

UNITED STATES DEPARTMENT OF LABOR

PRESIDENT'S REPORT

THE SECRETARY OF LABOR'S REPORT
TO THE PRESIDENT
ON
FEDERAL DEPARTMENT AND AGENCY
OCCUPATIONAL SAFETY AND HEALTH
PROGRAM ACTIVITY

FISCAL YEAR 2013



PREPARED BY THE OFFICE OF
FEDERAL AGENCY PROGRAMS
OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION



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PREFACE

This Report fulfills the Secretary of Labor's (the Secretary) annual responsibility, as set forth in Section 19(b) of the *Occupational Safety and Health Act of 1970* (the Act), to inform the President about the status of federal agencies' occupational safety and health (OSH) programs, and the accidents and injuries that occurred at federal worksites. The Report provides an analysis of agency's reports submitted to the Secretary. It also describes the activities that the Occupational Safety and Health Administration (OSHA) conducted at or with federal agencies during fiscal year (FY) 2013.¹

Agency heads must establish and provide guidance on their OSH programs, as well as report on the status of these programs, as mandated by:

- Section 19(a) of the Act [29 United States Code (U.S.C.) 668(a)], which directs, "*the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the occupational safety and health standards promulgated under Section 6*" of the Act (29 U.S.C. 655).
- Section 19(a)(5) of the Act [29 U.S.C. 668(a)(5)], which requires federal agency heads to, "*make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section*" for providing safe and healthful places and conditions of employment.
- Executive Order (EO) 12196, *Occupational Safety and Health Programs for Federal Employees*, signed by President Carter on February 26, 1980, which guides the heads of federal Executive Branch agencies in implementing Section 19 of the Act, and directs the Secretary to issue a set of basic program elements to assist the various federal agencies in carrying out their responsibilities.
- Title 29 Code of Federal Regulations (CFR) §1960, *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*, which establishes the requirements for agency heads to implement OSH programs in their respective agencies.

The Act, EO 12196, and 29 CFR §1960 require the heads of federal agencies to submit annual reports on their OSH programs to the Secretary. According to amended 29 CFR §1960.71(a)(1), the annual report is due to OSHA, annually, no later than May 1.²

¹ A Recordkeeping rule change, effective in August 2013, changed federal agency injury and illness reporting requirements. This Report includes federal agency OSH and related activities that occurred throughout FY 2013 and the first quarter of FY 2014, which ended December 31, 2014.

² Historically, 29 CFR §1960.71(a)(1) required federal agencies to submit the annual report to OSHA by the first of January. As of August 5, 2013, OSHA amended the regulation requiring agencies to submit their reports no later than May 1. The 78 Federal Register 47180 (8/5/2013), amending 29 CFR §1960 is available at: <http://www.gpo.gov/fdsys/pkg/FR-2013-08-05/pdf/2013-18457.pdf>.

FORMAT

This SECRETARY OF LABOR'S REPORT TO THE PRESIDENT ON FEDERAL DEPARTMENT AND AGENCY OCCUPATIONAL SAFETY AND HEALTH PROGRAM ACTIVITY – EXTENDED FISCAL YEAR 2013 (Report), includes an EXECUTIVE SUMMARY, the two main sections of the Report proper, and three APPENDICES. The Report diverges significantly from previous reports in length and content in that it is much shorter and focuses on the overall status of federal agencies' OSH programs. Due to the August 2013 Recordkeeping rule change, this Report is also transitional in nature. (Please refer to SECTION 1 – OSHA ACTIVITIES, Recordkeeping, for a further explanation of the effect that the Recordkeeping had on federal agency reporting requirements.) This Extended FY 2013 Report covers the entire FY 2013 timeframe, and the first three months of FY 2014. Unless otherwise indicated, FY 2013 data are reported. Next year's report will be based on calendar year 2014 data.

The EXECUTIVE SUMMARY summarizes some of the significant achievements and challenges Executive Branch agencies faced in providing safe and healthy working environments for federal employees. The Report includes two main sections: OSHA ACTIVITIES, and FEDERAL AGENCY OSH ACTIVITIES. These sections describe support activities OSHA provided to federal agencies, and provides OSHA's summative analysis of specific categories of information federal agencies reported to OSHA. In an attempt to make the Report more user-friendly and increase its usability, OSHA eliminated the AGENCY SUMMARIES that were present in previous year's iterations.

The first section of the Report, OSHA ACTIVITIES, provides information on OSHA activities under the categories of enforcement, oversight, and compliance assistance, including a summary of the Presidential Initiative - *Protecting Our Workers and Ensuring Reemployment Initiative* (POWER).

