 25 feet.
- Maryland cited an employer for a nonserious violation for three unguarded mechanical power presses. The compliance officer recommended that the violations be cited as serious, but a supervisor changed the violation to nonserious because the company was small and would suffer financial hardship due to the dollar penalties imposed if the violations were cited as serious.

At our request, OSHA conducted seven followup inspections on hazards cited as nonserious violations but which we believed were serious, to determine if the hazards had been corrected. Inspection results showed four of the seven employers had not corrected all of the hazards, and employees were still exposed to them. Details on the four cases follow.

- In June 1976, the OSHA Philadelphia Area Office cited a company for an unguarded shear and unguarded table saw and set the abatement date at July 3, 1976. In June 1976, the employer told OSHA that the hazards would be corrected. During the followup inspection in March 1977, the compliance officer found the table saw was unguarded and in violation of the OSHA standard. OSHA issued a failure to abate notice and assessed the company a \$1,000 penalty.
- In August 1975, the OSHA Atlanta Area Office cited a company for an unguarded 60-ton press brake and set the abatement date at September 26, 1975. The press brake was used to bend metal and could cause possible

loss of fingers, hands, and arms. A followup inspection in November 1976 showed that the press brake was still not guarded. In addition, the OSHA compliance officer found six other unguarded press brakes that had been missed and not cited on the previous inspection. OSHA cited the company for a serious safety violation and assessed an \$800 penalty.

--In April 1976, the OSHA Philadelphia Area Office cited a company for four unguarded mechanical power presses. The hazards were to be corrected by June 28, 1976. The employer sent OSHA abatement letters stating that the hazards were corrected. A followup inspection on March 29, 1977, showed one mechanical power press was unguarded. Another one was partially guarded. OSHA cited the company for a repeated violation and assessed an \$80 penalty.

--In February 1976, the OSHA Sioux Falls Area Office cited a company for one unguarded press brake and inadequate guarding of another. The correction date for the hazards was set for April 7, 1976. A followup inspection in November 1976 showed neither hazard had been corrected. During the followup inspection, one of the press brakes was in use for a different operation that did not require guarding. The compliance officer said that he did not cite the company for not correcting the hazard on the other press brake because too much time had passed since the initial inspection and because the employer had tried to abate the hazard. We believe, however, that the time elapsed or the employer's efforts to correct the hazard are not valid reasons for not citing and requiring correction of the hazard.

NEED TO REVISE PROCEDURES FOR
ALLOWING EMPLOYERS ADDITIONAL
TIME TO CORRECT SERIOUS HAZARDS

An employer may be granted additional time to correct a cited violation if he tries in good faith but is unable to correct the violation within the established abatement period. The request must show corrective actions taken, dates of such actions, and reasons for additional time. OSHA may approve the request or recommend denial. Denial recommendations are subject to review and disposition by OSHRC. 1/

1/Prior to 1975, OSHRC approved or denied all requests. In February 1975, OSHRC ruled that OSHA could approve requests, but OSHRC retained authority to deny them.

The present system for reviewing and processing requests for abatement extensions (1) does not encourage employers to correct serious hazards as quickly as possible because OSHA does not follow up to determine abatement progress and (2) allows an extended period to elapse before OSHRC acts on a recommended denial.

Counsel for Regional Litigation at OSHA's Headquarters Office said that OSHA inspectors should always inspect the employer's worksite before deciding to grant or recommend denial of an employer's request for extending abatement of a serious violation. He said that although recommended denials must be forwarded to OSHRC, OSHA can and should cite the employer for failure to abate. The official also said that citing the employer for failure to abate at the time OSHA recommended denial of the extension would discourage employers from seeking unwarranted extensions. OSHA, however, has not established a policy of inspecting worksites prior to deciding on abatement extensions for serious violations.

Such action by OSHA would

- serve notice that the hazard should be corrected as quickly as possible,
- insure that OSHA follows up to evaluate progress in correcting the hazard, and
- provide a basis for assessing an appropriate penalty for failure to abate a serious hazard.

During the followup inspection, the inspector could also evaluate the progress made to comply with the standard and inform the employer if it appears his efforts, when completed, should result in compliance with the standard.

