



## **WHAT'S AT STAKE:**

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# **Austerity Budgets Threaten Worker Health and Safety**

## Author

Nick Schwellenbach, Senior Fiscal Policy Analyst

## Contributors

Katie Weatherford, Regulatory Policy Analyst

Brian Gumm, Communications Director

Katherine McFate, President and CEO

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# EXECUTIVE SUMMARY

The Occupational Safety and Health Administration (OSHA) is tasked with ensuring that every working man and woman in America has “safe and healthful working conditions.” Established in 1970 under Nixon’s “new federalism,” and housed in the Department of Labor, its enforcement staff comes from both federal and state agencies. The agencies responsible for worker health and safety have never been well funded, and with their budgets shrinking, their ability to achieve their mission is increasingly at risk. New cuts are likely to result in more unsafe workplaces, more accidents and injuries, and higher costs for business and society down the road.

- OSHA had fewer health and safety compliance inspections staff in 2011 than in 1981, the first year of the Reagan administration, even though the number of workplaces doubled to 9 million from 4.5 million establishments, and the number of workers rose to 129.4 million from 73.4 million. The ratio of inspectors per workplace fell by half, to one inspector per 4,300 workplaces from one per 1,900 workplaces over that 30-year time period; the ratio of inspectors to workers fell to one per 62,000 workers in 2011 from one per 31,000 workers in 1981. Federal OSHA inspectors – at current staffing and workloads – would need 131 years to inspect every workplace in America.
- Even before the FY 2013 sequester’s impact, House Republicans had achieved their goal of rolling “back government spending to pre-stimulus, pre-bailout levels” in the worker safety and health budget. And House Republicans are proposing deeper cuts in FY 2014 federal spending for the appropriations bill that funds OSHA, the Mine Safety and Health Administration (MSHA), and the National Institute for Occupational Safety and Health (NIOSH).
- If sequestration hits again in FY 2014, and it reduces budgets by another 7.2 percent across the president’s proposed budget levels, OSHA’s budget would be \$531 million, MSHA’s would be \$353 million, and NIOSH’s would be \$305 million.

OSHA is already feeling the impacts of sequestration cuts, though it is trying to protect its most essential functions. Many of the impacts of the budget cuts in FY 2013 were related to training,

outreach, and travel associated with those efforts. A year of skimping on training is manageable, but a longer period of inadequate professional development will have more serious consequences. Similarly, reductions in outreach efforts will have more serious effects over a longer period of time. And even the president's budget plan projects a four percent drop overall in the number of inspections in FY 2014 from 2013 levels.

The deeper cuts proposed by the House would lead to an even sharper reduction in inspections and other health and safety activities at OSHA. Squeezing the agency's budget through harsher cuts would curtail the training of new inspectors and reduce their ability to keep up with emerging hazards. Over the next several years, OSHA is projected to lose a significant percentage of its existing workforce as safety and health inspectors and whistleblower investigators reach retirement age.

- Already, federal OSHA and its state counterparts have too few resources to regularly inspect all worksites and rely on worker complaints to identify the most dangerous establishments. This can only be effective if an employee who requests an inspection of his or her worksite is protected against retaliatory actions (discharge) from his or her employer. But charges of retaliation are increasing, and OSHA no longer completes its investigations within the statutory deadline of 90 days. In 2012, each OSHA investigator was handling about 26 cases, and each took up to 286 days to close.
- About half the states run their own enforcement and compliance programs, and federal OSHA provided about 50 percent of state program costs. But as their costs increased, the federal government has not been able to provide this level of support. And states are cutting their own health and safety funds. According to the Occupational Safety and Health State Plan Association, if this trend continues, we should expect to see reduced enforcement and outreach and smaller reductions in injuries, illnesses, and fatalities. If states are unable to maintain a program at least as effective as federal OSHA (a mandatory requirement for State Plan Programs), federal OSHA must take over compliance and enforcement functions. The inability to cost-share with state plans could generate even greater pressure on federal OSHA and further undermine its ability to ensure "safe and healthful working conditions" for American workers.

The budget forecasts for MSHA and NIOSH are equally dire. Funding for MSHA was increased years ago and has remained mostly stable, and the president's budget seeks to continue to protect miners. Yet sequestration cuts could have a significant impact on the agency and the miners it safeguards. MSHA grant money, used to train miners to prevent accidents and avoid health dangers, could be cut by as much as two-thirds. Budget cuts mean MSHA "will have to make tough choices about what positions to replace, and when," said agency head Joseph Main. A lack of adequate and competent staff at MSHA would take it to "the same position [the agency] was in during the months leading up to the Upper Big Branch tragedy," which resulted in the death of 29 miners at a Massey Energy mine in West Virginia in 2010.

The Obama administration is offering up deep cuts to the National Institute for Occupational Safety and Health despite the fact that NIOSH already saw its budget fall about 20 percent from FY 2008 through FY 2012. Further cuts will undermine NIOSH's mission of identifying workplace health risks and threats from toxins and proposing safer, affordable alternative substances and processes. NIOSH's recommendations have reduced injuries and deaths, improved the long-term health of workers, and saved states and employers significant worker compensation costs. The CDC has proposed that NIOSH eliminate its research on the agriculture, forestry, and fishery sector, even though these industries have the highest fatality rates.

The modest increase in OSHA's budget from the early years of the Obama administration have already been lost, and the agencies dedicated to protecting the health and safety of workers are increasingly challenged to achieve the missions they were created to serve. Further budgetary contractions would cripple their ability to provide adequate oversight of our nation's workplaces. If this system of public protections is further cut in the years to come, the nation's health and welfare will be increasingly put at risk.







## INTRODUCTION

In April, the House Appropriations Committee directed a 22.2 percent cut in overall spending for fiscal year (FY) 2014 in the bill that funds the Labor Department from FY 2013 levels (if the impact of sequestration on FY 2013 levels is factored in, the cut is 18.6 percent).<sup>1</sup> An important agency that would be hit by these potential cuts is the Occupational Safety and Health Administration (OSHA). This agency, established in 1970 during the Nixon administration, is tasked with ensuring that “every working man and woman in the nation has safe and healthful working conditions.” The budget of the agency has remained essentially flat in recent decades, failing to keep pace with inflation and the growth of the American economy. The proposed cuts would further obstruct OSHA’s ability to fulfill its mission of keeping American workplaces safe for employees.

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1 Joel Friedman, Sharon Parrott, and Richard Kogan, “Too Little to Go Around: House Appropriations Plan to Increase Defense and Homeland Security Requires Even Deeper Cuts in Other Programs,” Center on Budget and Policy Priorities, June 5, 2013. Available online at: <http://www.cbpp.org/cms/?fa=view&id=3969> [Last accessed Aug. 4, 2013].

Already, the U.S. has fewer health and safety inspectors now than it did during most years of the Reagan administration, when there were far fewer workplaces and workers.<sup>2</sup> The U.S. has fewer inspectors per 100,000 workers than China and numerous other developing countries.<sup>3</sup> Even before sequestration and the deeper proposed cuts, House Republicans had already achieved their goal of reducing this part of the budget below FY 2008 levels.<sup>4</sup>

An explosion at a Texas fertilizer storage facility that killed 15 people and injured over 200 occurred as these cuts were being proposed. This is the kind of workplace tragedy that might not have occurred if stronger oversight and workplace safety standards were in place. In part because of inadequate resources, OSHA had not inspected this facility in over 25 years.<sup>5</sup>

A lack of resources can deprive an agency of the means to exercise its power. The federal agencies<sup>6</sup> most responsible for worker health and safety have never been well funded,<sup>7</sup> but with shrinking budgets, their ability to do their work is even more constrained, likely leading to greater risks for workers and higher costs for business and society in the near future.

This is not an issue on the margins. Most Americans spend a majority of their waking hours at work – and for many, work is dangerous. Despite extraordinary gains thanks to government regulation in the last several decades, 4,693 workers died on the job in 2011, according to the

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2 AFL-CIO, “Federal OSHA Budget and Personnel, Fiscal Year 1975–2013.” Available online at: <http://www.aflcio.org/content/download/79801/1936471/29A+Federal+OSHA+Budget+and+Personnel+1975thru2013.pdf> [Last accessed Aug. 4, 2013].

3 International Labor Office, Strategies and Practice for Labor Inspection, G.B.297/ESP/3, Geneva, November 2006, p. 15. Available online at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_gb\\_297\\_esp\\_3\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf) [Last accessed Aug. 4, 2013]. Note: “The number of inspectors per worker is currently the only internationally comparable indicator available,” p. 4.

4 House Republicans, “A Pledge to America: Cutting Spending,” September 2010. Available online at: <http://www.gop.gov/indepth/pledge/cutspending#body> [Last accessed Aug. 4, 2013]. “Cut Government Spending to Pre-Stimulus, Pre-Bailout Levels... With common-sense exceptions for seniors, veterans, and our troops, we will roll back government spending to prestimulus, pre-bailout levels... Upon passage of H.Res. 38, current government spending will be rolled back to that of the levels of FY 2008 or before. This will reduce non-security discretionary spending to pre-stimulus, pre-bailout levels.”

5 Sam Hananel, “Texas Fertilizer Plant Had Last OSHA Inspection In 1985,” Associated Press, April 18, 2013. Available online at: [http://www.huffingtonpost.com/2013/04/18/texas-fertilizer-plant-ha\\_n\\_3113117.html](http://www.huffingtonpost.com/2013/04/18/texas-fertilizer-plant-ha_n_3113117.html) [Last accessed Aug. 4, 2013].

6 The Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), and the National Institute for Occupational Safety and Health are responsible for worker health and safety standards and research.

7 David Weil, “OSHA: Behind the Politics,” *Frontline*, Jan. 9, 2003. Available online at: <http://www.pbs.org/wgbh/pages/frontline/shows/workplace/osha/weil.html> [Last accessed Aug. 4, 2013].

Bureau of Labor Statistics.<sup>8</sup> From 1992 through 2011, a 20-year period, roughly 115,000 workers died from injuries sustained on the job. Only half as many Americans died – 58,000 – during the Vietnam War, which also lasted 20 years (1955-1975).<sup>9</sup>

These are only direct deaths due to accidents. Long-term impacts on the health of workers cause many more deaths. In 2011, “an estimated 50,000 died from occupational diseases [such as chemical exposure, severe working conditions, black lung, etc]. More than 3.8 million work-related injuries and illnesses were reported, but this number understates the problem. The true toll of job injuries is two to three times greater – about 7.6 million to 11.4 million job injuries and illnesses each year,” according to the AFL-CIO.<sup>10</sup>

Aside from the physical and emotional toll they take, dangerous workplaces have an enormous economic impact on families, on business, and on society. An in-depth academic examination estimated that occupational injuries and illnesses cost Americans some \$250 billion each year – a societal cost greater than that of cancer.<sup>11</sup>

Safe work places also improve economic competitiveness. As the International Labor Organization (ILO) notes:

*Improved labour inspections and safe work management, as well as underpinning social protection at work, lead to a better quality product, higher productivity, a decline in the number of accidents and an increase in the motivation of the labour force. As such, good governance of the labour market is key to maintaining or enhancing competitiveness and meeting the chal-*

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8 Bureau of Labor Statistics, “Revisions to the 2011 Census of Fatal Occupational Injuries (CFOI) counts,” April 25, 2013. Available online at [http://www.bls.gov/iif/oshwc/cfoi/cfoi\\_revised11.pdf](http://www.bls.gov/iif/oshwc/cfoi/cfoi_revised11.pdf) [Last accessed Aug. 4, 2013].

9 U.S. Bureau of Labor Statistics, “1992-2002 Census of Fatal Occupational Injuries (revised data).” Available online at: <http://www.bls.gov/iif/oshwc/cfoi/cftb0186.pdf> [Last accessed Aug. 9, 2013]. AFL-CIO, “Workplace Fatalities by State, 1995–2011.” Available online at: <http://www.aflcio.org/content/download/79991/1937041/46+Fatalities+by+State+Table+1995-2011.pdf> [Last accessed Aug. 9, 2013]. Anne Leland and Mari-Jana “M-J” Oboroceanu, “American War and Military Operations Casualties: Lists and Statistics,” Congressional Research Service, Feb. 26, 2010, p. 3. Available online at: <http://www.fas.org/sgp/crs/natsec/RL32492.pdf> [Last accessed Aug. 9, 2013].

10 “Death on the Job: The Toll of Neglect A National and State-by-State Profile of Worker Safety and Health in the United States,” AFL-CIO, April 2013. Available online at: <http://www.aflcio.org/Issues/Job-Safety/Death-on-the-Job-Report> [Last accessed Aug. 4, 2013].

11 J. Paul Leigh, Economic Burden of Occupational Injuries and Illnesses in the US, 89 Milbank Q. 728 (2011). Available online at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3250639/> [Last accessed Aug. 4, 2013].

*lenges of globalization. The key to competitiveness is quality products (and services) which in turn depend on quality production methods.<sup>12</sup>*

## Protecting Worker Safety

The main federal entities that exist to ensure safe workplaces are OSHA, the Mine Safety and Health Administration (MSHA), and National Institute for Occupational Safety and Health (NIOSH). They have a huge mission and relatively meager resources for accomplishing it. OSHA has fewer health and safety compliance inspections staff today than in 1981, the first year of the Reagan administration, even though the number of workplaces in the U.S. has doubled over the past 30 years (4.5 million to 9 million), and the number of employees has increased from 73.4 million employees to 129.4 million.<sup>13</sup> The ratio of inspector per workplace fell to one inspector for every 4,300 in 2011 from one per 1,900 in 1981; the ratio of inspectors to workers fell by half, to one per 62,000 from one per 31,000.<sup>14</sup>

Cuts in discretionary spending mandated by the Budget Control Act of 2011 and by sequestration put this system at even greater risk. Under the debt ceiling deal negotiated in the summer of 2011, caps on overall spending will be in place for a decade; most federal budget plans being debated in Washington also hold down spending in these areas. The programs dedicated to maintaining the public's health and welfare are part of the discretionary budget subject to caps and cuts in the coming years. Even when nominal levels of funding for an agency are maintained, the growth of the economy and number of workers, and the erosion of purchasing power due to inflation, means the agency may fall further behind.

Overall, between inflation and the reductions put in place since Republicans took the House in 2010, the occupational safety and health budget is slightly smaller now than in last full fiscal year

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12 International Labor Office, *Strategies and Practice for Labor Inspection*, G.B.297/ESP/3, Geneva, November 2006, p. 3. Available online at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_gb\\_297\\_esp\\_3\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf) [Last accessed Aug. 4, 2013].

13 See the Appendix "OSHA Staffing and National Employment – Discussion" for information on how the data sources and how these ratios were calculated.