Section 2 of the Report, FEDERAL AGENCY OSH ACTIVITIES, summarizes agency occupational safety and health activities, and contains descriptions on the various types of OSH committees, agency self-evaluations; and efforts agencies made to discover and control injury and illness trends.

The APPENDICES section contains *Agency OSH Responsibilities*, a list of *OSH-related Resources and Information*, and a list of *Acronyms* used in the Report. The Agency OSH Responsibilities appendix provides information on federal agency responsibilities with respect to OSH programs as delineated by the Act, EO 12196, and Title 29 CFR §1960. This appendix is divided into five subsections: *Program*, *Standards*, *Workplace*, *Records*, and *Inspections and Investigations*. Each subsection lists the agency's responsibilities; and discusses each responsibility, and provides hyperlinks to the specified reference(s).

SECRETARY OF LABOR'S REPORT: EXECUTIVE SUMMARY

During the reporting period, both OSHA and federal agencies continued their efforts to protect the health and safety of federal employees and support agencies' respective safety and health management systems (SHMSs). This report provides FY 2013 injury and illness data for this sector, and is a compilation of the required annual reports that OSHA received from federal agencies. In addition, this Report summarizes the efforts OSHA and Executive Branch agencies made to improve OSH programs for federal workers. The reader should refer to the various sections of the Report for specific details regarding subject matter contained in this EXECUTIVE SUMMARY.

As in prior years, this Report assesses trends and progress the departments and agencies, and the Government as a whole [less the U.S. Postal Service³ (USPS), and non-Executive Branch agencies] made in improving workplace safety and health. This Report also provides information about the types of support OSHA has provided to federal agencies, including enforcement, oversight, and compliance assistance activities. In addition, it describes the actions federal agencies took during the reporting period to analyze trends and improve their SHMSs. The Report continues with an analysis of federal agencies' self-evaluations of their respective SHMSs. Eight new items were added to the self-evaluation tool; one item from the FY 2012 evaluation tool was omitted from this year's evaluation tool. (Please refer to SECTION 1 – OSHA ACTIVITIES, for a complete description of the EVALUATIONS.)

STATISTICS AND TRENDS

INJURY AND ILLNESS STATISTICS

OSHA uses injury and illness claims data reported to the Department of Labor's (DOL's) Office of Workers' Compensation Programs (OWCP), together with the Office of Personnel Management's (OPM's) employment data, to calculate injury and illness incidence rates for individual agencies.

In FY 2013, the Government's employment rolls *decreased* by 22,991 employees to 2,199,193 employees. Its total injury and illness cases *decreased* by 3,827 to 55,205, and its total case rate (TCR) *decreased* from 2.66 to 2.51 (5.6 percent). The Government's lost-time cases *decreased* by 2,495 to 26,436; and its lost-time case rate (LTCR) *decreased* from 1.3 to 1.2 (7.7 percent).

WORKERS' COMPENSATION COSTS

The Federal Government's workers' compensation costs (less the USPS and non-Executive Branch agencies) *decreased* from approximately \$1.7 billion to \$1.6 billion, a 5.9 percent *decrease* from the previous chargeback year (CBY). Workers' compensation benefits provided to employees and their survivors include payments for medical treatment, rehabilitation services, replacement of lost wages, and death benefits.

³ On September 28, 1998, Congress amended the Act to make it applicable to the USPS. Therefore, it is not included in this Report.

FATALITIES AND CATASTROPHIC EVENTS

The Act, and provisions of 29 CFR §1960 and other regulations, require employers, both private and public, to investigate, track, and report findings involving work-related fatalities and catastrophic events to OSHA in an expeditious manner. Agencies reported that forty-one civilian employee fatalities occurred during FY 2013, thirty-seven of which were determined to be work-related.

OSHA ACTIVITIES

During the reporting period, OSHA's Directorate of Enforcement Programs - Office of Federal Agency Programs engaged in a wide range of activities to assist federal agencies in improving their SHMSs, and continued to ensure that agencies could easily access OSH-related information. In general, the Office's activities fell into three categories: *enforcement*, *oversight*, and *compliance assistance*. Enforcement activities primarily focused on inspections of federal workplaces to identify violations of OSHA standards. Oversight activities ranged from monitoring injury and illness rates to providing leadership in identifying issues specific to federal agencies. Compliance assistance included consultation activities that assisted federal agencies in understanding both the importance of providing safe and healthy working environments, and possible methods for accomplishing this. (Please refer to SECTION 1 – OSHA ACTIVITIES, for a complete explanation of these activities.)