From March 1975 until June 1976, OSHA received over 7,000 requests for abatement extensions. We were told that only about 160 of them were recommended for denial, and none were denied by OSHRC. OSHA officials said the primary reasons OSHRC did not deny them were:

- OSHA and the employer agreed to a compromise.
- The time requested by the employer had already elapsed.
- The employer corrected the hazard before OSHRC reviewed the request.

In responding to a draft of this report the Chairman of OSHRC said that all petitions for abatement cases will receive expeditious handling at every level of OSHRC.

Although OSHA policies require followup inspections on serious violations to determine if hazards are corrected, OSHA generally postpones such inspections if employers request an abatement date extension.

States have similar procedures for allowing employers to request extending abatement dates. 1/ Such requests are generally approved routinely. No abatement date extensions were denied during fiscal year 1976 in Maryland, Colorado, or South Carolina.

Several OSHA area office officials said requests for extensions usually are approved routinely. During fiscal year 1976, no denials were recommended in 3 of the 10 OSHA regions. OSHA officials said that some offices automatically approve requests because the present system allows too much time to expire before a request can be denied and the need for additional time becomes moot before a final denial decision is made. This condition is illustrated by the following examples.

--In March 1975, OSHA cited an employer for violating the silica dust standard. Exposure to silica dust can cause silicosis, a lung disease. The abatement date was set for October 15, 1975. The employer requested and received an extension to April 12, 1976. On that date, the employer requested a second extension to June 11, 1976. OSHA recommended denial of the second request and referred it to OSHRC for review. On June 14, 1976, before a hearing date had been set, OSHA informed OSHRC that the employer had corrected the hazard. On August 12, 1976, OSHRC issued an order granting the requested extension to June 14, 1976.

--In November 1974, OSHA cited an employer for exposing employees to excessive levels of lead in the air and set the abatement date for December 31, 1975. In December 1975, the employer requested and OSHA granted an extension to March 31, 1976. On April 1, 1976, the

1/In reply to a draft of this report a Maryland official said that for serious violations Maryland requires a visit to the worksite prior to granting or denying an employer's request for an extended abatement date.

employer requested a second extension to May 31, 1976, for one work area and to June 30, 1976, for a second. On May 27, 1976, OSHA recommended denial of the request. OSHRC scheduled a hearing for August 18, 1976--49 days beyond the last extension date requested. On July 30, 1976, prior to the hearing date, OSHA withdrew opposition to the extension because the employer had corrected the hazard. On August 17, 1976, OSHRC issued an order granting the abatement date extensions requested in April 1976.

OSHA and the States frequently do not determine if an employer is making progress toward correcting a serious hazard once an abatement extension is requested. ^{1/} For example, as discussed on page 19, in March 1975, OSHA cited an employer for exposing employees to excessive levels of lead in the air. The employer was required to establish engineering controls to reduce the lead in the air to comply with the prescribed standard. The abatement date was set at July 18, 1975. The employer requested and was granted two extensions because he needed more time because of delays in receiving equipment ordered from the supplier. The extensions moved the abatement date 4 months beyond the original date. During this period, the employer was required to provide respirators for employees for interim protection until the hazard could be corrected. The employer assured OSHA, by a letter in April 1975, that his employees were protected by respirators.

OSHA did not perform a followup inspection until we brought the case to its attention. In June and July 1976, an OSHA compliance officer found that employees were still exposed to levels of lead in excess of those permitted by the standard, and that interim measures for protecting employees had not been implemented effectively. He found that 12 workers lost time from work because of lead poisoning, and 3 of them had been hospitalized.

CONCLUSIONS

OSHA and the States need to improve their enforcement programs to insure correction of serious violations of safety and health standards. Required followup inspections sometimes

^{1/}In commenting on a draft of this report a Maryland official said that Maryland requires progress reports on any extension of 90 days or longer.

were not made and often were untimely. Also, some OSHA area offices and the State of South Carolina did not perform required followup inspections on contested cases which had been settled by stipulation of settlement agreements.

Citations for serious hazards were withdrawn or modified in some cases without valid justification and without discussion with the compliance officer who made the inspection and prepared the citation. No review was made to insure that withdrawals and modifications of citations were for valid reasons. When citations for serious violations were withdrawn because of inadequate inspections, reinspections were not performed.