14 Note: Not all employed persons are covered by OSHA, although the vast majority are under its jurisdiction. See: Occupational Safety and Health Administration, "Who OSHA Covers." Available online at: <https://www.osha.gov/workers.html#3> [Last accessed Aug. 4, 2013].

of the Bush administration, even without calculating the effects of sequestration. The modest increases in OSHA and MSHA's budgets when President Obama came into office have been greatly eroded. Applying the sequester's 5.1 percent cut to the 2013 Continuing

**The president's budget plan projects a nearly four percent drop in the number of inspections in FY 2014 from estimated FY 2013 levels.**

Resolution budget levels, OSHA is currently funded around \$540 million, MSHA at around \$359 million, and NIOSH at roughly \$310 million – the latter two at levels lower than the last full fiscal year of the Bush administration. OSHA's inflation-adjusted budget when the sequester is factored in makes it smaller than every other full fiscal year of the Bush administration except FY 2008.<sup>15</sup> Another year of the sequester would shrink these budgets further.

House Republicans are proposing deeper cuts in the FY 2014 appropriations bill that funds OSHA, MSHA, and NIOSH. If the House Appropriations Committee directive to cut 22.2 percent from FY 2013 Continuing Resolution levels for agencies funded by the Labor-Health and Human Services-Education appropriations bill is evenly applied across the board, in FY 2014, OSHA funding would be around \$443 million, MSHA around \$294 million, and NIOSH around \$254 million – lower than any time going back at least a decade. OSHA's budget would be lower than any time since 1993 despite an increase in the number of workplaces since then.<sup>16</sup>

## *Making Workplace Protections More Visible*

Americans often take for granted the agencies and safeguards that have reduced the dangers they face in their everyday lives. We have largely forgotten the “bad old days” before there were meat

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15 There are some discrepancies between the budget numbers the Center for Effective Government generally relied upon – the budget authority figures for agencies and obligations by program area in the White House Office of Management and Budget's budgets – and figures provided by agencies. For instance, the OSHA website states that its FY 2013 budget (in FY 2013 dollars) is \$563,658,000 and with sequestration is \$535,246,000. This is about \$5 million lower than the number calculated by the Center for Effective Government. Because analyzing trends is the main goal of this paper, the OMB figures were utilized. See the Methodology subsection “Budget Analysis” for more. Occupational Safety and Health Administration, “Commonly Used Statistics.” Available online at: <https://www.osha.gov/oshstats/commonstats.html> [Last accessed Aug. 4, 2013].

16 In 2001, approximately 7.7 million business establishments. In 2011, the latest data available, there are 9 million establishments. Bureau of Labor Statistics, “Employment and Wages Online Annual Averages” for 2001 and 2011. Available online at: <http://www.bls.gov/cew/cewbultn01.htm> and <http://www.bls.gov/cew/cewbultn11.htm> [Last accessed Aug. 4, 2013].

inspectors, toy inspectors, workplace safety standards, clean air and water standards, and laws against the release of toxic waste. We now expect and count on government to protect us against all kinds of preventable risks produced through industrialization, urbanization, and an economy more open to foreign imports and global supply chains. In fact, we only notice the system of public protections we have in place when something breaks down – when an accident like that in West, Texas occurs. Such breakdowns are more likely when resources are extremely limited.

If our largely “invisible” system of public protections is cut in the years to come, the nation’s health and welfare will be increasingly put at risk. In this report, we examine the occupational safety and health part of the “public protections budget” – a diverse set of federal programs in agencies whose mission is to protect the health and welfare of the American public. Specifically, the programs discussed below exist to protect the physical safety of American workers from workplace conditions that could put them at risk of injury or disease.

This analysis examines how the president’s budget treats the main agencies tasked with protecting workers’ health and safety, as well as trends in their funding over the last several years. The budgetary impacts of the deep cuts proposed by House Republicans are also discussed. This report focuses mostly on OSHA as it is the most important of the three agencies in terms of numbers of workers it helps to directly protect in the near term.

# WORKER HEALTH AND SAFETY BUDGETS EXAMINED

The two main federal government agencies most directly involved in worker health and safety in the private sector are the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA), both within the Department of Labor (DOL). OSHA covers most private-sector workers except the self-employed; immediate family members of farm employers that do not employ outside employees; and workplace hazards regulated by other federal agencies (for example, MSHA (mine safety) and the Federal Aviation Administration (airline safety)).<sup>17</sup> OSHA covers federal employees but not state or local government employees unless states choose to have OSHA enforce an approved state-run plan. The standards OSHA and MSHA enforce prevent death, disease, and injury by reducing on-the-job accidents and improving working conditions. The Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health (NIOSH) funds "the only dedicated federal investment for research needed to prevent injuries and illnesses."<sup>18</sup>

It's noteworthy to point out what is not examined here. The Chemical Safety and Hazard Investigation Board is a non-regulatory agency that "conducts root cause investigations of chemical accidents at fixed industrial facilities."<sup>19</sup> An independent agency, the Occupational Safety and Health Review Commission (OSHRC), is an administrative court that oversees disputes between employers and OSHA. Other agencies and programs within the Department of Labor also protect employment rights and benefits, notably the Wage and Hour Division and Employee Benefits Security Administration (EBSA). In addition, the National Labor Relations Board (NLRB), an independent agency, acts to prevent and remedy unfair labor practices and is supposed to protect workers' rights to organize and join unions. The Bureau of Labor Statistics (BLS) collects data on workplace injuries and fatalities.

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17 Occupational Safety and Health Administration, "Who OSHA Covers." Available online at: <https://www.osha.gov/workers.html#3> [Last accessed Aug. 4, 2013].

18 Centers for Disease Control and Prevention, "Justification of Budget Estimates for Appropriations Committees, FY 2014," April 2013. Available online at: [http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations\\_budget\\_form\\_pdf/FY2014\\_CJ\\_CDC\\_FINAL.pdf](http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations_budget_form_pdf/FY2014_CJ_CDC_FINAL.pdf) p. 278 [Last accessed Aug. 4, 2013].

19 Chemical Safety and Hazard Investigation Board, "Mission." Available online at: <http://www.csb.gov/about-the-csb/mission/> [Last accessed Aug. 4, 2013].



## 1. The President's Worker Safety and Health Agency Budgets, in Millions of FY 2013 Dollars\*

Agency	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 Est**	FY 2014 Req.	12-14 Diff. (\$)	12-14 Diff. (%)	08-14 Diff. (%)
<b>TOTAL</b>	<b>1,239</b>	<b>1,193</b>	<b>1,200</b>	<b>1,244</b>	<b>1,306</b>	<b>1,329</b>	<b>1,385</b>	<b>1,292</b>	<b>1,286</b>	<b>1,274</b>	<b>1,196</b>	<b>-90</b>	<b>-7%</b>	<b>-8.4%</b>
Occupational Safety & Health Administration	565	554	546	549	529	563	597	584	576	569	558	-18	-3.1%	3.6%
Mine Safety & Health Administration	332	334	350	340	361	376	388	378	379	378	372	-7	-1.8%	3%
Centers for Disease Control & Prevention's Occupational Safety and Health Program***	342	305	304	355	416	390	400	330	331	327	266	-65	-19.6%	-36.1%

\*Dollar amounts are adjusted to Fiscal Year 2013 dollars using the total non-defense outlay deflators, including estimated indexes for FY 2013 and FY 2014. Budget authority, net (total) is used unless noted otherwise. (Available at: <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2014/assets/hist10z1.xls>).

\*\*The President's Fiscal Year 2014 Budget of the U.S. Government does not factor in the effects of the sequester on FY 2013 agency budget estimates.

\*\*\*Numbers for CDC's Occupational Safety and Health program come from CDC's "Justification of Estimates for Appropriations Committees," as budget totals in the Appendix of the president's budget do not clearly distinguish CDC's occupational safety and health budget authority. The numbers include substantial Public Health Service evaluation transfers; indeed, in the FY 2014 budget request, the executive branch proposes that all of this area's funding come from PHS evaluation transfers with no separate budget authority.



## *Sequestration Shrinks Workplace Safety Budgets; House Republicans Would Cut More*

Overall, between the reductions since Republicans took the House in 2010 and the effects of inflation, the occupational safety and health budget is slightly smaller now than in the last full fiscal year of the Bush administration. It is even worse than the table above shows since the FY 2013 estimates in White House and agency budget documents do not reflect the impact of sequestration.

Applying the sequester's 5.1 percent cut to the FY 2013 Continuing Resolution budget levels, OSHA would be funded around \$540 million, MSHA at around \$353 million, and NIOSH at roughly \$310 million – the latter two at levels lower than at the end of the Bush administration.

If the House Appropriations Committee directive to cut 22.2 percent from FY 2013 Continuing Resolution levels for agencies funded by the Labor-Health and Human Services-Education appropriations bill is applied across the board evenly, in FY 2014, OSHA funding would be around \$443 million, MSHA around \$294 million, and NIOSH around \$254 million – lower than any time going back at least a decade. OSHA has not had a budget that small since 1993. These would be massive cuts.

Another scenario is possible and perhaps more likely: An appropriations bill is not signed into law and a Continuing Resolution funds the government for FY 2014 with slight increases from pre-sequester FY 2013 levels. The sequester in FY 2014 would in turn cut levels below FY 2013 sequester levels because the sequester in FY 2014 will be larger than it was in FY 2013.

## 2. Sequestration Impacts on Worker Safety and Health Agency Budgets (with Anticipated House Cuts and New Sequestration Cuts in Millions of FY 2013 Dollars)

	FY 2008	FY 2012	FY 2013	FY 2013 (With Sequester's 5.1% Cut)	FY 2014 (With House 22.2% Cut to FY 2013 levels)	FY 2014 (With Sequester's 7.2% Cut)
Overall	1,306	1,286	1,274	1,209	991	1,190
Occupational Safety and Health Administration	529	576	569	540	443	531
Mine Safety and Health Administration	361	379	378	359	294	353
Centers for Disease Control & Prevention's Occupational Safety and Health Program (NIOSH)	416	331	327	310	254	305

## *The Impact of Sequestration on Programs*

The Occupational Safety and Health Administration and Mine Safety and Health Administration used reprogramming authority to redirect resources for higher priorities and mitigate the sequester's impact on their core missions, according to a Department of Labor budget document obtained by Bloomberg reporters.<sup>20</sup> OSHA used reprogramming to preserve funding in only one area: federal enforcement. Every other part of its budget was hit, especially funding for federal compliance, where most of the funds were found to keep enforcement funding at pre-sequester levels.

However, “we can’t get to where we want to go with just enforcement,” former OSHA Administrator John Henshaw said at a conference in late May. Assistant Secretary of Labor for Occupational Safety and Health David Michaels agreed with him. Michaels added, “We made the decision when the sequester came down to do everything we could not to furlough our staff. The consequence is that we have to cut everything else.”<sup>21</sup>

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20 Department of Labor, “FY 2013 Operating Plan.” Available online at: [http://op.bna.com/env.nsf/id/jstn-97crfa/\\$File/DOLbud.pdf](http://op.bna.com/env.nsf/id/jstn-97crfa/$File/DOLbud.pdf) [Last accessed Aug. 16, 2013]. Stephen Lee and Bruce Rolfsen, “OSHA Protects Enforcement From Sequester, Shifts Funds From Compliance Assistance,” Bloomberg BNA, May 9, 2013. Available online at: <http://www.bna.com/osha-protects-enforcement-n17179873872/> [Last accessed Aug. 16, 2013]. Note: These figures differ somewhat from those used elsewhere in this report – most of rest of the report relies on White House Office of Management and Budget appendix data in order to analyze trends.

21 Sandy Smith, “AIHce 2013: OSHA’s Michaels Discusses Sequester, Standards and More,” *EHS Today*, May 22, 2013. Available online at: <http://ehstoday.com/osha/aihce-2013-osha-s-michaels-discusses-sequester-standards-and-more> [Last accessed Aug. 16, 2013].

3. Agency Budgets and Funding Adjustments FY 2013 (in Thousands of Dollars)					
Occupational Safety & Health Administration					
	FY 2013 Pre-Sequester	Sequester Impacts	FY 2013 Post-Sequester	Agency Adjustments	FY 2013 Post-Sequester w/ Agency Adjustments
Safety & Health Standards	19,922.28	-1,004.22	18,918.06		18,918.06
Federal Enforcement	207,337.10	-10,451.20	196,885.90	11,042	207,927.90
Whistleblower Protection Programs	15,841.20	-798.504	15,042.69		15,042.69
State Programs	103,987.31	-5,241.67	98,745.64		98,745.64
Technical Support	25,767.47	-1,298.86	24,468.62	-125	24,343.62
Compliance Assistance - Total	144,664.61	-7,292.08	137,372.53	-10,917	126,455.53
Compliance Assistance - Federal	76,202.70	-3,841.14	72,361.57	-10,917	61,444.57
Compliance Assistance - State	57,774.60	-2,912.23	54,862.37		54,862.37
Training grants	10,687.31	-538.713	10,148.59		10,148.59
Safety and Health Statistics	34,669.74	-1,747.59	32,922.15		32,922.15
Executive Direction	11,468.26	-578.078	10,890.18		10,890.18
Total	563,657.96	-28,412.20	535,245.76	0	535,245.76
Mine Safety & Health Administration					
Coal	163,571.85	-8,245.14	155,326.71	2,725	158,051.71
Metal/Nonmetal	88,485.78	-4,460.29	84,025.50	2,450	86,475.50
Standards Development	4,455.62	-224.593	4,231.02	268	4,499.02
Assessments	7,088.35	-357.301	6,731.05	245	6,976.05
Educational Policy and Development	38,248.78	-1,928	36,320.78	-4,317	32,003.78
Technical Support	33,546.12	-1,690.95	31,855.17	330	32,185.17
Program Eval & Info Resources	18,120.31	-913.387	17,206.92	532	17,738.92
Program Administration	19,029.76	-959.229	18,070.53	-2,233	15,837.53
Total	372,546.55	-18,778.88	353,767.67	0	353,767.67

For instance, the cuts exacerbate efforts to issue new safety and health standards that can have wide-ranging positive effects across industries.<sup>22</sup> In contrast, enforcement through inspections typically only impacts a workplace at a time.<sup>23</sup>

An article for *The Pump Handle*, a public health blog, explored some of the impacts and potential problems of sequestration at OSHA. Journalist Kim Krisberg found<sup>24</sup>:

- In Austin, Texas, the local OSHA representative has had to suspend attendance at meetings with low-wage, predominantly Hispanic workers, which may have led to a decrease in complaints filed with OSHA, according to Jason Cato, workforce development coordinator at the Workers Defense Project. OSHA trainings around Texas have been curtailed, as well.
- In Maine, Peter Crockett, director of the Maine Labor Group on Health, reports that the sequestration-related hiring freeze means the state is down from 11 to eight compliance officers. So far, he told me, compliance inspections are running at a normal pace; however, Maine's construction season is just ramping up and so OSHA's ability to keep up remains to be seen.
- OSHA's attendance at the American Industrial Hygiene Association was severely cut back from about 75 people last year to about nine this year, according to Aaron Trippler, director of government affairs at the association. Trippler stated that this negatively impacts professional

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22 Hester J. Lipscomb, Leiming Li, and John Dement, "Work Related Falls Among Union Carpenters in Washington State Before and After the Vertical Fall Arrest Standard," *American Journal of Industrial Medicine*, August 2003, pp. 157–165. Available online at: <http://www.ncbi.nlm.nih.gov/pubmed/12874848> [Last accessed Aug. 21, 2013].