ENFORCEMENT

During FY 2013, OSHA conducted 131 programmed inspections, and 1,147 unprogrammed inspections of federal worksites, with an average of 4.19 violations per programmed inspection, and an average of 3.6 violations per unprogrammed inspection. In addition, OSHA inspected federal agencies under a variety of national and local emphasis programs that targeted specific hazards, such as lead, falls, powered industrial vehicles, energized equipment; and specific injuries, such as amputations; or industries, such as manufacturing or maritime.

In FY 2013, OSHA issued a total of ten federal *significant cases* involving the departments of the Interior, Navy and Veterans Affairs, and the Transportation Security Administration. (Please refer to SECTION 1 – OSHA ACTIVITIES, Table 1, for specific information on the agency inspected, the reason for the inspection, the emphasis program, and the number and severity of the violations.)

OVERSIGHT

Presidential Initiative - POWER. The Presidential Initiative - *Protecting Our Workers and Ensuring Reemployment*, established in 2010, was created to challenge federal Executive Branch agencies to improve their safety, health, and injury case management programs. Agencies strived to meet their goals. POWER originally had seven goals; an eighth goal was introduced in 2012.

In general, the Initiative was a partial success in FY 2013. The Government as a whole (less the USPS) met four out of the six measurable goals. However, no departments met all of their measurable goals. In FY 2013, federal employees (excluding those employed by the USPS) filed more than 68,000 injury notices. While the number of reported injuries has continued to decline in the Federal Government over the past several years, compensation for lost wages and medical

benefits still represents a significant cost to the American taxpayer. In CBY 2013 alone, total costs were approximately \$1.6 billion, excluding the USPS.

COMPLIANCE ASSISTANCE

OSHA provides assistance to federal agencies using a variety of strategies, including conducting agency technical assistance requests; optimizing the use of the field federal safety and health councils, and other forms of safety and health committees; supporting the development of federal agency alternate and supplementary standards; and providing federal agencies with OSH training opportunities.

An agency technical assistance request (ATAR) is a consultative service open only to federal agencies; it is analogous to OSHA's Consultation Program for private sector employers. In FY 2013, OSHA conducted an ATAR at the request of the U.S. Secret Service, and began planning the process with the National Archives and Records Administration.

Field Federal Safety and Health Councils (FFSHCs) are federal interagency groups, chartered by the Secretary, that bring together in the spirit of cooperation local OSH professionals for education, and problem solving. In FY 2013, thirty-five FFSHCs actively carried out efforts to improve the effectiveness of OSH functions within the Government. The OSHA Assistant Secretary recognized ten of these councils for *Superior Performance*, *Meritorious Achievement*, and *Notable Recognition* awards.

Under 29 *CFR* §1960.17, if agencies cannot comply with an applicable OSHA standard, the agency may submit a request for an *alternate standard*. Currently, there are five OSHA-approved alternate standards; two additional alternate standards are pending OSHA review. Under §1960.18, if no OSHA standard exists that is appropriate for application to working conditions of federal agency employees, an agency may submit a request for a *supplementary standard*. Currently, there are only two OSHA-approved supplementary standards.

OSHA provides federal agency OSH personnel with training opportunities through the OSHA Training Institute and other venues. Federal OSH personnel may attend any of the myriad of professional and technical courses provided through the OSHA Training Institute. In addition to the on-site training courses, OSHA provides a week of training specifically for federal agency OSH personnel at the OSHA Training Institute. During the reporting period, OSHA provided nine half-day seminars offered twice during the week on topics chosen after surveying federal OSH personnel. The one hundred-five federal OSH employee participants, representing thirty-one federal agencies, had the opportunity to attend up to six different sessions on various topics. Attendees reported it as a valuable experience.

AGENCY ACTIVITIES

OCCUPATIONAL SAFETY AND HEALTH COMMITTEES

Federal agencies reported a range of OSH committees and the benefits from these committees. While a handful of agencies continued to maintain *Certified Safety and Health Committees* (CSHCs), regulated by 29 *CFR* §1960, Subpart F, most agencies described internal OSH committees developed outside of these regulatory requirements.

Any Executive Branch agency can form a CSHC under 29 CFR §1960, Subpart F to monitor and assist an agency's OSH program. Agencies with Secretary-approved CSHCs must have committees at both the national and field/regional levels. The national level committees provide policy guidance, while the local committees monitor and assist in the execution of the agency's OSH policies. When appropriately implemented, a CSHC allows agencies to be exempt from *unannounced* OSHA inspections. Currently, five agencies have Secretary-approved CSHCs: the Central Intelligence Agency, Department of Labor, General Services Administration (GSA), Tennessee Valley Authority, and U.S. International Trade Commission.