Many serious hazards were cited as nonserious violations, and, consequently, followup inspections were not performed to assure the hazards were corrected.

OSHA's procedures for granting employers additional time to correct serious hazards do not insure that hazards will be corrected within the shortest reasonable time. Requests for additional time were routinely approved without determining that employers tried in good faith to correct the hazards and that efforts to correct hazards would assure compliance with standards.

RECOMMENDATIONS TO THE SECRETARY OF LABOR

To insure that serious hazards cited are corrected, we recommend that the Secretary of Labor require OSHA and the States to:

- Discuss inspection details with compliance officers involved whenever citations for serious violations are considered for modification or deletion.
- Review written justifications for serious violations modified or deleted to determine the validity of such actions.
- Reinspect worksites to determine if serious violations deleted from citations due to inadequate inspections or administrative errors should be sustained.
- Develop procedures and controls to assure timely and effective followup inspections of serious violations.
- Perform followup inspections of serious violations which have been settled by stipulation of settlement agreements.

- Develop specific guidelines to assure that serious hazards are properly classified as serious violations.
- Perform required followup inspections of serious violations involving petitions for modification of abatement date to judge the merits of the request. Consideration should be given to the employer's efforts and progress in abating hazards cited. If the employer has not made a good faith effort and has not provided interim protection to employees when required, the employer should be cited for failure to abate the hazard, and the request should be recommended for denial.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Labor agreed with most of our recommendations and provided information on actions taken or proposed to assure that serious hazards are corrected. Labor said that providing effective means to ensure that all serious violations are corrected presents a difficult problem when viewed in the larger context of overall agency inspection priorities. Labor said that OSHA is making every effort to ensure that followup inspections will be made in workplaces where serious violations have been found.

Labor said that OSHA is considering involving employee representatives in decisions to modify or withdraw citations so that workers affected by such decisions will have an opportunity to comment on them. OSHA, however, has not required that the compliance officer involved be consulted whenever citations for serious violations are considered for modification or deletion. We concur with OSHA's proposal to involve employee representatives in decisions to modify or withdraw citations. We believe, however, that the compliance officer who identified the violation and proposed the citation should be consulted whenever citations for serious violations are considered for modification or deletion.

Labor said that OSHA's proposed regional audit program will provide a means for reviewing written justifications for modifying or deleting serious citations and for reviewing the followup files and logs of compliance officers to ensure that all mandatory followup inspections are being conducted according to OSHA policies and procedures. Before a regional audit program can be of use for monitoring followup, OSHA must develop procedures and controls to assure timely and effective followup inspections. Our review showed that logs or files generally did not contain sufficient data to determine if followup inspections had been made.

Labor stated that OSHA has prepared a manual containing standard language to be used by compliance officers in describing alleged violations. Labor believes this will enable OSHA to better withstand legal challenges to its citations. Labor said this will help to ensure that the deficiencies in citations of serious violations noted by us will be less likely to occur in the future. Although this standardized wording may help in writing citations, we do not believe it will significantly assure that serious hazards are properly classified as serious violations. OSHA needs to develop specific guidelines for citing safety violations similar to those it issued for citing violations of toxic substance health standards.

According to Labor, a followup inspection may be performed following a stipulation of settlement agreement. We believe that when a settlement is made involving a serious violation it should be considered under the same followup policy as other serious violations, thus requiring a follow-up inspection.

Labor said that, except for health hazards, the area director is allowed the discretion of deciding whether to schedule a followup inspection when a petition for modification of abatement is received. For serious violations we believe that OSHA inspectors should inspect the employer's worksite before deciding to grant or recommend denial of the request for extending abatement. If the employer has not made a good faith effort and has not provided interim protection to employees when required, the employer should be cited for failure to abate the hazard, and the request should be recommended for denial.

U.S. DEPARTMENT OF LABOR
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20210



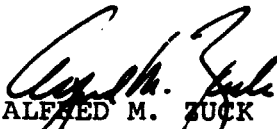
APR 3 1978

Mr. Gregory J. Ahart
Director, Human Resources Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Ahart:

Enclosed, as requested, is the Department of Labor's
response to the draft GAO report, "Workplace Inspection
Program Does Not Ensure Serious Hazards Are Detected
And Corrected."