23 Nancy A. Nelson, Joel Kaufman, John Kalat, and Barbara Silverstein, "Falls in construction: Injury rates for OSHA-inspected employers before and after citation for violating the Washington state fall protection standard," *American Journal of Industrial Medicine*, March 1997, pp. 296–302. Available online at: [http://onlinelibrary.wiley.com/doi/10.1002/\(SICI\)1097-0274\(199703\)31:3%3C296::AID-AJIM5%3E3.0.CO;2-W/abstract](http://onlinelibrary.wiley.com/doi/10.1002/(SICI)1097-0274(199703)31:3%3C296::AID-AJIM5%3E3.0.CO;2-W/abstract) [Last accessed Aug. 21, 2013]. For a larger discussion, see: Michael Silverstein, "Getting Home Safe and Sound: Occupational Safety and Health Administration at 38," *American Journal of Public Health*, March 2008, pp. 416–423. Available online at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2253592/> [Last accessed Aug. 21, 2013]. Sidney Shapiro and Randy Rabinowitz, "Punishment Versus Cooperation in Regulatory Enforcement: A Case Study of OSHA," *Administrative Law Review*, American University 49, 1997, pp. 713–762. Available online at: [http://wakespace.lib.wfu.edu/bitstream/handle/10339/16239/Shapiro\\_Punishment\\_versus\\_Cooperation\\_in\\_Regulatory\\_Enforcement.pdf](http://wakespace.lib.wfu.edu/bitstream/handle/10339/16239/Shapiro_Punishment_versus_Cooperation_in_Regulatory_Enforcement.pdf) [Last accessed August 21, 2013]. David Weil, "Assessing OSHA Performance: New Evidence from the Construction Industry," *Journal of Policy Analysis and Management* 20, Autumn 2001, pp. 651–674. Available online at: <http://onlinelibrary.wiley.com/doi/10.1002/pam.1022/abstract> [Last accessed Aug. 21, 2013].

24 Kim Krisberg, "Sequestration and OSHA: Impact so far seems minor, but advocates brace for an uncertain future," *The Pump Handle*, June 7, 2013. Available online at: <http://scienceblogs.com/thepumphandle/2013/06/07/sequestration-and-osh-impact-so-far-seems-minor-but-advocates-brace-for-an-uncertain-future/> [Last accessed Aug. 16, 2013].

development and communications between OSHA and workplace health and safety professionals in the field.

- OSHA's Voluntary Protection Program, which recognizes workplaces with effective safety and management systems, may be impacted if there are fewer inspectors available to certify their participation, according to Laurie Montanus, director of communications at Independent Electrical Contractors.
- Peg Seminario, safety and health director at AFL-CIO, noted that many worker centers and Council for Occupational Safety and Health (COSH) groups receive funding via OSHA's Susan Harwood Training Grant Program, which bring critical education and training to underserved and low-literacy workers in high-risk industries. And Seminario said the next round of Susan Harwood grants could be significantly impacted by sequestration.

The Mine Safety and Health Administration mitigated impacts to its coal and metal/non-metal mining enforcement programs by moving significant funding out of program administration and its educational work.

Assistant Secretary of Labor for Mine Safety and Health Joe Main stated in a letter, obtained by *Mine Safety and Health News* and shared with *The Huffington Post*, that states should expect reductions in MSHA grant money for mine safety. According to *The Huffington Post*, "officials in 49 states and the Navajo Nation are expecting their money to be cut by as much as two-thirds." The funding is used to train miners to prevent accidents and avoid health dangers.<sup>25</sup>

Furthermore, the budget cuts mean MSHA "will have to make tough choices about what positions to replace, and when," Main wrote. "A delay or the inability to replace seasoned and highly-skilled employees who leave the agency will leave MSHA without sufficient experienced inspectors in the future." A lack of adequate and competent staff at MSHA would take it to "the same position [the

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25 Dave Jamieson, "Sequestration Guts Mine Safety Grants As Coal Companies Owe Millions In Back Fines," *Huffington Post*, March 26, 2013. Available online at: [http://www.huffingtonpost.com/2013/03/26/sequester-mine-safety\\_n\\_2955530.html](http://www.huffingtonpost.com/2013/03/26/sequester-mine-safety_n_2955530.html) [Last accessed Aug. 16, 2013].

agency] was in during the months leading up to the Upper Big Branch tragedy,” referring to the death of 29 miners at a Massey Energy mine in West Virginia in 2010.

The Centers for Disease Control and Prevention’s National Institute for Occupational Safety and Health (NIOSH) has been affected, as well. According to NIOSH’s Director John Howard, “The biggest impact probably has been on our lead surveillance program and our grantees which have had to be reduced.” Grants have been reduced by about five percent.<sup>26</sup>

If sequestration continues beyond FY 2013, more serious impacts will be seen. Sequestration in FY 2013 was smaller than it could have been because the deal over the American Taxpayer Relief Act of 2012 delayed sequestration two months and reduced its size from \$109 billion to \$85 billion. Without a full or partial replacement, sequestration cuts in FY 2014 will be back up to \$109 billion.

Many of the impacts in FY 2013 were related to training, outreach, and travel associated with those efforts. A year of skimping on training is manageable, but a longer period of inadequate professional development has more serious consequences. Similarly, reductions in outreach efforts will have more serious effects over a longer period of time as new employees in industry take the place of people who already may have relationships with OSHA or MSHA.

In sum, the agencies have attempted to mitigate the short-term impacts of sequestration, especially related to inspections and enforcement, but possibly at the cost of activities that could pay dividends in the long run.

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26 John Howard, director of the National Institute for Occupational Safety and Health, speaking before the National Advisory Committee on Occupational Safety and Health (NACOSH), June 11, 2013, p. 24. Available online at: <http://www.regulations.gov/contentStreamer?objectId=090000648136b782&disposition=attachment&contentType=pdf> [Last accessed Aug. 16, 2013].

## President's Proposal Aims to Shield OSHA from Deep Cuts, but the Agency Is Still Stretched

The Obama White House has requested an OSHA budget for Fiscal Year 2014 that is nearly three percent smaller than in FY 2012 and is on a downward trend since 2010, although at \$558 million, it would still be larger than its average funding level during the Bush administration (\$556 million annually from FY 2002-2009; President Bill Clinton's last budget covered FY 2001). However, its inflation-adjusted budget when the sequester is factored in makes it smaller than every other full fiscal year of the Bush administration other than FY 2008. The very modest resource gains made at the beginning of Obama's first term have already been largely lost.

### 4. The President's Proposed Safety and Health Budget FY 2014 Selected OSHA Program Areas (in Millions of FY 2013 Dollars)

Program / Project / Activity*	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 Est.**	FY 2014 Req.	12-14 Diff. (\$)	12-14 Diff. (%)	08-14 Diff. (%)
Safety & Health Standards	20	19	20	19	18	18	21	21	20	20	22	2	10%	22.2%
Federal Enforcement***	205	202	200	199	198	214	239	234	212	210	203	-9	-4.2%	2.5%
Whistleblower Protection***	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	16	16	22	6	37.5%	N/A
State Programs	113	109	105	103	98	101	111	109	106	105	102	-4	-3.8%	4.1%
Federal compliance assistance	83	85	83	82	77	79	78	76	78	77	73	-5	-6.4%	-5.2%
State consultation grants	64	63	61	60	57	58	59	56	59	58	57	-2	-3.4%	0%

\*These are "obligations by program area" in the "Program and Financing" table in OMB's budget appendices.

\*\*The President's Fiscal Year 2014 Budget of the U.S. Government does not factor in the effects of the sequester on FY 2013 agency budget estimates.

\*\*\*The whistleblower program had earlier been part of OSHA's federal enforcement directorate. When the two programs are combined for 2012-2014, the president's negative proposed budgetary change to federal enforcement is much smaller.



Compared to the last full fiscal year of the Bush administration – FY 2008 – resources for federal enforcement, including the whistleblower programs, are still up. However, *when federal enforcement and whistleblower protection program budgets are combined (as they once were), there is a one percent drop in this area from FY 2012 to FY 2014 and a five percent drop from FY 2010.* The emphasis is shifting slightly: to better funding for the whistleblower program and less for more traditional federal enforcement efforts such as inspections. In effect, the federal government is relying more on worker self-reports of unsafe conditions. But, even with better protections in place, this situation puts individual workers at risk of retaliation from their employers: it may be easier to fire complaining workers than to fix the safety issue.

OSHA's Directorate of Whistleblower Protection Programs is responsible for enforcing provisions from a bewildering 22 statutes; some are not directly related to health and safety, and many are relatively new. The increase in resources in this area is partially an attempt to align OSHA's resources with its increasing mandate, but it is also in response to a significant increase in complaints related to the anti-retaliation section of the Occupational Safety and Health Act.<sup>27</sup>

Health and safety agencies, such as federal OSHA and its state counterparts, have too few resources to regularly inspect worksites and rely instead on worker complaints to identify dangerous facilities. Under federal law, an employee who requests an inspection of his or her worksite is supposed to be protected against retaliatory actions. However, since the protections are seldom enforced, employers who strike back are rarely penalized for doing so. This is due in part to understaffing at OSHA.

As the Department of Labor's Office of Inspector General (OIG) stated in January 2012, OSHA needs more staff and resources to handle the "excessive caseload imposed on OSHA whistleblower investigators."<sup>28</sup> According to the OIG:

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27 "Death on the Job: The Toll of Neglect A National and State-by-State Profile of Worker Safety and Health in the United States," AFL-CIO, April 2013, p. 21. Available online at: <http://www.aflcio.org/Issues/Job-Safety/Death-on-the-Job-Report> [Last accessed Aug. 4, 2013].

28 Department of Labor, Office of Inspector General, "Federally Operated Whistleblower Protection Program Cost," Jan. 20, 2012, p. 1. Available online at: <http://www.oig.dol.gov/public/reports/oa/2012/22-12-014-10-105.pdf> [Last accessed Aug. 4, 2013].

*Based on the total number of cases in FY 2011 and our extrapolation of costs, reducing the caseload to 8 per investigator would have required 49 additional investigators and increased funding by approximately \$6.5 million. Reducing the average caseload to 7 would have required an additional 53 investigators and increased funding by approximately \$7 million. Finally, reducing the caseload to 6 would have required an additional 58 investigators and additional funding by approximately \$7.7 million. The extrapolation shows that in order to reach a caseload of 6 per investigator, the Whistleblower Program would have needed a total of 146 investigators in addition to the 10 regional supervisory investigators and 5 national office staff.<sup>29</sup>*

This understaffing has consequences. Investigations into complaints of retaliation are supposed to be completed within 90 days; however, the average investigation takes more than 150 days. OSHA has approximately 96 whistleblower investigators, excluding supervisors, to manage all complaints received under the 22 various federal statutes it oversees. In 2012, the caseload per investigator was approximately 25.8 cases, and cases on average took up to 286 days to close. OSHA simply lacks the resources to complete its investigations within the 90-day deadline.<sup>30</sup>

Employees who have lost their jobs have no recourse when an investigation into their complaints of retaliation drags on. They have usually lost pay. What is more, when retaliation occurs but is not remedied, it sends a powerful signal to other workers not to complain. The longer an investigation takes, the more likely it is that retaliation will have a chilling effect on other workers.

If OSHA's budget request for its whistleblower program is enacted, it would hire 47 full-time equivalent (FTE) employees – which would take it close to reaching the staffing it would need to reduce its caseload to eight per investigator.<sup>31</sup>

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29 Department of Labor, Office of Inspector General, "Federally Operated Whistleblower Protection Program Cost," January 2012, p. 3. Available online at: <http://www.oig.dol.gov/public/reports/oa/2012/22-12-014-10-105.pdf> [Last accessed Aug. 4, 2013].

30 Statement of Rick Inclima, Safety Director for Brotherhood of Maintenance of Way Employees before the Whistleblower Protection Advisory Committee, Jan. 29, 2013, p. 121. Available online at: <https://www.osha.gov/dep/oia/MWPPAC01-29-2013.pdf> [Last accessed Aug. 4, 2013]. In 1997, the case load for OSHA whistleblower investigators was approximately seven cases per investigator and cases were closed on average within 101 days.

31 Occupational Health and Safety Administration, "FY 2014 Congressional Budget Justification," April 2013, p. 19. Available online at: <http://www.dol.gov/dol/budget/2014/PDF/CBJ-2014-V2-12.pdf> [Last accessed Aug. 4, 2013].

The White House's budget would drop OSHA's support for state programs to among its lowest levels in the last decade. OSHA can provide grants that fund up to 50 percent of a state program's cost if OSHA deems that it is at least as effective as the federal program – this includes an examination by OSHA to determine whether the state plan's proposed budget is reasonable and complete.<sup>32</sup> The goal is to provide financial incentives for states to ratchet up their own enforcement efforts. The state government must match any federal government funding. This means federal funding is an important means of ensuring state governments provide adequate funding for enforcing workplace safety laws.

Twenty-one states and Puerto Rico have OSHA-approved programs that cover private and state/local government workers, and four states and the U.S. Virgin Islands have programs that only cover state/local government workers (federal OSHA has responsibility for the private sector in these four states and the Virgin Islands; federal OSHA is not responsible for state and local government workers anywhere).<sup>33</sup>

In a series of special reports, most recently in 2012, the Occupational Safety and Health State Plan Association (OSHSPA) has stated that state programs need more federal funding: Compared to the benchmark year of FY 2001, “the ‘real dollars’ available to states have significantly decreased when considering inflation.”<sup>34</sup> In constant FY 2013 dollars, the same level of state program funding would be \$115 million. The White House's FY 2014 budget proposes \$102 million, and the House bill would likely lead to deeper cuts.

“States are required to match federal funds. In addition, state plans have consistently contributed ‘overmatch’ funds. Budget constraints are causing states to reduce overmatch funding,” the 2012 OSHSPA report also states, noting austerity budgets on the state level. “Initially, federal OSHA was typically able to fund states at a level of 50 percent of the program costs. As program de-

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32 Government Accountability Office, “OSHA Can Better Respond to State-Run Programs Facing Challenges,” April 16, 2013, p. 7. Available online at: <http://www.gao.gov/assets/660/653799.pdf> [Last accessed Aug. 4, 2013].