Per 29 CFR §1960, Subpart F, DOL and the Tennessee Valley Authority submitted information certifying to the Secretary of Labor that their respective CSHCs met the requirements of the subpart; the Central Intelligence Agency did not submit complete information; the U.S. International Trade Commission reported that it no longer has a CSHC; and the GSA reported that it is no longer eligible to have a CSHC since it no longer has a national level committee. Two agencies, the Department of Energy, and the National Archives and Records Administration, are reportedly continuing their efforts to establish a CSHC.

SELF-EVALUATIONS

29 CFR §1960.79 requires that agencies evaluate their OSH programs. These evaluations should assess both the extent to which the agency's program conforms to the requirements of EO 12196 and the corresponding regulations, as well as whether the agency has implemented the program effectively in all field activities. Although a few agencies did not distinguish between workplace inspections and self-evaluations, most agencies reported conducting some type of review of their SHMSs. Many agencies evaluated their programs themselves, using a variety of tools, while others requested assistance from outside experts. In general, agencies reported that self-evaluations resulted in improvements to different aspects of their SHMSs, including the operational, managerial, and cultural aspects that encompass an effective SHMS.

This year, OSHA asked agencies to use a prescribed tool to perform their self-evaluations. An analysis of the reported data indicates that, for the most part, federal agencies are in compliance with the requirements of 29 CFR §1960, and have effective SHMSs. However, there are several areas for improvement within the operational, managerial, and cultural components, even in those agencies that reported the most robust systems. The analysis also indicated that multiple agencies are not fully aware of their OSH responsibilities, and of the applicability of an effective SHMS in assuring employee safety and health and the efficient management of Government operations. (Please refer to SECTION 1 – OSHA ACTIVITIES, figures 1 through 4, and the ensuing discussion, for a description of the components of a SHMS, and an analysis of the self-evaluations as reported by agencies.)

CONTROLLING TRENDS

As a way to assess how well agencies were tracking their injuries, OSHA asked agencies to summarize whether or not they met their POWER goals. Although some agencies complied with this request, responses were largely inconsistent. For example, 27 percent (21 agencies) of all agencies reported that they met all eight POWER goals. However 44 percent (34 agencies) of the agencies either did not specify whether or not they met their 2013 POWER goals, or the agency was unclear in its response. Additionally, seventeen agencies reported that they met at least two or more of their POWER goals.

ANNUAL INFORMATION REQUEST

Each year, OSHA asks agencies to provide information on a variety of OSH-related topics and programs. While OSHA consistently requests information on such topics as OSH accomplishments for the reporting period and goals for the coming year, other information requests may be based on findings from previous annual reports or developing trends. For the reporting period, OSHA requested information on Presidential and Other Government-wide Initiatives, Fatalities and Catastrophic Events, several 29 CFR 1960 Requirements, an expanded agency SHMS Self-evaluation, and FY 2014 OSH goals.

PRESIDENTIAL AND OTHER GOVERNMENT-WIDE INITIATIVES

OSHA asked federal agencies to provide information on their continuity of operations (COOP) planning, motor vehicle safety programs, and telework enhancement activities. (Please refer to SECTION 2 – FEDERAL AGENCY OSH ACTIVITIES, for detailed information on these items.)

CONTINUITY OF OPERATIONS

For several years, OSHA has asked federal agencies to describe their plans for responding to, and maintaining agency operations in the event of, emergencies or disasters. For the reporting period, nearly every department and agency reported that it had some type of plan for dealing with emergency response and COOP; or that it is currently developing a plan. Most agencies reported that these plans either contained provisions for ensuring the safety and health of their workers, or were developed with the input of OSH personnel. For most, training is provided in-house, a few agencies indicated using commercial sites, such as, <https://mobileworkexchange.com/>, to provide training opportunities for their employees.

However, several agencies, including the Inter-American Foundation, James Madison Memorial Fellowship Foundation, and the Kennedy Center indicated that the agency either does not have a COOP plan, or that the plan does not address OSH issues. For the last two years, the Consumer Product Safety Commission, and the Vietnam Education Foundation indicated that the agency's plan is in development. The National Merit Board did not report on this item.

In addition to COOP planning, OSHA asked federal agencies to describe lessons learned from recent natural disasters. Few agencies described being affected by, or involvement in natural disasters during the reporting period. However, those that did report involvement in such events collectively reported continued challenges with communications, command and control, accountability for employees' safety, as well as inter- and intra-agency communication and coordination. Agencies reported various approaches to respond to these challenges, including improving emergency notification systems; expanding the pool of telework-eligible employees, and optimizing the use of telework; improving the functioning of and/or developing emergency response teams; and increasing the scope and depth of training, and emergency response exercises.