Sincerely,


ALFRED M. ZUCK
Assistant Secretary for
Administration and Management

Enclosure

The Occupational Safety and Health Administration's
Response to the Draft GAO Report,
"Workplace Inspection Program Does Not Ensure Serious
Hazards are Detected and Corrected"

This General Accounting Office (GAO) report concerns the Occupational Safety and Health Administration's (OSHA) effectiveness in identifying, citing and correcting serious violations of its standards.

OSHA agrees that improvements were needed in the workplace inspection program, especially in the areas of hazard identification and program evaluation. Since GAO's investigation was concluded many of the recommendations made in this report have been addressed by new programs and policies designed to improve the effectiveness of OSHA's inspection effort. Policies currently under consideration are directed at other major concerns of this report.

OSHA's major criticism of the report is that GAO sampled too few area offices and workplaces to draw accurate conclusions about overall OSHA practices. For example, an overload of employee complaints in one area office surveyed drastically affected the number of followup inspections that could be scheduled in that area. Such a condition, existing at a particular time, was not representative of OSHA area offices as a whole.

The specific instances of inspection deficiencies cited by GAO must be viewed in the larger context of overall Agency priorities and resources. Criticisms made by GAO concerning the amount of detail in inspection case files and the lack of followup of serious violations must be weighed against more pressing priorities, such as responding to employee complaints, and increasing the number of new workplace inspections in high-hazard industries. The most efficient use of compliance officers' time, and of the time of area and regional program managers is also an important consideration, in view of OSHA's limited resources. The Agency is confronting all of these problems by striving to improve the training and education of its compliance officers, by clarifying procedures for classifying violations and by developing an effective means of evaluating its inspection program.

The recommendations made in Chapters 2 and 3 of the report will be addressed under each chapter heading, though not necessarily in the order presented.

Chapter 2 -- No Assurance that Serious Hazards are Detected and Cited

OSHA agrees that evaluation of workplace inspections is essential to an effective inspection program. Such an evaluation should include both case file reviews and on-the-job evaluation of compliance inspections.

Since GAO's investigation took place, supervisory positions have been established in most area offices to closely supervise the work of compliance officers. This includes on-the-job evaluations and review of inspection case files to insure their accuracy and completeness. Currently, the Office of Field Performance Analysis in the national office is responsible for the audit and evaluation of regional and area office activities. This evaluation includes both analysis of inspection activity data and on-site evaluation of program activities. In addition, a number of regions monitor their own inspection activities, including on-site evaluation of compliance inspections.

The inspection activities of States which administer their own safety and health plans (18(b) States) are monitored by Federal compliance officers. This monitoring system, in addition to evaluating the overall State program, includes inspection case file review, on-the-job evaluation of State inspections and spot-check monitoring or reinspection of workplaces to determine the effectiveness of the State inspection. OSHA's Field Operations Manual requires that an on-the-job evaluation consisting of two accompanied visits and concomitant case file reviews by different monitors be performed for each State compliance officer during that State's developmental period.

OSHA recognizes, however, that improvement in both the comprehensiveness and quality of Federal and State compliance evaluation programs is needed. To that end, a regional audit program is being developed which would center audit and evaluation responsibility in each region to ensure that a thorough annual program evaluation can be made of every regional and area office. The national office will continue to monitor and evaluate the regions and their audit and evaluation process. On-the-job evaluations will be an important part of this regional audit program. Persons chosen to perform on-the-job evaluations will be exceptionally well-qualified senior compliance officers, identified according to their expertise in the safety or health area. Each annual audit of area offices will include on-the-job evaluations of a given percentage or selected sample of compliance safety and health officers and industrial hygienists. In addition, a given percentage of case files completed within 90 days of the audit will be reviewed. These audit reports will be reviewed by the regional office and then by the national office. If corrective action is needed, it will be monitored by both the region and the national office.

Under the regional audit program consideration is also being given to requiring area offices to conduct spot-check monitoring inspections of recently inspected establishments. This type of self-audit is already being conducted in some area offices. If resources are available, spot-check monitoring may also be conducted by the regional offices.