33 Occupational Safety and Health Administration, “State Occupational Safety and Health Plans.” Available online at: <http://www.osha.gov/dcsp/osp/> [Last accessed Aug. 4, 2013].

34 Occupational Safety and Health State Plan Association, “2012 Special Report: Impact and Funding of State Occupational Safety and Health Programs.” Available online at: <http://www.oshspa.org/Files/2012-special-report-impact-funding.pdf> [Last accessed Aug. 4, 2013].

mands have increased, the states have not been provided the necessary federal OSHA financial resources to ‘keep up.’”

But their resources may be too constrained: “The potential impacts if this trend continues are reduced enforcement and outreach capabilities and smaller reductions in injuries, illnesses and fatalities. Without more resources, it may become very difficult for some states to maintain a program that is at least as effective as federal OSHA, which is a mandatory requirement for State Plan Programs.”<sup>35</sup> When state programs are no longer deemed at least as effective as federal OSHA, OSHA steps in. This strains OSHA’s resources and may increase federal costs.

This has been validated by two recent reviews. In April 2013, the Government Accountability Office (GAO) found significant weaknesses in state-run programs. One of the main problems was that constrained state budgets made it difficult to hire inspectors, led to staff furloughs, and exacerbated staff turnover. Many state salaries are low compared to the federal government and private sector.<sup>36</sup>

In August 2013, the National Council for Occupational Safety and Health (National COSH) also pointed to the impacts of resource constraints on the state level.<sup>37</sup> For example:

- In Nevada, the state’s workplace safety and health program witnessed a 53 percent turnover rate due to low pay and mandatory furloughs. Because of this, the state missed its inspection goal by 41 percent.
- California’s program is severely understaffed. The state has just 186 inspectors compared to the 805 that OSHA says California needs for an effective program.

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35 Occupational Safety and Health State Plan Association, “2012 Special Report: Impact and Funding of State Occupational Safety and Health Programs.” Available online at: <http://www.oshspa.org/Files/2012-special-report-impact-funding.pdf> [Last accessed Aug. 4, 2013]

36 Government Accountability Office, “OSHA Can Better Respond to State-Run Programs Facing Challenges,” April 16, 2013, pp. 9-12. Available online at: <http://www.gao.gov/assets/660/653799.pdf> [Last accessed Aug. 4, 2013].

37 National Council for Occupational Safety and Health, “Many State-Run Agencies Are Not Adequately Protecting Workers,” Aug. 23, 2013. Available online at <http://www.coshnetwork.org/many-state-run-agencies-are-not-adequately-protecting-workers#StateNotes> [Last accessed Aug. 23, 2013].

The training of inspectors has become more difficult partially because, according to the GAO, “Over the past 5 years, OTI [the Chicago-based OSHA Training Institute] contract instructor expenditures have been reduced by about two-thirds.”<sup>38</sup> Moreover, lack of travel funds has made training of inspectors more challenging: “According to regional and state officials, some state inspectors have difficulty traveling to OTI, especially in recent years, because states have limited travel funds, including freezes on out-of-state travel as part of state-wide austerity measures.”<sup>39</sup>

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Reductions in federal OSHA’s support for state programs and any further cuts by state legislatures could make these problems worse. The training issues seen in many state programs may begin to be felt at the federal level, as well. OSHA’s FY 2014 budget justification states, “Over the next several years, it is projected that OSHA will lose a significant percentage of its existing workforce as CSHOs [compliance safety and health officers] and whistleblower investigators hired in the 1980s, comprising a significant portion of the field staff, retire. As these compliance officers and whistleblower investigators are replaced, it will create an additional strain on the agency’s training resources.”<sup>40</sup>

Inadequate state staffing levels and lack of trained inspectors “have limited the capacity of some state-run programs to meet their inspection goals,” states GAO. For instance, in FY 2011, Nevada conducted 1,254 inspections out of its goal of 2,132 – 59 percent – but by FY 2012, it completed

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38 Government Accountability Office, “OSHA Can Better Respond to State-Run Programs Facing Challenges,” April 16, 2013, p. 13. Available online at: <http://www.gao.gov/assets/660/653799.pdf> [Last accessed Aug. 4, 2013].

39 Government Accountability Office, “OSHA Can Better Respond to State-Run Programs Facing Challenges,” April 16, 2013, p. 14. Available online at: <http://www.gao.gov/assets/660/653799.pdf> [Last accessed Aug. 4, 2013].

40 Occupational Health and Safety Administration, “FY 2014 Congressional Budget Justification,” April 2013, p. 82. Available online at: <http://www.dol.gov/dol/budget/2014/PDF/CBJ-2014-V2-12.pdf> [Last accessed Aug. 4, 2013].

only 1,203 even after reducing its goal to 1,900 inspections. “State officials attributed the state’s inability to meet its inspection goals to high staff turnover, which necessitated diverting experienced inspectors from conducting inspections to training and mentoring new staff,” according to GAO. OSHA urged Nevada “to work with the state legislature to increase inspector salaries and explore other available options that may affect staff retention.”<sup>41</sup>

OSHA is loath to take over when state programs fall behind because this would further strain federal OSHA’s limited resources, Celeste Monforton, a lecturer at George Washington University and former policy analyst at OSHA, told *The Wall Street Journal*.<sup>42</sup> Yet in extreme situations, it does happen. In Hawaii, a 50 percent reduction in that state program’s budget led to a change in its status in 2012 so that federal OSHA would again have jurisdiction in the state.

The cuts in funding to federal enforcement and state-run programs are projected to impact the ability of OSHA and its state partners to inspect workplaces. The president’s budget plan projects a nearly four percent drop in the number of inspections in FY 2014 from estimated FY 2013 levels if the president’s proposed budget level for OSHA is approved. This is largely due to a shift to more time-intensive health inspections at the expense of a greater number of less time-intensive safety inspections. The House’s proposed level would lead to a sharper reduction in inspections.<sup>43</sup>

Funding for federal compliance programs has trended downward since the Bush administration and would see a 6.1 percent cut from FY 2012 to FY 2014 if the president’s request is enacted. This area involves a range of training, outreach, and cooperative programs, according to the president’s budget, including the Voluntary Protection Program (VPP). In general, the Obama administration tried to tilt the balance more toward enforcement and away from voluntary compliance programs, which are seen only as supplementary to core enforcement activities.<sup>44</sup>

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41 Government Accountability Office, “OSHA Can Better Respond to State-Run Programs Facing Challenges,” April 16, 2013, p. 17. Available online at: <http://www.gao.gov/assets/660/653799.pdf> [Last accessed August 4, 2013].

42 Kris Maher, “House Bill Would Boost Federal Authority Over Workplace Safety,” *Wall Street Journal*, April 18, 2013. Available online at: <http://online.wsj.com/article/SB10001424127887324763404578431270477197746.html> [Last accessed Aug. 4, 2013].

43 White House Office of Management and Budget, “The Appendix, Budget of the United States Government, Fiscal Year 2014,” April 2013, p. 781. Available online at: <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2014/assets/lab.pdf> [Last accessed Aug. 4, 2013]

44 “Death on the Job: The Toll of Neglect A National and State-by-State Profile of Worker Safety and Health in the United States,” AFL-CIO, April 2013, p. 34. Available online at: <http://www.aflcio.org/Issues/Job-Safety/Death-on-the-Job-Report> [Last accessed Aug. 4, 2013]



Participation in the VPP surged during the Bush years. “The huge growth in VPP worksites can be attributed to the fact that participation in the program immunizes a worksite from all programmed inspections,” according to the Center for Progressive Reform, adding that “[t]he exemptions would be acceptable if the VPP program actually works to protect workers, but OSHA does not know whether this is true.”<sup>45</sup> In at least some cases, VPP sites may have worse safety track records than the average site in their industry sector. When the Government Accountability Office examined a sampling of VPP sites in 2009,

it “found that, for 12 percent of the sites, at least one of their three-year average injury and illness rates was higher than the average injury and illness rates for their industries.”<sup>46</sup>

There has been discussion on augmenting OSHA’s resources with user fees charged to industry for the Voluntary Protection Program to further free up congressionally appropriated resources for enforcement efforts. According to the Center for Progressive Reform:

*The Voluntary Protection Program (VPP) is the first place Congress should look to test alternative revenue models. The program costs OSHA money and expertise but delivers benefits mainly to employers in the form of reduced workers compensation premiums. To keep it running OSHA is obliged to shift experts who could be conducting inspections or worker training into the “compliance assistance” work of VPP. Compliance is employers’ responsibility, so VPP*

“Over the next several years, it is projected that OSHA will lose a significant percentage of its existing workforce as [compliance safety and health officers] and whistleblower investigators hired in the 1980s, comprising a significant portion of the field staff, retire. As these compliance officers and investigators are replaced, it will create an additional strain on the agency’s resources.”

*OSHA’s FY 2014 budget justification*

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45 Thomas McGarity, Rena Steinzor, Sidney Shapiro, and Matthew Shultz, “Workers at Risk: Regulatory Dysfunction at OSHA,” February 2010, p. 17. Available online at [http://www.progressivereform.org/articles/OSHA\\_1003.pdf](http://www.progressivereform.org/articles/OSHA_1003.pdf) [Last accessed Aug. 4, 2013]

46 Government Accountability Office, “OSHA’S VOLUNTARY PROTECTION PROGRAMS: Improved Oversight and Controls Would Better Ensure Program Quality,” May 20, 2009, p. 14. Available online at: <http://www.gao.gov/new.items/d09395.pdf> [Last accessed Aug. 4, 2013].

*should be funded through a dedicated account that is paid by program participants [i.e. employers]. Doing so would enable OSHA to replace the resources lost from traditional enforcement programs, targeting its limited resources at dangerous worksites where workers are likely to suffer illness or injury, rather than “model” worksites with lower risks.<sup>47</sup>*

One way OSHA and its state partners could generate more resources for process safety inspections is through user fees charged to the large industrial operations that can highly benefit from them. . . “California is poised to triple the number of dedicated process safety inspectors funded by industry fees.”

One way OSHA and its state partners could generate more resources for process safety inspections is through user fees charged to the large industrial operations that can highly benefit from them. This is already happening in California. “Following the Chevron refinery fire last year, and acting upon CSB recommendations, California is poised to triple the number of dedicated process safety inspectors funded by industry fees,” according to June 2013 congressional testimony by Rafael Moure-Eraso, the chairperson of U.S. Chemical Safety Board.<sup>48</sup>

## *The Big Picture at OSHA: Not Enough Inspectors*

OSHA is grossly underfunded given the size of its mission. There are now about 1,938 federal and state inspectors (873 federal and 1,065 state, not including supervisors).<sup>49</sup> These staff are there to inspect the safety of more than 9 million workplaces employing about 129 million workers (as of

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47 Martha McClusky, Thomas McGarity, Sidney Shapiro, Rena Steinzor, Matthew Shultz, “The Next OSHA: Progressive Reforms to Empower Workers,” Center for Progressive Reform, July 2012, pp. 16-17. Available online at: [http://www.progressivereform.org/articles/Next\\_Generation\\_OSHA\\_1207.pdf](http://www.progressivereform.org/articles/Next_Generation_OSHA_1207.pdf) [Last accessed Aug. 4, 2013].

48 Testimony of Rafael Moure-Eraso, Ph.D. Chairperson, U.S. Chemical Safety Board Before the U.S. Senate Committee on Environment and Public Works, June 27, 2013. Available online at: <http://www.csb.gov/testimony-of-rafael-moure-eraso-phd-chairperson-us-chemical-safety-board-before-the-us-senate-committee-on-environment-and-public-works-june-27-2013/> [Last accessed Aug. 9, 2013].

49 “Death on the Job: The Toll of Neglect A National and State-by-State Profile of Worker Safety and Health in the United States,” AFL-CIO, April 2013, p. 21. Available online at: <http://www.aflcio.org/Issues/Job-Safety/Death-on-the-Job-Report> [Last accessed Aug. 4, 2013].



2011).<sup>50</sup> In 2011, there was roughly one inspector for every 62,000 workers compared to one inspector for every 31,000 workers 30 years earlier.<sup>51</sup> In 2006, the International Labor Office (ILO) set as its benchmark the standard of one inspector per 10,000 workers,<sup>52</sup> which means OSHA – including state-level programs – should have a total of nearly 11,000 inspectors and a much larger budget if the ILO standard were to be met.<sup>53</sup>

The U.S.'s ratio – while far from the worst – is on par with ratios seen in Thailand, Jamaica, and Ethiopia.

Of the countries analyzed by ILO, all 15 European nations – including Germany, an economic powerhouse, which meets the ILO standard – and numerous developing nations – including China and Brazil – have substantially more inspectors per 10,000 workers than the U.S.<sup>54</sup> The U.S.'s

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50 Bureau of Labor Statistics, “Employment and Wages Online Annual Averages” for 2011. Available online at: <http://www.bls.gov/cew/cewbultn11.htm> [Last accessed Aug. 4, 2013].

51 Please see the Appendix “OSHA Staffing and National Employment – Discussion” for information on the data sources and how these ratios were calculated.

52 International Labor Office, Strategies and Practice for Labor Inspection, G.B.297/ESP/3, Geneva, November 2006, p. 4. Available online at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_gb\\_297\\_esp\\_3\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf) [Last accessed Aug. 4, 2013].

53 There was a long and contentious debate over setting benchmarks for the appropriate amount of staffing at state-run programs for them to be approved by federal OSHA as being in compliance with the Occupation Safety and Health Act of 1970. OSHA, in response to a court ruling in a lawsuit brought by the AFL-CIO, developed staffing benchmarks in 1980 that drew opposition from many states (but not all). These states argued that some of OSHA's assumptions about staffing needs were flawed, but, moreover, that state-level budgetary constraints would make it difficult to achieve these benchmarks, making it unlikely that these states could meet OSHA's requirements and causing those programs to return to federal OSHA's jurisdiction, which itself would be unable to provide enough (and likely even less) staffing to reach the benchmark. See “OSHA oversight: staffing levels for OSHA approved state plans,” hearings before the Subcommittee on Health and Safety of the Committee on Education and Labor, House of Representatives, Ninety-eighth Congress, first session, hearings held in Washington, D.C., on April 19, 26; May 3, 18, 24; June 7, 1983. Available online at: <http://babel.hathitrust.org/cgi/pt?id=purl.32754076277791;view=1up;seq=1> [Last accessed Aug. 4, 2013]. Note: “[T]he benchmarks issue is a funding issue” (p. 52; prepared statement of Thorne G. Auchter, assistant secretary of labor) and “we applied our actual staffing level in the Federal program...the percentages were that we met 17 percent of our health benchmark and 40 percent of our safety benchmark” (p. 58; statement of Patrick Tyson, deputy assistant secretary of labor for occupational safety and health). In 1981, all state-run programs with oversight over the private sector exceeded federal OSHA's ratio with regard to safety inspectors, but several lagged behind federal OSHA when it came to health inspectors. These benchmarks were revised several times; ultimately, over the course of the 1980s and 1990s, state programs reached agreements with federal OSHA on appropriate benchmarks for those states (aside from some that accepted the 1980 levels in whole or in part) that are usually substantially lower than the original 1980 benchmarks. See “compliance staffing benchmarks” at “29 CFR Part 1952 - Approved State Plans for Enforcement of State Standards.” Available online at: [https://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=STANDARDS&p\\_toc\\_level=1&p\\_keyvalue=1952](https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1952) [Last accessed Aug. 4, 2013].