MOTOR VEHICLE SAFETY

Collectively, thirty agencies reported approximately 5,416 motor vehicle accidents (MVAs), which is a 3.6 percent *decrease* from the 5,621 MVAs reported in FY 2012. Most agencies reported having motor vehicle safety programs that are in compliance with the Executive Orders requiring the use of seatbelts in motor vehicles, and the ban on texting while driving. Agencies reported that their programs had demonstrable effects on limiting the likelihood and impact of

MVAs on the mission. Many departments and agencies reported requiring defensive driving courses, with the majority using courses through either GSA or the National Safety Council.

Similar to previous year's reporting, agencies also reported having programs to encourage seatbelt use, such as the placement of decals in vehicles, or reminders on employee websites or in break rooms. While several agencies reported tracking seatbelt use after an accident – many using information from police reports – few had a system for tracking seatbelt use at other times. A number of agencies mentioned having random compliance checks, including one agency that reported using in-vehicle camera surveillance. Of those agencies that responded to this item, twelve agencies indicated the absence of a motor vehicle safety program, citing a variety of reasons, including agency size and number of employees assigned, mission requirements, and not owning an agency-dedicated fleet. Seven agencies did not report on this item.

TELEWORK ENHANCEMENT

With few exceptions, agencies reported that their telework programs are in compliance with *Telework Enhancement Act of 2010*, other applicable laws, statutes and regulations, and OPM guidelines; and that agency regulations and policies address the authority, policy, and responsibilities for managing the telework program. Most reported the use of checklists, self-evaluations, and in some cases, counseling, training, and visits from supervisors for personnel authorized to telework. The agencies that reported on this item confirmed continuing efforts to promote the use of telework and expand telework capability with minimal adverse mission impacts, and that no employees were injured or became ill while on telework. Only six agencies indicated the absence of a telework program, citing various reasons for the omission, including agency size, mission requirements, and security issues.

In addition, OSHA asked agencies to describe how recent natural disasters affected their telework programs. Most reported little-to-no impact on their missions and programs, stating that existing telework programs amply provided for uninterrupted business operations, and that employees appropriately used the available telework options. Of the agencies that reported adverse impacts, the majority described stressed and overtaxed communication systems, and preparedness issues. These agencies indicated that they were in the process of revising COOP planning and improving their communications capabilities to address these issues.

29 CFR 1960 REQUIREMENTS

OSHA asked federal agencies to provide information regarding several requirements of 29 CFR §1960, specifically: involvement in field federal safety and health council activities, agency self-inspections, OSH training of employees assigned overseas, and programs for protecting employees from reprisal for reporting OSH hazards.

FIELD FEDERAL SAFETY AND HEALTH COUNCILS

In 2014, thirty-five councils submitted annual reports detailing their activities during calendar year (CY) 2013. These FFSHCs represented the councils found in OSHA regions II through X. Due to their inactivity, no councils in OSHA Region I submitted an annual report. According to the annual reports, approximately 373 appointed representatives from 81 federal departments and agencies participated in FFSHCs nationwide. Four hundred and eight non-appointed members from at least one hundred twenty federal departments and agencies also participated in the councils, along with 628 associate members from roughly 283 local businesses, local governments, safety and health associations, and labor unions. Seven FFSHCs (20 percent)

reported that they do not have any officially appointed representatives on their councils. These councils' membership consists of associate members and non-appointed members. In CY 2013, thirty-three departments and agencies appointed new representatives to eleven FFSHCs (31 percent). Of the new appointments, thirty-five were management representatives and twenty-eight were non-management representatives. Twenty-four FFSHCs (69 percent) had no new appointments in CY 2013.

SAFETY AND HEALTH MANAGEMENT SYSTEM RESPONSE TO THE INSPECTION PROCESS

Federal agencies reported involvement in a variety of inspection activities, including internal and external inspections; and various responses to the inspection process, including immediate correction, working with GSA and other public and private sector entities for hazard abatement, settlement negotiations with OSHA, and updating policy and procedural guidance. Some agencies, including the departments of Health and Human Services, and Justice; and the U.S. International Trade Commission, indicated that they encouraged employee and contractor participation in the inspection process. Based on agency reports, federal agencies were involved in one hundred eighty federal OSHA safety and health inspections, and over 11,000 internal safety and health inspections of their respective establishments; with approximately 12,000 *Notices of Unsafe or Unhealthy Working Conditions* being issued as a result of these inspections.

