

## BRIEFLY...

Highlights of Report Number 02-09-203-10-105, to the Deputy Assistant Secretary for Occupational Safety and Health

### WHY READ THE REPORT

The Office of Inspector General (OIG) conducted a performance audit of the Enhanced Enforcement Program (EEP) of the Occupational Safety and Health Administration (OSHA). In 2003, OSHA established EEP for employers indifferent to their obligations under the Occupational Safety and Health Act of 1970 thereby placing their employees at risk. In 2008, OSHA revised the EEP criteria to focus the program on employers with qualifying OSHA history, i.e., prior fatality and similar in-kind violations, which effectively reduced the number of EEP qualifying cases.

OSHA's mission is "... to promote the safety and health of America's working men and women...." With work-related fatalities averaging 5,680 annually, it is essential that OSHA target its limited resources to inspect workplaces with the highest risk of hazardous conditions. If fully implemented, EEP has the potential for achieving this purpose as it was designed to identify high-risk employers and target their worksites with increased enforcement attention.

### WHY OIG CONDUCTED THE AUDIT

Our audit objectives were to analyze Federal inspections from October 1, 2003, through March 31, 2008, and answer the following:

1. Were establishments properly identified as EEP cases and were inspections conducted in accordance with OSHA's EEP Directives?
2. Does OSHA's January 2008 revised EEP Directive have an adverse impact on the EEP and its ability to protect the American worker?

The audit focused on EEP designation, enhanced follow-up inspections, inspections of related worksites, enhanced settlement provisions, and National Office coordination activities.

### READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2009/02-09-203-10-105.pdf>

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## EMPLOYERS WITH REPORTED FATALITIES WERE NOT ALWAYS PROPERLY IDENTIFIED AND INSPECTED UNDER OSHA'S ENHANCED ENFORCEMENT PROGRAM

### WHAT OIG FOUND

For EEP qualifying employers with fatalities, OSHA did not always properly identify and conduct cases according to EEP requirements. For 97 percent of sampled EEP qualifying cases, OSHA did not comply with EEP requirements for at least one of the following: designating EEP cases, inspections of related worksites, enhanced follow-up inspections, and enhanced settlement provisions. Moreover, OSHA designated 29 EEP cases, but did not take any of the appropriate enhanced enforcement actions. Sixteen of the 29 employers subsequently had 20 fatalities, of which 14 fatalities were in cases that shared similar violations as the EEP qualifying cases.

Furthermore, the qualifying history component of the 2008 revised directive reduced the number of cases; delayed designation; and increased the risk that employers with multiple EEP qualifying and/or fatality cases may not be properly designated due to the lack of quality history data. As a result, fewer employers may be subjected to EEP enhanced enforcement actions and may incur more fatalities before designation occurs.

OSHA has not placed the appropriate management emphasis and resources on this program to ensure indifferent employers were properly designated for EEP and subject to enhanced enforcement actions. By more effectively utilizing the EEP program, OSHA could potentially reduce the risk of future injuries, illnesses, and fatalities. While we cannot conclude that enhanced enforcement would prevent subsequent fatalities, full and proper application of EEP procedures may have deterred and abated workplace hazards at the worksites of 45 employers where 58 subsequent fatalities occurred.

### WHAT OIG RECOMMENDED

The OIG made six recommendations to the Deputy Assistant Secretary for Occupational Safety and Health. Foremost among our recommendations were to form a task force to make recommendations to improve program efficiency and effectiveness, revise the EEP directive, and provide formal training.

In his response to the draft report, the Deputy Assistant Secretary generally agreed with the recommendations and believed they would allow OSHA to make important improvements to the program.