54 Staffing is only part of the picture – it does not necessarily follow that higher levels of staffing alone will lead to safe workplaces. The independence, training, and aggressiveness of labor inspectors and their agency, their legal authority, culture of rule of law and culture of workplace safety, the role of the press, state of the industry, and protection technologies are all major factors that are also relevant in enabling safe working conditions in workplaces across a nation.

ratio – while far from the worst – is on par with ratios seen in Thailand, Jamaica, and Ethiopia.<sup>55</sup> Many state-run programs do not meet revised benchmarks that they have agreed upon – these are even lower than ILO’s benchmark for industrialized economies.<sup>56</sup>

Federal OSHA compliance officer staffing reached a high point in 1980 with 1,469 personnel, including supervisors, and has hovered around 1,100 for most of the past two decades (since the 1970s, between 40-50 percent of OSHA’s overall staff have been compliance officers).<sup>57</sup> The vast majority of state-level plans – 24 of 27 – received initial approval from OSHA between 1972 and 1977, and most (21) received approval between 1972 and 1974; the other three that received initial approval after 1977 are states that only cover local and state government workers (two of the states approved before 1977 only cover local and state government workers, as well).<sup>58</sup> Thus, with the 22 state programs that cover private-sector workers in place since the 1970s, federal OSHA’s jurisdiction over the private-sector workforce has been mostly steady over this period.<sup>59</sup> However, the working population and number of workplaces within both federal OSHA’s sole jurisdiction and that of its state partners has grown substantially.

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55 International Labor Office, *Strategies and Practice for Labor Inspection*, G.B.297/ESP/3, Geneva, November 2006, p. 15. Available online at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_gb\\_297\\_esp\\_3\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf) [Last accessed Aug. 4, 2013]. Note: “The number of inspectors per worker is currently the only internationally comparable indicator available,” p. 4.

56 State staffing levels: Government Accountability Office, “OSHA Can Better Respond to State-Run Programs Facing Challenges,” April 16, 2013, p. 35. Available online at: <http://www.gao.gov/assets/660/653799.pdf> [Last accessed Aug. 4, 2013]. State staffing benchmarks: “29 CFR Part 1952 - Approved State Plans for Enforcement of State Standards.” Available online at: [https://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=STANDARDS&p\\_toc\\_level=1&p\\_keyvalue=1952](https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1952) [Last accessed Aug. 4, 2013].

57 AFL-CIO data table “Federal OSHA Safety and Health Compliance Staffing, 1973–2011.” Available online at: <http://www.aflcio.org/content/download/79821/1936531/29B+Fed+OSHA+Safety+%26+Health+Compliance+Staffing%2C+1973-2011.pdf> [Last accessed Aug. 4, 2013]. “Federal OSHA Budget and Personnel Fiscal Year 1975–2013.” Available online at: <http://www.aflcio.org/content/download/79801/1936471/29A+Federal+OSHA+Budget+and+Personnel+1975thru2013.pdf> [Last accessed Aug. 4, 2013].

58 Occupational Safety and Health Administration, “Frequently Asked Questions about State Occupational Safety and Health Plans.” Available online at: <https://www.osha.gov/dcsp/osp/faq.html> [Last accessed Aug. 4, 2013].

59 In 1987, the governor of California temporarily withdrew funds for its state-level program, prompting OSHA to resume its oversight over that private-sector workforce. See Government Accountability Office, “OSHA’s Resumption of Private Sector Enforcement Activities in California,” June 20, 1988. Available online at: <http://www.gao.gov/products/T-HRD-88-19> [Last accessed Aug. 4, 2013]. During this time, in fiscal year 1988, federal OSHA increased its compliance staffing. See AFL-CIO data table “Federal OSHA Safety and Health Compliance Staffing, 1973–2011.” Available online at: <http://www.aflcio.org/content/download/79821/1936531/29B+Fed+OSHA+Safety+%26+Health+Compliance+Staffing%2C+1973-2011.pdf> [Last accessed Aug. 4, 2013].

## More Impactful Inspections Take Substantially Longer

Some inspections are more complicated – and often have a much bigger impact – but they also take much longer to conduct. The Bureau of National Affairs news service reported that:

*On average, a safety inspection takes 22 hours and a health inspection 34 hours, the agency calculates. An ergonomics inspection can take hundreds of hours, and a process safety management inspection of an oil refinery can take over 1,000 hours. Under OSHA's current system, a 10-hour construction inspection is ranked the same as a 300-hour process safety management inspection.<sup>60</sup>*

TOP 5 FATAL OCCUPATIONAL DISEASES IN 2007	
Chronic pulmonary disease (Bronchitis and Emphysema)	18,411
Lung cancer	15,366
Coronary heart disease due to job control, shift work, or noise	9,809
Coronary heart disease due to environmental tobacco smoke	2,415
Mesothelioma (an asbestos-induced cancer)	2,194
Source: J. Paul Leigh, "Economic Burden of Occupational Injury and Illness in the United States," 2011	
Center for Effective Government	

Thus, one inspector can conduct a safety inspection in roughly three workdays, assuming he works most of an eight-hour workday on only that inspection. For a health inspection, it would take roughly a full work week.

Because of limited resources, inspections are few and far between, especially inspections that take longer.

Federal OSHA inspectors – barring changes in their staffing or workload – would need 131 years to inspect every workplace (in 1992, it would have taken OSHA 92 years to do this given its re-

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60 Bruce Rolfen, "Fewer Safety, More Health Inspections Proposed by Federal OSHA for 2014," *Occupational Safety and Health Reporter*, April 18, 2013. Available online at: <http://www.bna.com/fewer-safety-health-n17179873442/> [Last accessed Aug. 4, 2013].

sources and workload at the time).<sup>61</sup> Although OSHA prioritizes high-risk sites, it still can take it a long time to inspect even those. A Department of Labor Office of Inspector General audit found that in OSHA's Site Specific Targeting program, which is intended to focus on high-risk worksites, "84 percent of targeted worksites were not inspected due to limited resources and competing local priorities and other targeting strategies." Some high-risk worksites are not included in this program because they have small numbers of employees and other reasons.<sup>62</sup>

The long time between inspections may have deadly consequences. For instance, the West, Texas, fertilizer storage facility that exploded in April had not been inspected since 1985.<sup>63</sup> Fifteen people were killed and more than 200 were injured.<sup>64</sup> In 2008, Sen. Tom Harkin (D-IA), citing a Chemical Safety and Hazard Investigation Board investigation of the 2005 BP Texas City disaster that killed 15 people and injured 180, noted that OSHA "had not conducted one planned comprehensive inspection in the oil refining industry. Not one during the entire Bush presidency" up until that point.<sup>65</sup> After the disaster, "OSHA uncovered 301 egregious willful violations for which BP paid a \$21 million fine, the largest ever issued by OSHA in its 35-year history," according to the Board. The Board found that "OSHA's national focus on inspecting facilities with high personnel injury rates, while important, has resulted in reduced attention to preventing less frequent, but

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61 "Death on the Job: The Toll of Neglect A National and State-by-State Profile of Worker Safety and Health in the United States," AFL-CIO, April 2013, p. 15-16. Available online at: <http://www.aflcio.org/Issues/Job-Safety/Death-on-the-Job-Report> [Last accessed Aug. 4, 2013].

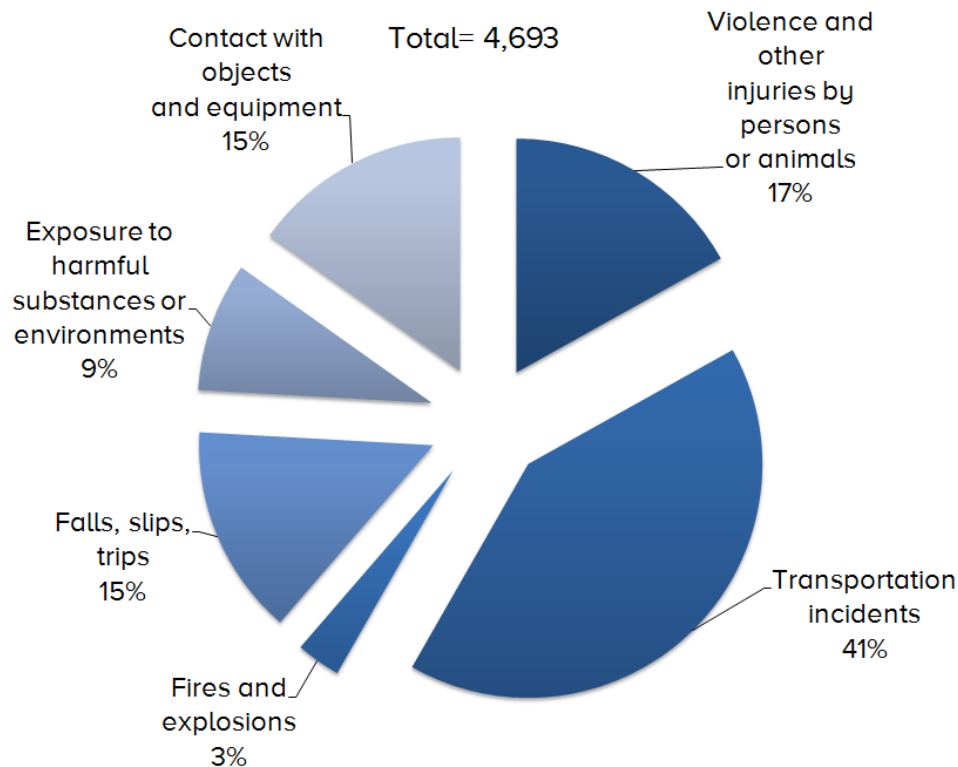
62 Department of Labor Office of Inspector General, "OSHA's Site Specific Targeting Program has Limitations on Targeting and Inspecting High-Risk Worksites," September 2012, pp. 4-5. Available online at: <http://www.oig.dol.gov/public/reports/oa/2012/02-12-202-10-105.pdf> [Last accessed Aug. 9, 2013]. "The SST program omitted certain high-risk worksites based on their number of employees, location, and/or industry. OSHA defined risk for the SST program in terms of two injury and illness rates: Days Away, Restricted or Transferred (DART) and Days Away from Work Injury and Illness (DAFWII) that were developed through employer provided responses to the ODI survey. 5 However, 10 percent of high-risk worksites with 11 to 19 employees were not covered by the SST program because the use of ODI data for enforcement purposes had not been approved by OMB for that range of worksite sizes. Additionally, 10 percent of high-risk worksites in 12 states were not in the ODI survey because 8 state plan states did not voluntarily participate in ODI and 4 U.S. territories were outside the survey frame. Moreover, 8 percent of high-risk worksites were in 53 industries such as amusement parks that were not identified as high-risk because the industries surveyed under ODI were basically static since 2003. As a result, SST inspections were not always targeted at the highest risk worksites where the most severe injuries and illnesses occurred."

63 Mark Drajem and Jack Kaskey, "Texas Explosion Seen as Sign of Weak U.S. Oversight," Bloomberg, April 19, 2013. Available online at: <http://www.businessweek.com/printer/articles/487964?type=bloomberg> [Last accessed Aug. 4, 2013].

64 Bill Chappell, "Death Toll In West, Texas, Fertilizer Explosion Rises To 15," National Public Radio, April 23, 2013. Available online at: <http://www.npr.org/blogs/thetwo-way/2013/04/23/178678505/death-toll-in-west-texas-fertilizer-explosion-rises-to-15> [Last accessed Aug. 9, 2013].

65 Senate Subcommittee on Appropriations, "Hearing on Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for Fiscal Year 2009," May 7, 2008, p. 2. Available online at: <http://www.gpo.gov/fdsys/pkg/CHRG-110shrg41260/pdf/CHRG-110shrg41260.pdf> [Last accessed Aug. 4, 2013].

### Fatal Occupational Injuries by Major Event, 2011



Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2013

Center for Effective Government

catastrophic, process safety incidents such as the one at Texas City. OSHA's capability to inspect highly hazardous facilities and to enforce process safety regulations is insufficient."<sup>66</sup>

Even though its resources have been limited, OSHA has had a positive impact since its creation in 1970. That same year, an estimated 14,000 workers died at work (this does not include occupational diseases), and there was a fatality rate of 17 workers per 100,000. Since then, workplace deaths have trended downwards, despite large increases in the employed population, meaning the fatality rate rapidly decreased. As recently as 2011, 4,693 workers died on the job; that year, the fatality rate was less than four per 100,000 workers.<sup>67</sup>

Despite this success, much more needs to be done to protect workers. According to a 2013 AFL-CIO report, in 2011 "an estimated 50,000 died from occupational diseases [such as chemical

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66 Chemical Safety and Hazard Investigation Board, "BP Texas City: Final Investigation Report," March 20, 2007, p. 20-21. Available online at: <http://www.csb.gov/assets/1/19/CSBFinalReportBP.pdf> [Last accessed Aug. 4, 2013].

67 Bureau of Labor Statistics, "Revisions to the 2011 Census of Fatal Occupational Injuries (CFOI) counts," April 25, 2013. Available online at [http://www.bls.gov/iif/oshwc/cfoi/cfoi\\_revised11.pdf](http://www.bls.gov/iif/oshwc/cfoi/cfoi_revised11.pdf) [Last accessed Aug. 4, 2013].

exposure, severe working condition, black lungs, etc].” Occupational illnesses are more serious problems.

An investigative report by *The New York Times*’ Ian Urbina highlighted the challenge: “OSHA devotes most of its budget and attention to responding to here-and-now dangers rather than preventing the silent, slow killers that, in the end, take far more lives.” Elaborating, the *Times* reported that “the agency tends to face less public pressure about health enforcement, because the harm done by these sorts of hazards typically does not show up for years.”

“OSHA devotes most of its budget and attention to responding to here-and-now dangers rather than preventing the silent, slow killers that, in the end, take far more lives.”