Fifty-seven agencies either indicated that the inspection process was "not applicable" to their situations, or did not report on the item.

TRAINING OF OVERSEAS FEDERAL EMPLOYEES

The legislative provisions of the Act, EO 12196, and 29 CFR §1960 that require agencies to provide safe and healthful workplaces have no geographical limits. According to agency reports, more than 142,000 government employees worked outside the boundaries of the United States in FY 2013, with the majority identified by the departments of Defense and State. Of those that reported on this item, agencies reported that they extend their OSH programs and coverage to include their overseas federal civilian employees. Multiple agencies indicated the presence of a federal civilian overseas workforce, but did not disclose the approximate numbers of these employees serving in overseas locations. In addition, several independent agencies reported that their overseas federal workforce is covered under either DoD or State OSH programs.

Several agencies also reported on agency support of their stateside employees, reporting a range of employee support activities for OSH-related activities. Some reported that employee training was largely based on job responsibilities. Some also reported making special efforts to ensure that collateral duty OSH personnel received the appropriate training. In addition, several agencies reported that employees were encouraged to seek professional OSH certification and participate in professional OSH organizations. Agencies also provided support by maintaining OSH websites, distributing OSH awards, publishing OSH newsletters, and encouraging participation in FFSHCs. Many agencies reported that they also supported employees' safety and health through encouraging healthy lifestyles by providing on-site fitness centers; subsidizing gym memberships; sponsoring health fairs; and offering a variety of health-related services, such as health-screenings and physical examinations.

WHISTLEBLOWER PROTECTION PROGRAMS

OSHA's Directorate of Whistleblower Protection Programs enforces the whistleblower provisions of more than twenty whistleblower statutes protecting employees who report violations of various workplace safety, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws. One statute is specific to federal agencies; 29 CFR §1960, Subpart G requires such agencies to ensure that employees are not subjected to reprisal or other forms of restraint for filing a report of unsafe or unhealthy working conditions. In an effort to assess agencies' whistleblower protection programs, OSHA requested that agencies provide information on any federal employee allegations of reprisal, and the actions taken in response to the allegations. Most agencies indicated awareness of provisions of the *Whistleblower Protection Act*, Title 5, U.S.C. § 2302(c), and reported having functional protection programs. The Access Board reported that it does not have such a program.

Several agencies reported strides in improving their programs. These included reports that: the Department of Commerce's program was awarded *Whistleblower Protection Agency Certification*; the Department of Energy established an employee *Differing Professional Opinion* process; and the National Labor Relations Board publishing a broad program guidance document. The Inter-American Foundation indicated minimal progress in establishing its program.

For the reporting period, agencies reported zero cases of reprisal from employees for filing a report of unsafe or unhealthy working conditions. However, the DOL and the Equal Employment Opportunity Commission reported handling reports of reprisal unrelated to safety and health concerns.

ACCOMPLISHMENTS

Federal agencies continue to make strides in providing a safe and healthy work environment for the federal worker. Agencies reported on a range of relevant accomplishments, from revising OSH programs, procedures, and manuals; to developing training programs and inspecting their facilities. Some agencies reported adding risk assessments to their safety policies, incorporating safety considerations into their building plans for new facilities, and including safety in management performance criteria. A few agencies indicated that they are in the infancy stages of developing a SHMS. In addition, several agencies reported encouraging employees to become certified in first aid, cardiopulmonary resuscitation, and the use of automatic external defibrillators. Although federal agencies reported multiple fatalities occurring in FY 2013, these same agencies reported instituting a multitude of corrective actions to preclude similar future occurrences. Agencies reported implementing policy changes, developing new and improving upon existing training protocols, and performing safety audits, to mention a few of these improvements.

FY 2014 GOALS

There were no significant changes regarding agencies proposed occupational safety and health goals for FY 2014 from FY 2013. Most goals were broad-based in scope incorporating various strategies to improve the effectiveness and efficiency of their SHMSs. Agencies reported on

plans to reduce the incidence of work-related injuries and illnesses, and incorporate more extensive analyses of OSH-related information from reports on incidents and near-misses. They also reported on plans to join OSHA's Voluntary Protection Programs, participate in FFSHCs, abate specific physical and chemical workplace hazards, and expand OSH training.