GAO suggests that the inspection case file be used as a written record of compliance and noncompliance with all workplace hazards encountered, both actual and potential. This record would thus serve as a means to ensure that no serious violations of OSHA standards are overlooked during an inspection. To record the means by which an employer is complying with standards for serious workplace hazards on a standard-by-standard basis would be extremely time-consuming for the compliance officer and would substantially reduce the total number of workplace inspections.

The purpose of the case file record is to provide an accurate picture of workplace conditions at the time of the inspection, and to document instances where it appears that OSHA standards have been violated. The Field Operations Manual provides a form (OSHA-1A) for evaluating all aspects of an employer's safety and health program, including the program's comprehensiveness in addressing and controlling the full range of hazards encountered in the workplace. The Industrial Hygiene Field Operations Manual requires the identification and recording of all toxic substances found during workplace inspections. The Industrial Hygiene Manual also requires that health compliance officers check for and record whether or not employers are in compliance with the standards for high-risk substances. All of this information must be entered in the case file.

Recently an analysis was made of hazards encountered in foundries as part of the foundry inspection program, and a checklist was developed for identification of foundry hazards by function of operation. An evaluation of the foundry inspection program has been undertaken which compares compliance program data with recordable injury and illness data to determine, among other things, the effectiveness of this specialized inspection program. Currently, a project is being explored that would develop hazard identification and abatement guidelines for the ten industries having the potential to produce the greatest number and the most severe injuries and illnesses. Thus a system of checking for anticipated hazards is being considered for inspections of high-hazard industries and a system is now being used to check for high-risk substances. The purpose of this effort, however, is to aid in the identification of workplace hazards and not to evaluate the inspector's effectiveness.

OSHA is conducting a study of incidence and causes of fatalities investigated by compliance officers to better identify

potentially serious workplace hazards. Data from the OSHA-1 and OSHA 1-B forms and from other sources will be analyzed to determine the major causes of serious accidents and illnesses. These data will be provided to each regional and area office, to supplement information currently available to the compliance officer.

The overriding issue involved in GAO's recommendation concerning data development and documentation of serious hazards encountered is the competence of compliance officers in identifying serious hazards. OSHA feels that better education of compliance officers in hazard recognition, classification, and documentation is the best means of ensuring that serious hazards are not overlooked during an inspection. On-site evaluation is a vital part of that educational process; so is a clear understanding of what constitutes a serious violation of OSHA standards. In December 1976 OSHA issued changes in the Field Operations Manual which 1) clarify the classification of a serious violation and 2) establish a new system for calculating proposed penalties for all violations. This new classification system will be discussed again in OSHA's response to Chapter 3 of the GAO report.

Another component in ensuring that serious hazards are not overlooked during an inspection is feedback from compliance officers themselves. The OSHA-9 form was designed to give compliance officers the opportunity to report hazards they felt were not covered by an OSHA standard. However, the form has not proven to be a useful means of identifying the need for new standards, and will be eliminated. To improve responsiveness to compliance officers' requests for assistance, OSHA is placing new emphasis on providing technical support from regional offices to area offices and their compliance personnel. This technical support can assist the compliance officer in locating the appropriate standard applicable to an unusual workplace situation and can provide advice concerning appropriate methods of abatement. In addition, OSHA plans to make greater use of its hazard alert system. This hazard alert system provides a means by which a compliance officer or area office aware of a unique hazard associated with a given industry can notify the national office. The national office may in turn send an alert to all regions concerning the hazard.

GAO reported some confusion over the enforcement of standards containing the word "should." The adoption by OSHA of national consensus standards containing the word "should" has been challenged. One appellate court, in Usery vs. Kennecott Copper Corporation and OSHRC (No.76-135, 10th circuit, December 23, 1977; not officially published) has ruled that OSHA may not enforce "should" standards, and the issue is currently under litigation in other cases. Unless the Occupational Safety and Health Review Commission and other appellate courts besides the Tenth Circuit Court of Appeals rule that "should" standards

may not be enforced, OSHA's policy is to continue to enforce these standards.

Chapter 3 -- No Assurance that Serious Hazards are Corrected

The essential first step in ensuring that all hazards found in a workplace are corrected is the proper identification, classification and citation of those hazards. In December 1976 OSHA issued changes in its Field Operations Manual (Program Directives 200-54 and 200-55) which clarified the classification of a serious violation and established a new system for calculating proposed monetary penalties for all violations. These changes were designed to ensure that violations cited during an inspection are consistently and accurately classified.