That may be changing. In the wake of the *Times* story, OSHA’s budget request “proposes to conduct 31,400 safety and 7,850 health inspections; that is 450 additional health inspections and 2,200 fewer safety inspections than OSHA projects for 2013.”<sup>68</sup> Explaining this, OSHA’s budget justification states:

*OSHA has always operated under the assumption that ‘more inspections are better’ as the more establishments inspected, the greater OSHA’s presence, and hence the greater the agency’s impact. Consequently there has always been pressure on the agency to conduct more inspections than it did in the previous years. The problem with this model is that not all inspections are created equal as some inspections take more time and resources to complete than the average or typical OSHA inspection...<sup>69</sup>*

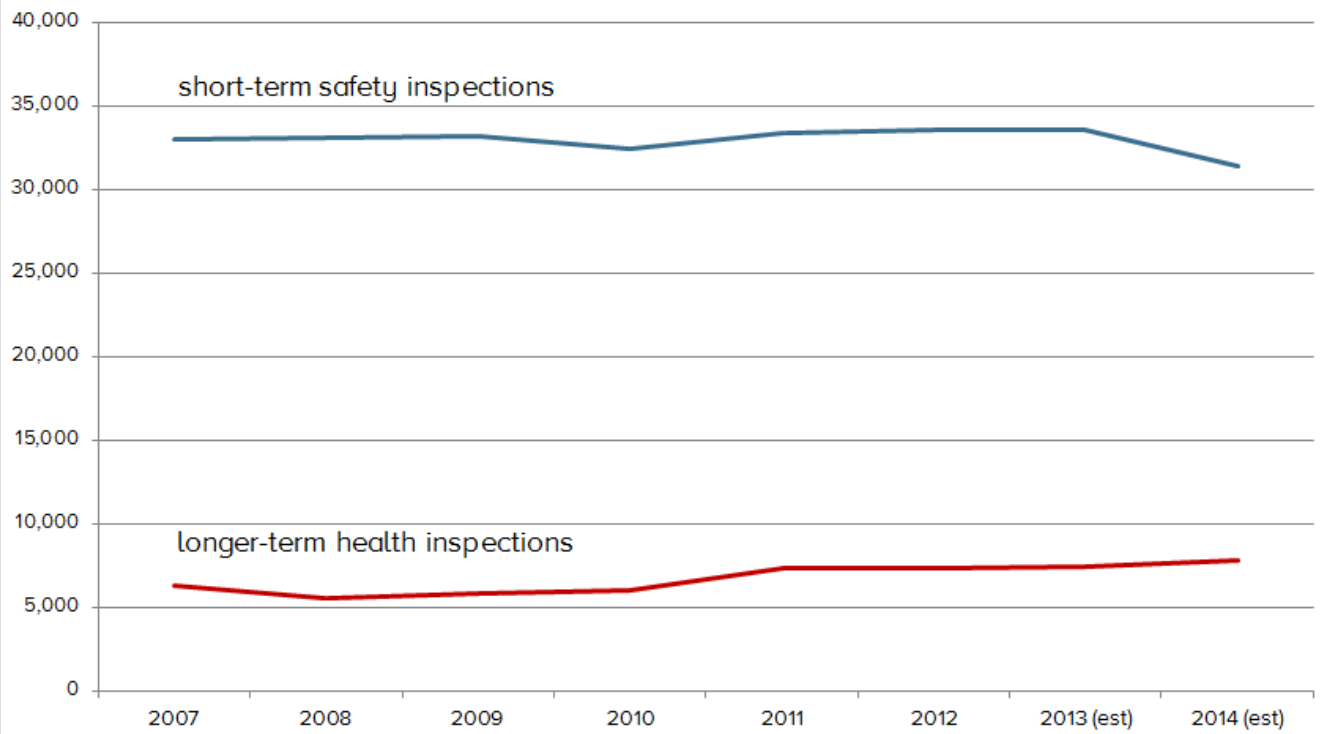
If it had a growing budget, OSHA could perform more of the time-intensive inspections without sacrificing the less time-intensive ones as much. For now, it is facing a resource crunch.

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68 Bruce Rolfsen, “Fewer Safety, More Health Inspections Proposed by Federal OSHA for 2014,” *Occupational Safety and Health Reporter*, April 18, 2013. Available online at: <http://www.bna.com/fewer-safety-health-n17179873442/> [Last accessed Aug. 4, 2013].

69 Occupational Health and Safety Administration, “FY 2014 Congressional Budget Justification,” April 2013, p. 34. Available online at: <http://www.dol.gov/dol/budget/2014/PDF/CBJ-2014-V2-12.pdf> [Last accessed Aug. 4, 2013].

## OSHA Federal Inspections, FY 2007-2014



Source: OSHA Budget Justifications to Congress

\*Estimated 2013 and 2014 levels do not take sequestration into account.

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## *Inspections Save Businesses Money*

OSHA inspections save business significant amounts of money. According to a study by University of California and Harvard Business School researchers, “Workplace injury claims dropped 9.4 percent at randomly chosen businesses in the four years following an inspection by the California OSHA program, compared with employers not inspected.” In addition, “those employers

also saved an average of 26 percent on workers’ compensation costs, when compared with similar firms that were not inspected. The average employer saved \$355,000 (in 2011 dollars) as a result of an OSHA inspection, with the effects seen among small and large employers.” Another study found “injury claims fall between 19-24 percent per year during the two years following an OSHA inspection” and yet another concluded “lost workday non-musculoskeletal disorder claims fell by 22 percent the year following an inspection with a citation. For employers who had an inspection, but no citation, claims fell about 7 percent.”<sup>70</sup>

“Employers saved an average of 26 percent on workers’ compensation costs, when compared with similar firms that were not inspected. The average employer saved \$355,000 (in 2011 dollars) as a result of an OSHA inspection.”

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70 Occupational Health and Safety Administration, “FY 2014 Congressional Budget Justification,” April 2013, p. 34. Available online at: <http://www.dol.gov/dol/budget/2014/PDF/CBJ-2014-V2-12.pdf> [Last accessed Aug. 4, 2013].



# MINE SAFETY AND HEALTH

The Mine Safety and Health Administration's (MSHA) budget would see a small decrease over pre-sequester FY 2013 Continuing Resolution levels if the president's request is enacted. In the last several years, MSHA has seen fairly stable funding with only slight decreases since Republicans took the House in 2010. However, factoring in the impact of the sequester and inflation, MSHA is funded in FY 2013 at levels slightly lower than the last full fiscal year of the Bush administration (about \$359 million with the sequester versus \$361 million in FY 2008).

5. The President's Mine Safety and Health Administration (MSHA) Budget FY 2014 Selected MSHA Program Areas, in Millions of FY 2013 Dollars														
Program / Project / Activity*	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 Est.**	FY 2014 Req.	12-14 Diff. (\$)	12-14 Diff. (%)	08-14 Diff. (%)
Coal	142	137	135	151	163	167	168	171	167	166	165	-2	-1.2%	1.2%
Metal/Non- Metal	79	80	79	81	81	89	93	92	91	90	91	0	0%	12.3%
Standards Development	1	2	3	3	3	3	4	4	5	5	6	1	20%	100%
Assessments	6	6	6	8	7	6	6	6	7	7	8	1	14.3%	14.3%

\*These are "obligations by program area" in the "Program and Financing" table in OMB's budget appendices.

\*\*The President's Fiscal Year 2014 Budget of the U.S. Government does not factor in the effects of the sequester on FY 2013 agency budget estimates.

The last time MSHA's budget had been that low, according to Harkin, citing a Department of Labor Inspector General report, it "had missed 15 percent of its mandated inspections nationally

and in some areas as many as 30 to 50 percent. The IG also said that inspection quality was low, which jeopardized the safety of miners.”<sup>71</sup>

The House bill is anticipated to break with what has been bipartisan support for this agency that helps workers in a highly dangerous field of work and bring MSHA’s budget down to levels far lower than during the Bush administration.

## *Addressing Mine Safety After Recent Disasters and a Resurgence of Black Lung*

MSHA’s coal program has seen substantial increases in funding over the last decade. Although overall there have been substantial reductions in fatalities – from over 1,000 a year in the early part of the 20th century to 37 and 36 a year, respectively, in 2011 and 2012<sup>72</sup> – major recent disasters in the last decade have highlighted the need for continued robust regulation and enforcement. For instance, the Sago Mine disaster that killed 12 miners in January 2006 and the Upper Big Branch Mine disaster that killed 29 in April 2010 were followed by the appropriation of additional resources for MSHA.

Despite the uptick in enforcement resources, there are still challenges. Among the most notable is the continuing problem of black lung disease. According to MSHA: “Studies conducted by the National Institute for Occupational Safety and Health (NIOSH) and MSHA in 2005, 2006, 2007 of chest x-ray surveillance by NIOSH indicated that the prevalence rate of CWP [coal workers pneumoconiosis; i.e. black lung] is increasing in our Nation’s coal miners. Even more disturbing is that advanced and seriously debilitating cases of CWP are now seen in younger and younger miners.”<sup>73</sup>

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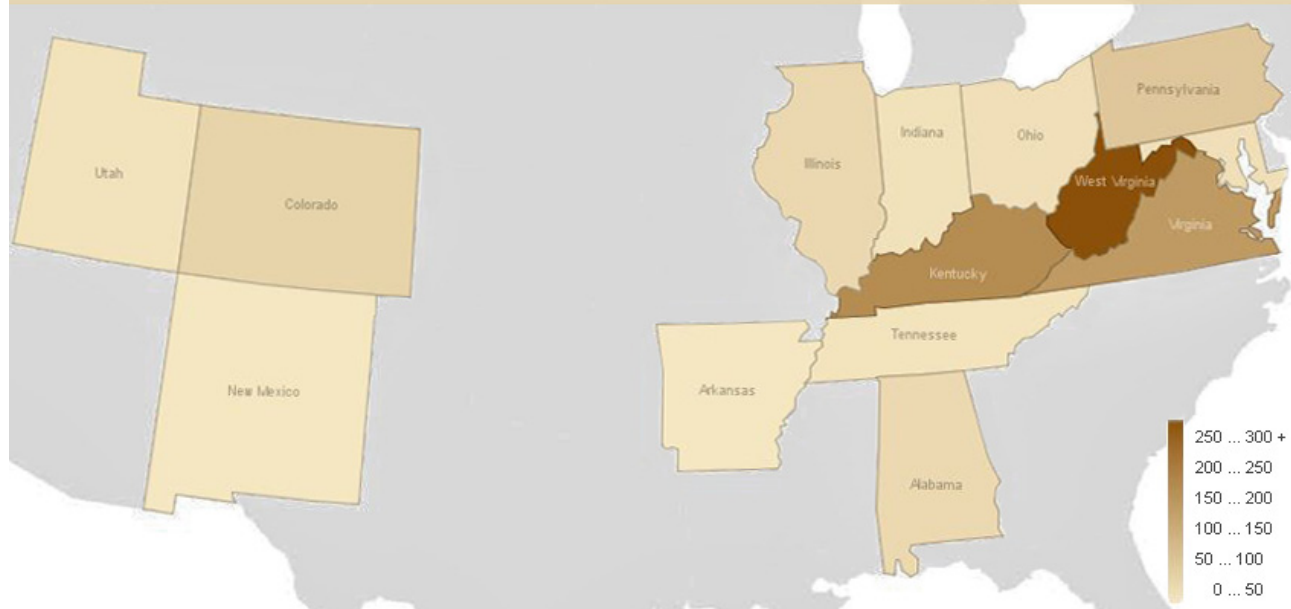
71 Senate Subcommittee on Appropriations, “Hearing on Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for Fiscal Year 2009,” May 7, 2008, p. 1. Available online at: <http://www.gpo.gov/fdsys/pkg/CHRG-110shrg41260/pdf/CHRG-110shrg41260.pdf> [Last accessed Aug. 4, 2013].

72 Mine Safety and Health Administration, “Injury Trends in Mining.” Available online at: <http://www.msha.gov/mshainfo/factsheets/mshafct2.htm> [Last accessed Aug. 4, 2013]. Mine Safety and Health Administration, “Mine Safety and Health at a Glance,” updated June 30, 2013. Available online at: <http://www.msha.gov/MSHAINFO/FactSheets/MSHAFCT10.HTM> [Last access Aug. 4, 2013]

73 Mine Safety and Health Administration, “End Black Lung Now!” Available online at: <http://www.msha.gov/S&HINFO/BlackLung/homepage2009.asp> [Last accessed Aug. 4, 2013].

## Confirmed Black Lung Cases in Coal Workers, 2000-2009

West Virginia: 317, Kentucky: 193, Virginia: 163, Pennsylvania: 68, Colorado: 42, Illinois: 32, Alabama: 30, Ohio: 17, Maryland: 17, Indiana: 11, Utah: 10, Tennessee: 7, New Mexico: 1, Arkansas: 1



Source: CDC, NIOSH, Coal Workers Health Surveillance Program

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According to an investigative report by the Center for Public Integrity, which relied deeply on research conducted by NIOSH:

*From the 1970s through the 1990s, the proportion of miners with signs of black lung among those who submitted X-rays dropped from 6.5 percent to 2.1 percent. During the most recent decade, however, it jumped to 3.2 percent.*

*Even more disturbing: Prevalence of the most severe form of the disease tripled between the 1980s and the 2000s and has almost reached the levels of the 1970s.*

*In a triangle of Appalachia — southern West Virginia, eastern Kentucky and western Virginia — the numbers were even higher. The rolling unit found a disease prevalence of 9 percent in Kentucky from 2005 to 2009, for example.<sup>74</sup>*

<sup>74</sup> Chris Hamby, "Black lung surges back in coal country," Center for Public Integrity, July 8, 2012. Available online at: <http://www.publicintegrity.org/2012/07/08/9293/black-lung-surges-back-coal-country> [Last accessed Aug. 4, 2013].

Mining in the U.S. is not going away. In 2012, about 387,000 people worked as miners in some 14,000 mines (not just coal mines) across the U.S., up from about 356,000 in 2009.<sup>75</sup>

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<sup>75</sup> Mine Safety and Health Administration, "Mine Safety and Health at a Glance," updated June 30, 2013. Available online at: <http://www.msha.gov/MSHAINFO/FactSheets/MSHAFCT10.HTM> [Last accessed Aug. 4, 2013].

# OCCUPATIONAL SAFETY AND HEALTH RESEARCH

The National Institute for Occupational Safety and Health (NIOSH) conducts research on occupational safety and health issues and works with OSHA and other agencies to develop recommendations about how to reduce injuries and illnesses in actual work practice. Its research has led to improved workplace training on how to work more safely and to cost-effective design changes that can reduce exposure to toxins and risk. NIOSH's work helps to identify problems that regulators should address. Given that OSHA's leadership believes that more emphasis should be placed on identifying and reducing long-term workplace health dangers, such as exposure to toxic substances, one would expect NIOSH spending to be increasing.

