

Recommendations Regarding the Secretary of Labor's Field Federal Safety and Health Councils

Prepared by the
Federal Advisory Council on Occupational Safety and Health
Emerging Issues Subcommittee

On September 8, 2016, FACOSH approved the recommendations in
this report and adopted the report.

EXECUTIVE SUMMARY

At the October 18, 2012 meeting, the Federal Advisory Committee on Occupational Safety and Health (FACOSH) voted to task the Emerging Issues Subcommittee (Subcommittee) with revitalizing the Secretary of Labor's (the Secretary's) Field Federal Safety and Health Councils (FFSHCs) program. FFSHCs are forums comprised of local federal agency representatives with an interest in or, responsibility for, occupational safety and health (OSH) related matters. The purpose of these forums is to facilitate exchanges of OSH related information among participating agencies. The Subcommittee took on this task by addressing: 1) whether the FFSHCs are still relevant; 2) if the FFSHC program should be replaced, and if so, what is the alternative; and, 3) if FFSHCs continue, how can the councils be strengthened.

After surveying existing FFSHCs Executive Board members and the Occupational Safety and Health Administration's (OSHA's) Federal Agency Program Officers (FAPOs), the Subcommittee determined that the councils are relevant and the FFSHC program should not be replaced. As a result, the Subcommittee developed a series of actions for FACOSH and numerous recommendations for the Secretary that are designed to strengthen the FFSHCs.

Actions for FACOSH include:

- A yearly review of the FFSHC program to determine council best practices, which will be disseminated to all FFSHCs, and to identify program deficiencies in order to remediate issues;
- An examination of the current system for awarding FFSHCs, which will include recommendations for improving the process for selecting award winners; and,
- Requiring FACOSH members to report to the council what their respective agencies and unions are doing to promote FFSHC participation, each year.

Recommendations for the Secretary include:

- Directing OSHA to enhance occupational safety and health training opportunities for councils;
- Authorizing OSHA to use all available technologies to help FFSHCs conduct their activities;
- Ensuring that agencies provide a summary of their participation in local councils, in their annual report to the Secretary;
- Requiring OSHA to provide its Regional Administrators with guidance on requesting funding and resources to support council activities;
- Authorizing OSHA to create a dedicated FFSHC logo, which councils can use when promoting council activities; and,
- Directing OSHA to establish a relationship between the councils and local Federal Executive Boards and Federal Executive Associations.

BACKGROUND

Consistent with the requirements of the Occupational Safety and Health Act of 1970, Executive Order 12196, and 29 CFR Part 1960, the Secretary charters FFSHCs to promote and assist local federal establishments with cooperative exchanges of OSH information and resources. The Secretary provides leadership, guidance, and required resources for their operation and OSHA has been designated to administer the program. FFSHCs operations and activities are regulated by 29 CFR 1960, Subpart K.

Located throughout the United States, FFSHCs strive to reduce the incidence, severity, and cost of accidents, injuries, and illnesses within its designated geographic area by:

- Acting as a clearinghouse for all types of safety and health information, including data on occupational accidents, injuries, illnesses, and injury and illness prevention.
- Planning, organizing, and conducting meetings or training sessions that provide technical advice and information on occupational safety and health to representatives of participating organizations.
- Promoting improvement of safety and health programs in Federal agencies represented on the FFSHC or participating in FFSHC activities.
- Promoting coordination, cooperation, and resource and expertise sharing to aid agencies with inadequate or limited resources.
- Providing information on administrative and technical aspects of safety and health programs to Federal Executive Boards (FEBs), Federal Executive Associations (FEAs), labor union organizations, and other employee representatives.
- Evaluating safety and health problems particular to local conditions and facilitating solutions through FFSHC activities.
- Developing cooperative relationships with local community leaders by informing them of FFSHC functions and objectives and by inviting them to support and participate in FFSHC meetings and activities.

FACOSH convened the Emerging Issues Subcommittee in response to an Environmental Protection Agency report, which addressed the need to optimize and leverage FFSHCs to improve collaborations between Federal Executive Boards (FEBs) and Federal Executive Associations (FEAs) thereby improving the overall effectiveness of federal safety and health programs. FACOSH tasked the Subcommittee with assessing the value of FFSHCs and, if the councils were deemed beneficial, developing recommendations for improving council services. The Subcommittee determined that FFSHCs are important OSH forums and both FACOSH and OSHA play key roles in improving their performance.

The Emerging Issues Subcommittee¹ was comprised of union members from the American Federation of Government Employees, International Brotherhood of Electrical Workers, and the Forest Service Council of the National Federation of Federal Employees, as well as employees from the National Aeronautics and Space Administration, Department of Agriculture, National Institute for Occupational Safety and Health, Department of the Interior, and OSHA. The Subcommittee sought insight from OSHA Federal Agency Program Officers (FAPOs) and from FFSHC Chairpersons.