AGENCIES FAILING TO SUBMIT ANNUAL REPORTS⁴

OSHA did not receive reports from seventeen independent agencies⁵ for inclusion in the extended FY 2013 Report, even after contacting these agencies repeatedly to ensure they had received the initial, and multiple follow-up, requests for information. These included the:

- Advisory Council on Historic Preservation
- American Battle Monuments Commission
- Broadcasting Board of Governors
- Federal Retirement Thrift Investment Board
- Morris K. and Stewart L. Udall Foundation
- National Capital Planning Commission
- National Council on Disability
- National Credit Union Administration
- National Endowment for the Arts
- National Gallery of Art
- U.S. Agency for International Development
- U.S. Arctic Research Commission
- U.S. Commission on Civil Rights
- U.S. Commission on Fine Arts
- U.S. Nuclear Waste Technical Review Board
- U.S. Office of Government Ethics
- U.S. Office of Special Counsel

⁴ Although their data is included in the Report, four agencies provided OSHA their annual OSH reports approximately five months after the due date (May 1), including the Central Intelligence Agency, Court Services and Offender Supervision Agency, Defense Nuclear Facilities Safety Board, and the Merit Systems Protection Board.

⁵ Please note that the Advisory Council on Historic Preservation has failed to submit a report for the past four consecutive fiscal years (FY 2010 - FY 2013); and that the American Battle Monuments Commission, the National Endowment for the Arts, and National Gallery of Art, have failed to submit a report for the past two consecutive fiscal years (FY 2012 - FY 2013).

The seal of the Department of Labor, United States of America, is a large, light gray watermark in the background. It features an eagle with wings spread, perched atop a shield. The shield contains a gear, a triangle, and a hand holding a tool. The text "DEPARTMENT OF LABOR" is arched across the top, and "UNITED STATES OF AMERICA" is arched across the bottom.

**SECRETARY OF LABOR'S
REPORT
FISCAL YEAR 2013**

SECTION 1 - OSHA ACTIVITIES

This section provides information about OSHA activities concerning enforcement, oversight, and compliance assistance; including a summary of the Presidential Initiative - *Protecting Our Workers and Ensuring Reemployment*, significant/novel enforcement cases involving federal agencies, and agencies' reporting of self-evaluations using components of an integrated safety and health evaluation tool. This section also contains information on recordkeeping, and a summary of agency reports on fatalities and catastrophic events, along with a brief description of FEDWEEK, a training opportunity provided by OSHA for federal OSH personnel.

ENFORCEMENT

INSPECTIONS

29 CFR §1960 provides for OSHA inspections of federal agencies, which are similar to those conducted within the private sector. OSHA inspections can occur for many reasons, but generally fall into one of two categories: *programmed* or *unprogrammed*. Programmed worksite inspections occur as the result of OSHA's emphasis on a particular safety or health issue, such as sites reporting injury and illness statistics that exceed industry averages, or sites associated with particular hazards, or adverse health outcomes, such as amputations. Unprogrammed inspections occur for other reasons, such as when OSHA receives an employee complaint or notification of serious hazards.

OSHA further categorizes its inspections as either a *safety*, or a *health* inspection. Safety inspections may focus on workplace issues, such as egress, electrical safety, machine guarding, or proper confined space procedures. Health inspections may include worker exposures to specific chemicals or noise, ergonomic issues, or proper protection from an infectious disease agent.

During an inspection, if OSHA determines that safety and/or health hazards exist, OSHA may document those violations of its standards. In the private sector, OSHA issues citations for violations, and the citations often include monetary penalties. However, for federal agencies, OSHA issues *Notices of Unsafe or Unhealthful Working Conditions* (Notices), which carry no monetary penalties. For either sector, the "cited" employer may appeal the citation/notice.

There are different types of violations, depending on the severity of the hazard or the employer's response to the condition, including:

- *DeMinimis*: Violations that have no direct or immediate relationship to safety or health, and do not result in citations.
- *Other-Than-Serious*: The hazard cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to their safety and health.

- *Serious*: The hazard could cause injury or illness that would most likely result in death or serious physical harm to the employee(s).
- *Willfull*: A willful violation exists under the Act where an employer has demonstrated either an intentional disregard for the requirements of the Act or a plain indifference to employee safety and health.
- *Repeat*: An employer may be cited for a repeated violation if that employer has been cited previously for the same or a substantially similar condition or hazard and the *Notice* has become a final order.
- *Failure-To-Abate*: The employer has not corrected a violation for which OSHA has issued a notice, and the abatement date has passed or is covered under a settlement agreement. A *failure-to-abate* also exists when the employer has not complied with interim measures involved in a long-term abatement within the given timeframe.

UNPROGRAMMED INSPECTIONS

In FY 2013, OSHA initiated 1,147 inspections of federal worksites; of these sites, 22.2 percent were in compliance with OSHA standards. There was an average of 3.6 violations cited per initial inspection, with 76 percent of the total violations issued as *serious*.