<p>6. The President's Occupational Safety and Health Research Budget FY 2014</p> <p>Selected NIOSH Program Areas*, in Millions of FY 2013 Dollars*</p>														
Program / Project / Activity	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 Est**	FY 2014 Req.	12-14 Diff. (\$)	12-14 Diff. (%)	08-12 Diff. (%)
National Occupational Research Agenda	101	Not broken out	Not broken out	113	120	121	125	116	126	125	97	-29	-23%	-19.2%
All Other Occupational Safety and Health***	169	Not broken out	Not broken out	187	178	192	199	191	205	202	169	-36	-17.6%	-5.1%

\*Numbers for CDC's Occupational Safety and Health program come from CDC's "Justification of Estimates for Appropriations Committees," as budget totals in the Appendix of the President's budget do not clearly distinguish CDC's occupational safety and health budget authority. The numbers include substantial Public Health Service evaluation transfers; indeed, in the FY 2014 budget request, the executive branch proposes that all of this area's funding come from PHS evaluation transfers with no separate budget authority.

\*\*The CDC FY 2014 Budget Justification does not factor in the effects of the sequester on FY 2013 agency budget estimates.

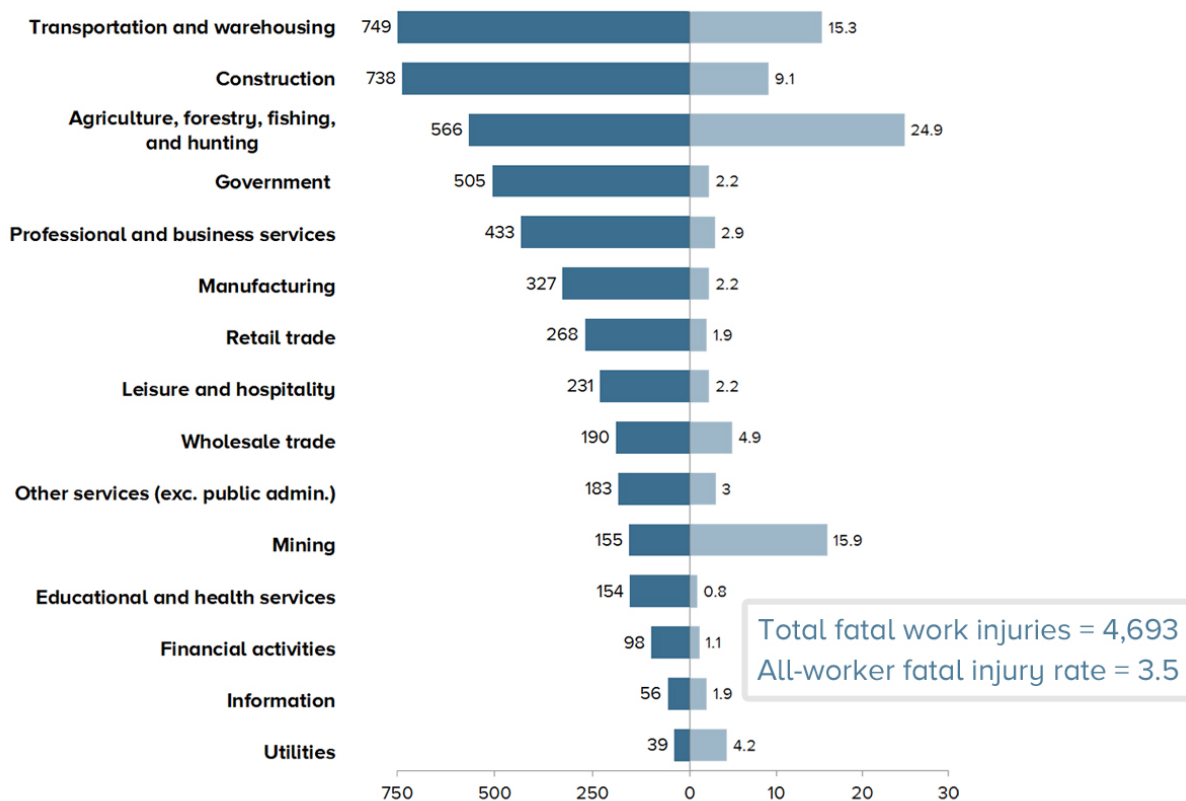
\*\*\*Includes Education and Research Centers, Personal Protective Technologies, Healthier Workforce Center, and Mining Research.

But discretionary spending on the NIOSH budget has been substantially declining over several years and will take another big cut if the president's FY 2014 budget request is enacted – although

not as deep as the cut anticipated in the House's bill. Several areas of research funded by NIOSH would be scaled back or eliminated. The Centers for Disease Control and Prevention's budget justification states it would eliminate NIOSH's Agriculture, Forestry, and Fishery program (AgFF) and its Education and Research Center (ERC) program, which supports the small number of academic programs focusing on industrial hygiene, occupational health nursing, occupational medicine, and occupational safety; this would mean a significant drop in the number of research grants awarded to examine workplace health and safety issues.<sup>76</sup>

For example, the New York Center for Agricultural Medicine and Health gets about half its funding from NIOSH's AgFF program. This allows the center to track farm-related injuries and disease and to develop equipment to reduce those injuries. Curtailing its work would slow research that could help save the industry and government money in the long run. "When somebody is killed on a farm we know that there is an overwhelming likelihood that that farm will go out of busi-

### Number and Rate of Fatal Occupational Injuries by Industry Sector, 2011



Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2013

Center for Effective Government

76 Centers for Disease Control and Prevention, "Justification of Budget Estimates for Appropriations Committees, FY 2014," April 2013, pp. 279-282. Available online at: [http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations\\_budget\\_form.pdf/FY2014\\_CJ\\_CDC\\_FINAL.pdf](http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations_budget_form.pdf/FY2014_CJ_CDC_FINAL.pdf) [Last accessed Aug. 4, 2013].

ness in the next year, we know that it will cost the state of New York, or an insurance company or somebody between \$800,000 and a million dollars for one of these fatalities,” Dr. John May, director of the center, told a local news station.<sup>77</sup> According to the Bureau of Labor Statistics, “the agriculture, forestry, fishing, and hunting sector had the highest fatal work injury rate” of all industry sectors with an average of 24.4 out of 100,000 workers dying from work-related injuries in 2011 (the next-highest is mining at a rate of 15.8; the all-worker fatality rate is around 3.5).<sup>78</sup> Broken out, those working in fishing faced a fatality rate of 121.2; logging, 102.4; and agriculture, 25.3.<sup>79</sup>

“When somebody is killed on a farm we know that there is an overwhelming likelihood that that farm will go out of business in the next year, we know that it will cost the state of New York, or an insurance company or somebody between \$800,000 and a million dollars for one of these fatalities.”

One type of agricultural sector accident that has received national media attention recently involves the “nearly 180 people – including 18 teenagers – [who] have been killed in grain-related entrapments at federally regulated facilities across 34 states since 1984,” according to a joint investigation by National Public Radio (NPR) and the Center for Public Integrity, a nonprofit investigative journalism group.<sup>80</sup> These deaths involve workers who have died in grain silos while they “walk down the corn” to break up grain that clogs the drains at the bottom of the silos. Failure to use protective safety harnesses, lack of safety training, and few observers on hand are among some of the factors that have led to more deaths.<sup>81</sup>

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77 Lexie O'Connor, “Congressman Gibson works to keep funding for Agricultural and Occupational Health Programs,” WKTV, April 4, 2013. Available online at: <http://www.wktv.com/news/local/Congressman-Gibson-works-to-keep-funding-for-Agriculture-and-Occupational-Health-Programs-201556001.html> [Last accessed Aug. 4, 2013].

78 Bureau of Labor Statistics, “Fatal occupational injuries in 2011” p. 14. Available online at: <http://www.bls.gov/iif/oshwc/cfoi/cfch0010.pdf> [Last accessed Aug. 4, 2013].

79 Bureau of Labor Statistics, “Fatal occupational injuries in 2011,” p. 17. Available online at: <http://www.bls.gov/iif/oshwc/cfoi/cfch0010.pdf> [Last accessed Aug. 4, 2013].

80 National Public Radio and the Center for Public Integrity, “Buried in Grain” series. Available online at: <http://www.npr.org/series/174755100/buried-in-grain> [Last accessed Aug. 4, 2013].

81 Howard Berkes and Jim Morris, “Fines Slashed in Grain Bin Entrapment Deaths,” NPR and the Center for Public Integrity, March 24, 2013. Available online at: <http://www.npr.org/2013/03/26/174828849/fines-slashed-in-grain-bin-entrapment-deaths> [Last accessed Aug. 4, 2013].

The CDC states the AgFF program has been “designated as a low-priority program and proposed for elimination in a limited resource environment, despite the dire state of worker safety in the industries the AgFF program covers.”<sup>82</sup>

There has been “strong opposition to these cuts by the entire safety and health community and labor and business groups” for the last few years, according to the AFL-CIO, causing Congress to reject these cuts in previous years.<sup>83</sup>

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82 Centers for Disease Control and Prevention, “Justification of Budget Estimates for Appropriations Committees, FY 2013,” February 2012, p. 224. Available online at: [http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations\\_budget\\_form.pdf/FY2013\\_CDC\\_CJ\\_Final.pdf](http://www.cdc.gov/fmo/topic/Budget%20Information/appropriations_budget_form.pdf/FY2013_CDC_CJ_Final.pdf) [Last accessed Aug. 4, 2013].

83 “Death on the Job: The Toll of Neglect A National and State-by-State Profile of Worker Safety and Health in the United States,” AFL-CIO, April 2013, p. 35. Available online at: <http://www.aflcio.org/Issues/Job-Safety/Death-on-the-Job-Report> [Last accessed Aug. 4, 2013].



# CONCLUSION

With any modest budgetary gains from the early years of the Obama administration already eroded, the agencies dedicated to protecting the health and safety of workers are increasingly less able to achieve the missions they were created to serve. Further budgetary contractions currently proposed by House Republicans would cripple their ability to provide adequate oversight of our nation's workplaces.

The bigger picture puts these cuts into more perspective. OSHA has fewer inspectors now than it did in 1975 when the employed population was 40 percent smaller than it is today. A growing population of workers and workplaces means there should be more inspectors to keep pace. Instead, OSHA has fallen far behind. It has attempted to rely more on whistleblower reporting to identify workplace problems, but this puts the onus increasingly on workers, who make themselves subject to retaliation when they blow the whistle.

NIOSH is being gutted and the programs proposed for elimination include those designed to help workers in the deadliest sectors of our economy.

All of MSHA's resource increases over the last decade, brought into being in response to tragedies and the stories of shattered working families, are being eroded even though employment at mines is increasing.

There are some reasonable places where savings can be found in the federal budget that do not put worker health and safety protections at risk. If we are serious about workplace safety, Congress should appropriate funding for the worker health and safety agencies at levels that allow them to conduct inspections with a frequency that encourages employers to take safety standards seriously. We should also consider using user fees to further augment the resources at agencies' disposal.

It is easy to forget that many workplaces used to be far more dangerous than they typically are today, in part thanks to government efforts to protect workers. But that does not mean we should take for granted the progress made. We often only notice the system of public protections we have in place when something breaks down – when an accident like that in West, Texas occurs. The decreasing resources available to worker safety and health agencies mean such breakdowns and fatal consequences will be more likely. Moreover, there are continuing challenges that have long been inadequately addressed, especially when it comes to the slow-moving consequential effects of toxic hazards workers face, with some 50,000 dying annually from workplace-related illnesses.

The costs of these injuries and illnesses will not only be borne by workers and their families. A worker compensation payment for a fatal accident costs \$800,000 to \$1 million. Medical costs for a worker with chronic lung disease average at least \$4,119 per year.<sup>84</sup> Budget cuts to workplace health and safety agencies can cost the nation more in the long run.

If our largely “invisible” system of public protections is further cut in the years to come, the nation’s health and welfare will be increasingly put at risk.

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84 Anand A. Dalal, Laura Christensen, Fang Liu, and Aylin A. Riedel, “Direct costs of chronic obstructive pulmonary disease among managed care patients,” *International Journal of Chronic Obstructive Pulmonary Disease*, October 2010, pp. 341-349. Available online at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2962300/> [Last accessed Aug. 26, 2013].

# APPENDICES

## *Notes on Budget Analysis*

The Center for Effective Government analyzed the president's Fiscal Year (FY) 2014 budget request by examining its Appendix, which accompanies the request. The Appendix is a 1,300-plus-page compendium of federal agencies and programs containing detailed information on funding levels and sources for federal agencies and programs. Agency budget justification documents were also examined to garner more details about program changes. Details on the National Institute for Occupational Safety and Health had to be gleaned from the Centers for Disease Control and Prevention budget justification document, rather than the president's budget.

The Appendix can be found here: <http://www.whitehouse.gov/omb/budget/Appendix>

It is worth noting that the FY 2013 estimated levels – also known as the FY 2013 Continuing Resolution levels – in the Appendix do not reflect the impact of sequestration – thus, for most of the programs, the actual FY 2013 spending levels are lower than denoted. Most of the tables in this report do not reflect sequestration unless otherwise noted.

However, the Center for Effective Government has applied the 5.1 percent cut mandated by the sequester to those figures reflected in the narrative of this report. That said, it is difficult to ascertain exactly how the sequester will be applied across programs within agencies. Budget data on how OSHA and MSHA handled the sequester in FY 2013 was obtained by Bloomberg Bureau of National Affairs reporters.

Additionally, the Center for Effective Government took the House Appropriations Committee's top-line appropriations directive to its Subcommittee on Labor, Health and Human Services, and Education to cut 22.2 percent from FY 2013 Continuing Resolution levels for the FY 2014 appropriations bill that funds those departments and applied them to the FY 2013 agency budget authority levels.

The Center for Effective Government also explored the potential for sequestration remaining in place in FY 2014 and being applied to a Continuing Resolution for FY 2014. According to the Bipartisan Policy Center (<http://bipartisanpolicy.org/blog/2013/06/guide-2014-sequester>), sequestration in FY 2014 would impose a 7.2 percent cut to non-defense discretionary spending. There would likely be some small adjustment upwards for a FY 2014 Continuing Resolution from FY 2013 Continuing Resolution levels.

In a continuing resolution, there is a small increase made across the board to prior-year appropriation levels (for instance, the increase from FY 2012 levels to FY 2013 levels was generally 0.612 percent; see page 5: <http://www.whitehouse.gov/sites/default/files/omb/bulletins/fy2012/b12-02.pdf>). Sequestration would then impact these levels. It is, however, difficult to extrapolate what those cuts would be on the agency level. In FY 2013, the agencies examined were funded, for the purposes of the Budget Control Act, out of “non-security” discretionary spending. In FY 2014 and ensuing years, they are funded out of “non-defense” discretionary spending. Because cuts to security versus non-security and defense versus non-defense spending vary, it is difficult to extrapolate what a uniform cut would be to these agencies from a Continuing Resolution level. However, if a new continuing resolution had the same increase as last year’s, that increase would exceed the projected rate of total non-defense inflation – meaning all three agencies would, before taking sequestration into account, receive a boost in funding. Their pre-sequestration levels would be funded above the president’s proposed levels. However, sequestration would reduce these levels. Because it is difficult to extrapolate what a uniform sequestration cut would be without more information, the Center for Effective Government did not calculate what these cuts might be for these agencies.