To aid in the preparation of citations a manual of standard alleged violation elements (SAVE) has been developed. This manual (Program Directive 200-63) is designed to improve the quality of alleged violation descriptions through the use of standardized wording that is legally sufficient. These actions will help to ensure that the deficiencies in citations of serious violations noted by GAO will be less likely to occur in the future.

When a citation of a proposed violation is considered for modification or deletion, the compliance officer who made the inspection may be consulted either before or after the citation is issued. Before issuing a citation for a violation, the area director or his staff reviews it to ensure the accuracy and adequacy of all necessary information. When proposed citations for serious violations are considered for modification or deletion due to incomplete information or inspection error, it is customary for the area director to consult the compliance officer who made the inspection before issuing the citation. If, after issuance of a citation, the area director wishes to amend it to modify or delete a serious violation, he will, again, attempt to consult the compliance officer concerned. In both instances, however, this consultation is not always possible, since the compliance officer may be conducting another inspection or be otherwise unavailable when the decision is made. In any case, the case file should state the reasons for modification of the citation.

When a regional solicitor wishes to make substantive changes in a citation or penalty, it is the policy of the Office of the Solicitor to consult with the area office concerned. Again, exceptional circumstances may in some instances prohibit this kind of consultation.

In addition to mandatory consultation in all but unusual circumstances, OSHA is considering involving employee representatives in decisions to modify or withdraw citations, so

that the workers affected by such decisions will have an opportunity to comment on them. A proposed program directive would assure that employee representatives are afforded the opportunity to participate in conferences or discussions regarding the amendment or withdrawal of a citation. Procedures are being developed to ensure that employee objections to proposed amendments or modifications of a citation can be resolved at either the regional or the national office.

The regional audit program described under Chapter 2 of this response will provide a means for review of written justifications for modifying or deleting serious citations. A guide for field audit and evaluation will emphasize the review of case files to insure that reasonable justification exists for not issuing a citation for a documented hazard. In addition, case files will be reviewed to ensure that all hazards are properly identified, documented and cited, if appropriate. It should be noted that comprehensive case file review is already a part of the national office evaluation program: the purpose of the field guide is to establish uniform requirements for all regional audit programs.

OSHA agrees with GAO that a reinspection should be performed at a workplace when a serious citation is withdrawn due to an inadequate inspection or administrative error. A proposed program directive to implement such a policy is under consideration. Such a reinspection policy, however, would be subject to other inspection priorities, and would allow the area director some discretion in deciding whether such a reinspection is necessary based on the facts of the case.

The problem of conducting timely followup inspections at workplaces where serious violations have been found is part of the larger problem of deciding on inspection priorities, given OSHA's limited resources. OSHA has recently issued new inspection priorities which will direct 95 percent of OSHA's programmed inspection effort to industries with the most serious health and safety hazards. Area offices have been directed to devote at least 70 percent of available professional staff activity to inspections or to compliance-related programs. Agency inspection priorities are:

- Unprogrammed inspection activities (in order of importance)--investigation of imminent danger complaints; investigation of fatalities/catastrophes; and investigation of other complaints.
- Programmed inspection activities--e.g. high-hazard industries; special emphasis programs; and new standard implementation inspections.

Thus in scheduling followup inspections for serious violations the area director must view such an inspection in terms of other established inspection priorities. The number of employee

complaints of alleged serious hazards to be investigated may determine whether or not a prompt followup inspection of a serious violation can be conducted. To deal with the problem of limited inspection resources, the new priority system will require the area director to seek, through the region or the national office, additional resources when worker complaints exceed 30 percent of available inspection resources. Other factors such as whether or not the employer has stated in writing that the violation has been corrected, whether the violation was corrected at the time of the inspection, and whether the workplace has been changed (as in construction sites) may also be taken into consideration in scheduling a followup inspection. Whatever action is taken should be recorded in the inspection case file.

Currently, review of followup practices is conducted by the national office. The proposed regional audit program described under Chapter 2 of this response will provide, as part of the area office audit, for review of the followup files and logs of compliance officers to ensure that all mandatory followup inspections are being conducted according to OSHA policies and procedures. This is in addition to the case file review process described earlier.