ISSUE

FFSHCs, established by 29 CFR 1960, managed by OSHA staff and voluntarily maintained by federal agency OSH personnel, have long served to support federal agencies OSH programs by creating forums to discuss current OSH challenges and provide OSH training. While both OSHA and federal agencies have considered FFSHCs to be very effective forums for sharing OSH information between federal agencies, the councils have floundered at times and proved difficult to maintain. In 1996, OSHA formed the OSHA-FFSHC taskforce to review the FFSHC program and produce policy and procedural recommendations for FACOSH, which would enhance OSHA's ability to deliver value added OSH outreach to federal agencies. More recently, in 2012, the EPA presented FACOSH with a report² that identifies persisting challenges for the FFSHCs, including a lack of participation by management, union representatives, safety and health professionals, and collateral duty personnel in council activities. Other challenges identified in the report include a lack of dedicated resources, perceived inadequacies in the awards and recognition process, and suboptimal support and advocacy from leadership at multiple levels.

Charged with the responsibility of revitalizing the FFSHCs, the Subcommittee focused its efforts on determining the value, importance, and activity levels of the councils. The Subcommittee requested that OSHA prepare a summary³ of FFSHC annual reports from the most recent year reports to better understand the current function of the FFSHCs. The report found that while councils receive a majority of their support from OSHA, they rely heavily on assistance from local agencies and labor unions to successfully develop and deliver their OSH training programs. For the most part, the councils received administrative and directional support from the agencies whose staff served on the Executive Boards. Upon reviewing the report, the Subcommittee designed a survey and distributed it to Executive Board Members of active FFSHCs and to OSHA FAPOs with FFSHC responsibilities. Over half of all survey respondents reported their

¹ FACOSH members, technical experts and OSHA staff actively participated on the Emerging Issues Subcommittee during its review of the Field Federal Safety and Health Council program. See Appendix A.

² The Environmental Protection Agency report, "Recommendations for Consideration by the Federal Advisory Council on Occupational Safety and Health (FACOSH) on Field Federal Safety and Health Council (FFSHC) Improvements," was presented to the Federal Advisory Council on Occupational Safety and Health on October 18, 2012. See Appendix B.

³ The OSHA Office of Federal Agency Programs (OFAP) report, "FFSHC Annual Report Analysis for CY 2012", summarizes 35 FFSHC annual reports submitted to OFAP for calendar year 2012. The report describes the efforts that the FFSHCs took to improve the effectiveness of federal entity safety and health programs within their designated geographic areas. See Appendix C.

FFSHCs receive a majority of their training opportunities and technical advice from participating local agencies. Respondents also reported being overwhelmingly dissatisfied with the number of agencies participating in FFSHC activities and reported difficulty in getting new people to fill leadership roles. Subcommittee members independently evaluated the survey results and provided a list of their top recommendations to the Subcommittee Co-Chairs.

Based on findings from the survey and through discussions, the Subcommittee identified two courses of action for strengthening the councils. In total the Subcommittee developed the following nine recommendations, which are grouped into FACOSH Action Items and Secretary of Labor Recommendations.

FACOSH Action Items

1. The Emerging Issues Subcommittee recommends that FACOSH appoint a standing subcommittee to review the FFSHC program on a yearly basis, in order to maintain consistent knowledge of and advocacy for FFSHCs. Each year, the standing subcommittee should review OSHA's annual report summarizing FFSHCs' activities for the previous calendar year. Upon reviewing the report, which summarizes the information reported by FFSHCs in their Annual Reports to the Secretary, the subcommittee should provide an update to the full Council during a FACOSH meeting. Based on the information provided in the summary report, the subcommittee should identify best practices so that they can be disseminated to the FFSHCs. It should also identify deficiencies in order to understand and make recommendations to remediate issues.
2. The Emerging Issues Subcommittee recommends that FACOSH task the newly formed FACOSH standing subcommittee with examining the current FFSHC awards process with the goal of providing specific advice and ideas to OSHA on ways to improve the process for selecting award winners. It is important to recognize significant support and contributions to the success of FFSHCs with appropriate awards and incentives. Therefore, the standing subcommittee should consider incentives for those holding officer positions. The subcommittee should consider new measureable outcomes for OSHA to use when evaluating councils for National Office awards, including more opportunities to earn an award. However, the awards should have meaning and be tied to council performance – not simply reward for participation.
3. The Emerging Issues Subcommittee recommends that FACOSH ask its members to encourage their agencies to appoint their employees, where applicable, to local councils in order to boost agency and union participation. Since opportunities for employees to participate in FFSHCs and support for FFSHCs by federal agencies vary from region to region, participation will continue to pose a major challenge for FFSHC success unless FACOSH members emphasize council participation in their respective organizations. Each year, FACOSH members can report to the full FACOSH council best practices and success stories of their agencies with regards to FFSHC participation.