In the tables in this document, agency-level funding is divided into programs – the greatest level of detail. Not all columns contain information; empty columns are noted as information not available, or “N/A.” Also, it is not uncommon for programs to combine or split off in OMB’s budget tables (e.g. OSHA’s whistleblower program, which protects workers who report unsafe conditions from employer retaliation, breaking off from federal enforcement to become a separate line item).

At the level of a program, we utilize the “obligations by program activity” amount of financing. When we analyze agency budgets as a whole, we are using “budget authority” figures. Therefore,

there is some inconsistency between the two. Budget authority is the legal authority an agency has to take on obligations, such as a contract, a lease for a building, or employees to whom salaries and benefits must be paid. Obligations are binding agreements that must be paid out eventually. Outlays are the actual payouts. Legally, authority must precede obligations and obligations precede outlays.

There are some discrepancies between the budget numbers the Center for Effective Government generally relied upon – the budget authority figures for agencies and obligations by program area in the White House Office of Management and Budget’s budgets – and figures provided by agencies. For instance, the OSHA website states that its FY 2013 budget (in FY 2013 dollars) is \$563,658,000 and with sequestration is \$535,246,000. This is about \$5 million lower than the number calculated by the Center for Effective Government. Because analyzing trends is the main goal of this report, the OMB figures were utilized.

Historic figures in the appendices are adjusted for inflation using the total non-defense outlay deflator provided by the Office of Management and Budget for use in its historical tables, originally indexed to FY 2005 dollars and re-baselined by the Center for Effective Government to FY 2013 estimated levels. The appendix tables contain program information for the past decade, the estimated pre-sequester FY 2013 level, and the FY 2014 budget request to show trend data.

FY 2008 is used as a comparison year because it represents the year before the American Recovery and Reinvestment Act of 2009 (known colloquially as the Recovery Act or the “stimulus”) increased federal spending in several areas, although in many of our program areas, it had a minimal or no apparent effect. It is also the last full pre-stimulus fiscal year when the Bush administration was in office. Although the Democratic Party controlled both chambers of Congress at this time, the president’s budget request is typically the baseline Congress uses for determining spending levels at federal agencies in appropriations bills (the Democratically controlled Congress gave OSHA a big funding boost above Bush administration requested levels for FY 2009, for instance). Moreover, FY 2008 spending levels are the benchmark that the Republican Party used in their document “A Pledge to America” as their goal for non-security discretionary spending levels. See: <http://www.gop.gov/indepth/pledge/cutspending#body>

In many of the program areas we examined, budget authority over the last five years looks like a parabola: it goes up from FY 2008 through FY 2010, and then it begins to decrease as the new Republican House took over after the 2010 midterm elections and passed the Budget Control Act in 2011.

## OSHA Staffing and National Employment Levels – Discussion

Due to current data limitations, there are some caveats that should be understood in the discussion of the ratio of workers and workplaces per OSHA staff over time in this report. It diverges somewhat from ratios provided by the AFL-CIO. The ratios we use are the result of an attempt to create an apples-to-apples historical comparison with the best currently available information. In potential follow-up reports, the Center for Effective Government may utilize different data if better information becomes available.

The AFL-CIO provides a wealth of information regarding the Occupation Safety and Health Administration (OSHA) in its annual *Death on the Job* report. Notably, the AFL-CIO has compiled statistics on OSHA's staffing levels, including:

Overall number of federal OSHA inspectors (including supervisors) for 1973 through 2011 (URL: <http://www.aflcio.org/content/download/79821/1936531/29B+Fed+OSHA+Safety+%26+Health+Compliance+Staffing%2C+1973-2011.pdf>);

The combined level of federal OSHA and state-level inspectors (in 2013, it excludes supervisors) from 2007 through 2013 (URL for 2013: <http://www.aflcio.org/content/download/79951/1936921/42+BENCHMARK+-+OSHA+INSPECTORS+BY+STATE+COMPARED+WITH+ILO+BENCHMARK.pdf>); and

Overall federal OSHA staffing levels (full-time equivalents) from 1975 through 2013 (<http://www.aflcio.org/content/download/79801/1936471/29A+Federal+OSHA+Budget+and+Personnel+1975thru2013.pdf>).

The AFL-CIO calculates several ratios, notably that of federal compliance officers (including supervisors) per million workers, the ratio of workers for every one federal/state-level inspector, and the ratio of work establishment and workers per OSHA full-time equivalent. (The first two ratios are calculated in the first two respective links above in this section; the third is calculated at this URL: <http://www.aflcio.org/content/download/79851/1936621/32+Annual+Averages+FTE%27s-Establishments+and+Employees+1975+til+2011.pdf>)

In addition to using different figures for staffing, the figures used to determine the population of workers are different, as well. For the first ratio, the AFL-CIO uses labor force statistics from the Census Bureau's Current Population Survey (URL: <http://www.bls.gov/cps/cpsaat01.htm>). The 2011 figure from this source for the employed civilian labor force in 2011 is 139.9 million. For the latter two ratios, the Bureau of Labor Statistics' "Employment and Wages Online Annual Averages, 2011" was used (URL: <http://www.bls.gov/cew/cewbultn11.htm>). This source states that 129.4 million were employed in 2011.

Thus, the AFL-CIO used both different numerators and denominators.

Many federal OSHA employees (historically from 50 to 60 percent) are not directly involved in inspections – which is the main rationale for calculating these ratios. These employees conduct research, are involved in agency rulemaking, collecting statistics, administrative duties, congressional and public affairs, and other non-inspection work. These employees are important, but not to an analysis of staffing in the inspection context.

Without including state-level program inspector staffing levels (especially from states with programs overseeing the private sector), it can be misleading on its own to only focus on federal inspection staff when calculating inspector-to-employed population ratios since state programs provide almost half of overall inspection staff.

However, the AFL-CIO only provides combined federal and state staffing levels (excluding supervisors in 2013) going back to 2007. State and federal staffing levels are not broken out separately in the data provided.

In congressional hearing documents from the early 1980s, there is data on state program inspection staffing levels from 1981 (see pages 247-248 at URL: <http://babel.hathitrust.org/cgi/pt?id=pur1.32754076277791;view=1up;seq=251>). However, the data on federal inspection staff provided by the AFL-CIO that goes back this far includes supervisors and does not break them out – thus precluding comparing this data with the ratios of workers for every one federal/state-level inspector (excluding supervisors) that AFL-CIO has calculated from 2007 through 2013.

In April 2013, the Government Accountability Office (GAO) published a report on the 22 OSHA state (and territory) programs that included details on their staffing levels for FY 2012 and 2013 (page 35 for “allocated” and “on board” levels – the latter is used – at URL: <http://www.gao.gov/assets/660/653799.pdf>). This data does not include staffing levels from the five state (and territory) programs that do not cover the private sector and only cover local and state government workers (thus, these state programs have far fewer inspectors compared to the ones that oversee the private sector).

All of the 22 state (including one territory) programs with oversight over private-sector workplaces (as opposed to only local and state government workplaces) were initially approved in the 1970s.

The Center for Effective Government made a judgment call to try to achieve the closest historical apples-to-apples comparison and decided to combine the 1981 federal inspector staffing levels (including supervisors) provided by the AFL-CIO with the 1981 state program staffing levels provided by the congressional hearing documents (excluding the number of inspectors for the only state program that existed at the time that did not oversee the private sector). The FY 2011 federal inspector staffing levels (including supervisors) provided by the AFL-CIO (they do not provide more recent data in this category) was combined with FY 2012 state program staffing information provided by GAO to generate a combined 2011 compliance staffing level.



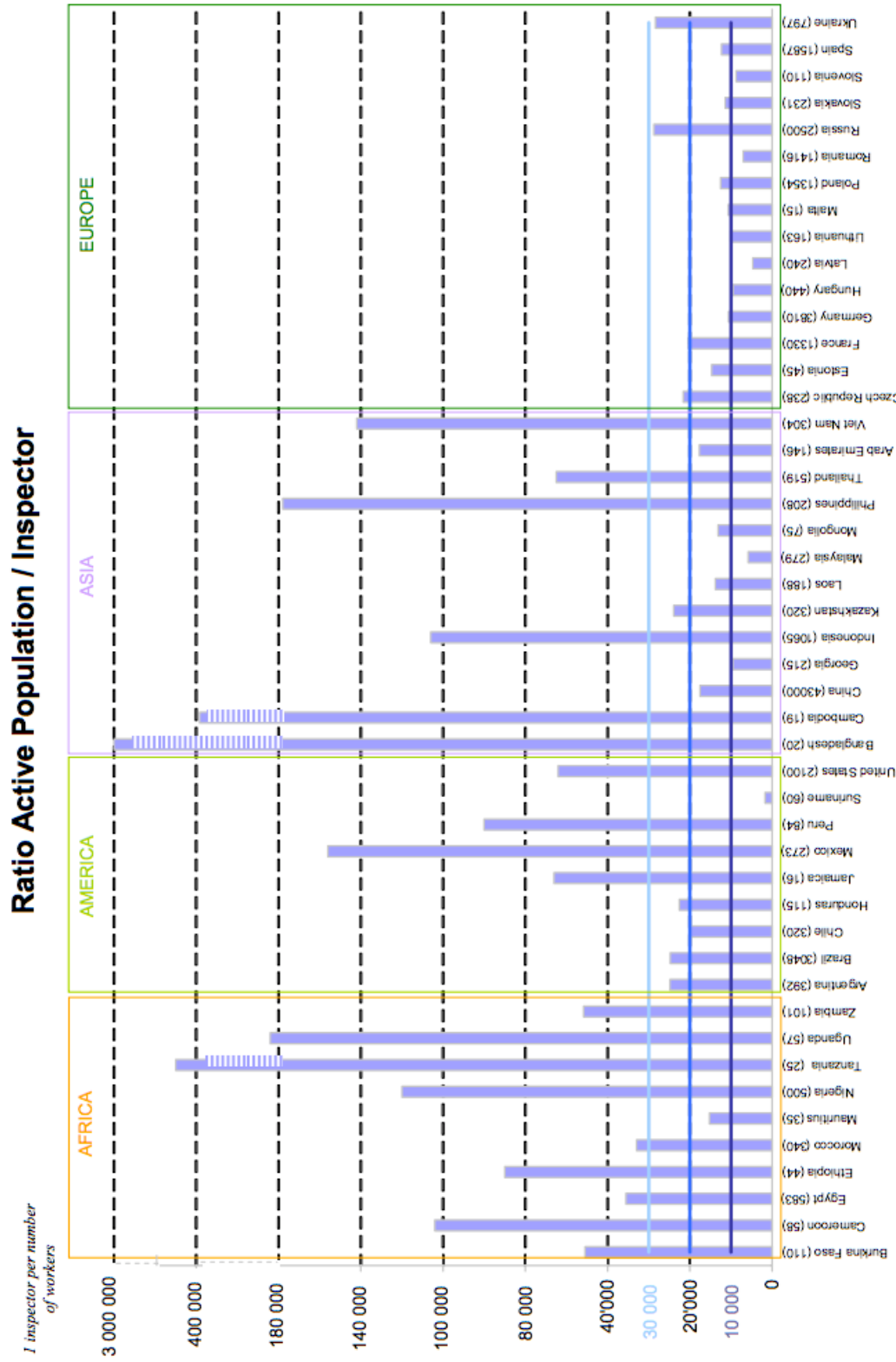
To calculate our workers-to-inspector ratio, the Center for Effective Government utilized the more conservative Bureau of Labor Statistics data for the number of workplaces and workers for 1980 (as a stand in for 1981) and 2011 (provided by the AFL-CIO at URL: <http://www.aflcio.org/content/download/79851/1936621/32+Annual+Averages+FTE%27s-Establishments+and+Employees+1975+til+2011.pdf>).

Year	Compliance Staffing	Employees	Ratio	Workplaces	Ratio
1981	2,370	73,395,500	30,969 to 1	4,544,800	1,918 to 1
2011	2,097	129,411,095	61,712 to 1	9,072,796	4,327 to 1
<p>Sources:</p> <p>1981 State-Run Program Staffing Levels: AFL-CIO's submission to congressional subcommittee, November 1982</p> <p>1981 Federal Compliance Staffing (Includes Supervisors): AFL-CIO, <i>Death on the Job</i> Report</p> <p>2012 State-Run Program Staffing Levels (Excludes Govt-Only Programs): Government Accountability Office, April 2013</p> <p>2011 Federal Compliance Staffing (Includes Supervisors): AFL-CIO, <i>Death on the Job</i> report</p> <p>1980 and 2011 Employees and Workplaces: Bureau of Labor Statistics data compiled by AFL-CIO</p>					

Estimated Number of Occupational Disease Deaths and Nonfatal Cases, 2007	
Disease and Subcategories	Number of Deaths and Cases Percentage (of column) for Deaths Only
<b>Fatal diseases</b>	
<b>Respiratory diseases</b>	
Pneumoconiosis	985 (1.8%)
Asthma	591 (1.1%)
Chronic obstructive pulmonary disease (COPD)	18,411 (34.4%)
Pulmonary tuberculosis	25 (<0.1%)
<b>Cancer</b>	
Lung cancer	15,366 (28.8%)
Bladder cancer	1,642 (3.1%)
Mesothelioma	2,194 (4.1%)
Leukemia	369 (0.7%)
Laryngeal cancer	313 (0.6%)
Skin cancer	66 (0.1%)
Sinonasal cancer	116 (0.2%)
Nasopharynx cancer	148 (0.3%)
Kidney cancer	93 (0.2%)
Liver cancer	79 (0.1%)
All cancers combined	20,386 (38.1%)
<b>Circulatory disease</b>	
Coronary heart disease due to job control, shift work, or noise	9,809 (18.4%)
Coronary heart disease due to environmental tobacco smoke	2,415 (4.5%)
Stroke due to noise	80 (0.1%)
All circulatory diseases	12,304 (23.0%)
<b>All other diseases</b>	
Renal disease	636 (1.2%)
Liver disease from hepatitis B and C	107 (0.2%)
Subtotal for fatal diseases	53,445
Nonfatal disease cases	462,704
Total for fatal and nonfatal diseases	516,149

Source: J. Paul Leigh, "Economic Burden of Occupational Injury and Illness in the United States," 2011

# Ratio of Active Population/Inspector for Various Countries



Country (n): x inspectors in Country  
Numbers based on ILO information (annual report, ILO questionnaires, countries' information) between 2003 and 2006



2040 S STREET NW, 2ND FLOOR  
WASHINGTON, DC 20009

web [www.foreffectivegov.org](http://www.foreffectivegov.org)

phone 202-234-8494

fax 202-234-8584

email [info@foreffectivegov.org](mailto:info@foreffectivegov.org)



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