When an agreement is reached between OSHA and an employer or a State and an employer concerning a contested citation, approval of the settlement must be obtained from the Occupational Safety and Health Review Commission or an equivalent State authority. According to OSHA regulations a followup inspection may be performed following a settlement. Other resource factors may, however, influence the scheduling of followup inspections for settlement agreements.

Each area director must weigh the benefit of reinspecting a workplace against the opportunity to inspect a workplace with possible serious hazards that has never been inspected. The new inspection priorities described above aid the area director in scheduling programmed inspection activities, but he must retain some discretion in deciding which inspection activities require the most immediate attention.

OSHA regulations allow petitions for modification of abatement of a cited violation, if the employer is unable to correct the violation within the established time period. However, the employer must provide, in writing, information regarding the steps taken to correct the violation, including steps to safeguard employees against the cited hazard during the abatement period.

The Industrial Hygiene Field Operations Manual requires a monitoring inspection before an abatement extension is granted, to ensure that the employer's representations are true and in good faith and that the employer has attempted

to implement controls as expeditiously as possible. If the employer has not made a good faith effort to comply with the abatement requirements, a failure to abate notification should be issued along with a recommended denial of the petition for modification of abatement.

In the area of worker safety the area director is allowed the discretion of deciding whether or not to schedule a follow-up inspection when a petition for modification of abatement is received. The area director must decide, based on the information provided by the employer, whether or not a good faith effort to correct the violation is being made. When an abatement date is granted that is in excess of 30 days, an explanation for that action must be placed in the official file. Any request for an abatement extension which exceeds one year must have prior approval of the regional administrator, and a request for abatement extension which exceeds two years requires national office approval.

Thus OSHA is taking positive steps to ensure that hazards observed during an inspection are properly identified, classified and cited. Providing effective means to ensure that all serious violations are corrected presents a difficult problem, when viewed in the larger context of overall agency inspection priorities. While allowing some discretion to area directors, OSHA is making every effort to ensure that followup inspections will be made in workplaces where serious violations have been found.

This draft GAO report has given OSHA the opportunity to outline new and proposed policies designed to better protect workers through an improved inspection program. We appreciate the opportunity to respond to GAO's suggestions and recommendations.

GAO REPORTS DEALING WITH THE
SAME OR SIMILAR SUBJECTS

1. Report to the Senate Committee on Labor and Public Welfare: "Slow Progress Likely in Development of Standards for Toxic Substances and Harmful Physical Agents Found in Workplaces" (B-163375, Sept. 28, 1973).
2. Report to the Congress: "Federal Efforts To Protect the Public From Cancer-Causing Chemicals Are Not Very Effective" (MWD-76-59, June 16, 1976).
3. Report to the Congress: "Better Data on Severity and Causes of Worker Safety and Health Problems Should Be Obtained From Workplaces" (HRD-76-118, Aug. 12, 1976).
4. Report to the Congress: "States' Protection of Workers Needs Improvement" (HRD-76-161, Sept. 9, 1976).
5. Report to the Congress: "Delays in Setting Workplace Standards for Cancer-Causing and Other Dangerous Substances" (HRD-77-71, May 10, 1977).
6. Report to the Congress: "Sporadic Workplace Inspections For Lethal and Other Serious Health Hazards" (HRD-77-143, Apr. 5, 1978).

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF LABOR
RESPONSIBLE FOR ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
SECRETARY OF LABOR:		
F. Ray Marshall	Jan. 1977	Present
W. J. Usery, Jr.	Feb. 1976	Jan. 1977
John T. Dunlop	Mar. 1975	Jan. 1976
Peter J. Brennan	Feb. 1973	Mar. 1975
James D. Hodgson	July 1970	Feb. 1973
 ASSISTANT SECRETARY OF LABOR FOR OCCUPATIONAL SAFETY AND HEALTH:		
Eula Bingham	Mar. 1977	Present
Vacant	Jan. 1977	Mar. 1977
Morton Corn	Dec. 1975	Jan. 1977
Vacant	July 1975	Dec. 1975
John H. Stender	Apr. 1973	July 1975
Vacant	Jan. 1973	Apr. 1973
George C. Guenther	Apr. 1971	Jan. 1973