Secretary of Labor Recommendations

1. FACOSH recommends that the Secretary direct OSHA to enhance occupational safety and health (OSH) training opportunities for FFSHCs, since OSH training is an extremely important function of the FFSHCs. For example, OSHA could enhance efforts to make the annual FED Week training available to FFSHCs, by conducting the training via webinar. OSHA Regional Offices could develop a repository of subject matter experts that may be available for seminars, to enhance training opportunities at the regional level. OSHA could also request that the OSHA Training Institute Education Centers actively participate in, and offer services to, local FFSHCs. OSHA could send a memorandum to the Designated Agency Safety and Health Officials (DASHOs) encouraging DASHOs to utilize Education Centers to deliver OSH training. The memorandum could highlight that Education Centers, which are authorized by OSHA to deliver OSH training, are a good training resource with highly respected and skilled trainers/teachers, many of whom are former federal employees.
2. FACOSH recommends that the Secretary give OSHA the authority to optimize all available technologies to help FFSHCs conduct their activities. Since internal and external communication and information sharing are significant challenges for the FFSHCs, OSHA should operate a FFSHC webpage that includes a section for each local FFSHC. The webpage should contain educational material as well as a section for questions and answers from experts. The webpage should provide links to all available FFSHC reports, award information, council newsletters, and other relevant informational links. Lastly, the use of webinars and other virtual meeting techniques by all councils should be encouraged.
3. FACOSH recommends that the Secretary should hold federal agencies accountable for supporting local FFSHCs by requiring agencies to provide a summary of their support in their annual report to the Secretary. OSHA should highlight the importance of participation in, and support for, FFSHCs in the report format for agencies' annual report to the Secretary. Specifically, the annual report template should ask agencies to describe their managers' and employees' involvement in the councils. Agencies should be asked to identify the number of representatives they have appointed to FFSHCs, and to which council(s) representatives have been appointed. Agencies should explain how they encourage involvement in the councils and provide some of the ways in which they support local councils. Agency heads whose agencies do not participate in FFSHCs should receive a memorandum from the Assistant Secretary highlighting the value of the councils and requesting participation.
4. FACOSH recommends that the Secretary direct OSHA to directly advocate for and provide support to the councils by providing Regional Administrators with guidance on requesting adequate funding and resources to support local council activities. OSHA Regional Administrators should assign a specific Area Office staff member to work directly with local councils to develop budget requests for council activities, which should be submitted to the Region each year along with the councils' annual reports.

5. FACOSH recommends that the Secretary give OSHA the authority to create and approve a standardized and dedicated FFSHC logo. The consistent utilization of a FFSHC logo will allow agency heads, federal employees, and other stakeholders to easily identify FFSHC-sponsored activities and products. OSHA should require active FFSHCs to use the FFSHC logo on all FFSHC materials, in order to associate all FFSHC products and activities with the Secretary of Labor's efforts to facilitate the exchange of OSH ideas and information in the Federal Government. The requirement to use the FFSHC logo should be incorporated into existing FFSHC charters through modifications and will be included as a standard clause in all new Articles of Organizations.

6. FACOSH recommends that the Secretary direct OSHA to send out a memo to the Federal Executive Boards (FEBs) and Federal Executive Associations (FEAs) every two years, asking them to participate in local FFSHCs. OSHA should send a similar memo to all DASHOs. The OSHA Regional Offices and their local councils should work together to reach out to area FEBs and FEAs to establish a relationship. For example, Regional Offices and their councils could ask local FEBs and FEAs to post FFSHC information on their websites. OSHA Regional Administrators and FFSHC chairpersons should send local agency heads a yearly request to appoint a management and non-management official to the council for the upcoming calendar year. Regional Offices should also send the appointment request to local FEBs and FEAs for their distribution to participating agencies.

APPENDIX A

The following list contains the names of FACOSH members, technical experts, and OSHA staff who actively participated on the Emerging Issues Subcommittee during its review of the Field Federal Safety and Health Council program.

FACOSH Members

Milagro Rodriguez, Occupational Health and Safety Specialist, American Federation of Government Employees

Richard Williams, Chief Health and Medical Officer, National Aeronautics and Space Administration

Special Agency Liaison

Frank Hearl, PE, Chief of Staff, National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services

Technical Experts

Isabel DeOliveira, Regional Compliance Assistance Specialist, Occupational Safety and Health Administration, U.S. Department of Labor

David Eck, Safety and Occupational Health Manager, Department of Agriculture

Owen Greulich, Technical Discipline Manager for Pressure Systems; Lifting Devices and Equipment, National Aeronautics and Space Administration

Cathie Mannion, Assistant Regional Administrator for Technical Support, Occupational Safety and Health Administration, U.S. Department of Labor

Chris Matthewson, Federal Agency Program Officer, Occupational Safety and Health Administration, U.S. Department of Labor

Dennis McLaughlin, Federal Agency Program Officer, Occupational Safety and Health Administration, U.S. Department of Labor

Randy Meyer, Forest Service Council Chair, National Federation of Federal Employees

Stephen Nee, Federal Agency Program Officer, Occupational Safety and Health Administration, U.S. Department of Labor

David Neun, Education Specialist, American Federation of Government Employees

Barry Noll, Chief, Division of Safety Evaluations and Voluntary Protection Programs, Department of the Interior

OSHA Staff

Mandi Dermer, Program Analyst, Office of Federal Agency Programs, Occupational Safety and Health Administration, U.S. Department of Labor

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