PROGRAMMED/TARGETED INSPECTIONS

In FY 2013, OSHA's National Office continued the *Federal Agency Targeting Inspection Program* (FEDTARG), which is a targeted inspection program of federal worksites. It uses the previous fiscal year's OWCP data to identify federal establishments with the highest number of lost-time cases. During the reporting period, OSHA conducted 131 inspections under this program and discovered an average of 4.19 violations per inspection, a *decrease* from FY 2012's average of 4.8 violations per inspection. Overall, OSHA discovered 442 violations, including: 1 *Willful*, 265 *Serious*, 58 *Repeat*, and 118 *Other-Than-Serious* violations.

In addition, OSHA inspected federal agencies under a variety of national and local emphasis programs that targeted specific hazards such as lead, falls, powered industrial vehicles, energized equipment; and specific injuries, such as amputations; or industries, such as manufacturing or maritime. Local or regional emphasis programs may result in stronger relationships between OSHA and the federal agencies.

SIGNIFICANT/NOVEL CASES

OSHA defines *significant cases* as those inspections having penalties over \$100,000, or cases involving novel enforcement issues, such as: workplace violence; ergonomics; heat stress; federal agency cases that would receive a press release; and some general duty clause cases, regardless of penalty amount. While, by law, OSHA cannot assess penalties against federal agencies, it can determine the *significance* of a federal agency inspection by comparing the violations to the penalties that would be assessed to a "similar" private sector employer. In FY 2013, OSHA issued a total of ten federal *significant cases*. These cases involved the departments of Homeland Security-Transportation Security Administration (one case), Interior

Table 1. *Summary of OSHA Significant Cases Involving Federal Agencies.*

Department/Agency	Inspection Type	Program	Type of Violations
Interior – Bureau of Reclamation Hoover Dam	Planned Programmed	Amputations and Powered Industrial Vehicles	Serious: 50 Repeat: 8 Other-Than-Serious: 5
Interior – National Park Service	Fatality	Not Applicable	Serious: 7 Repeat: 3 Other-Than-Serious: 2
Navy	Complaint	Not Applicable	Serious: 7 Repeat: 4
Transportation Security Administration	Planned Programmed	FEDTARG	Serious: 9 Repeat: 8
Veterans Affairs, VHA Palo Alto Health Care System	Planned Programmed	FEDTARG	Serious: 5 Repeat: 5
Veterans Affairs, Bedford VHA Medical Center	Planned Programmed	FEDTARG	Serious: 5 Willful: 1 Repeat: 16
Veterans Affairs, Southern Oregon VHA Rehabilitation Center and Clinics	Planned Programmed	FEDTARG	Serious: 10 Repeat: 5 Other-Than-Serious: 2
Veterans Affairs, Battle Creek VHA Medical Center	Planned Programmed	FEDTARG, Novel	Serious: 4 Repeat: 6
Veterans Affairs, Tomah VHA Medical Center	Planned Programmed	FEDTARG, Novel	Serious: 2 Repeat: 3 Other-Than-Serious: 2
Veterans Affairs, San Francisco VHA Medical Center	Fatality	Not Applicable, Novel	Serious: 3

(two cases), the Navy (one case), and Veterans Affairs-Veterans Health Administration (VHA) (six cases – including three novel cases). (Please refer to Table 1, above, for specific information on the significant cases involving federal agencies.) None of the involved federal agencies appealed the case(s). As with all inspections, OSHA worked with these agencies to ensure that they abated the hazards, and made the necessary improvements to their SHMSs.

OVERSIGHT

PRESIDENTIAL INITIATIVE - POWER

The Presidential Initiative - *Protecting Our Workers and Ensuring Reemployment* is a more challenging government-wide effort that succeeded the six-year *Safety, Health, and Return-to-Employment* (SHARE) Initiative that ended in FY 2009. The POWER Initiative expanded on SHARE by revising its four goals in order to set more challenging performance targets, thereby establishing FY 2009 as the baseline for the Initiative. It also introduced three performance measures that focus on improving the analysis of lost time injury and illness data, increasing the timely submission of wage-loss claims, and enhancing agencies' efforts to return injured employees to work as soon as possible.

The POWER Initiative was established in 2010 to challenge federal Executive Branch agencies to improve their safety, health, and injury case management programs through eight goals: 1) reduce total injury and illness case rates; 2) reduce lost time injury and illness case rates; 3) analyze lost time injury and illness data; 4) increase timely filing of injury and illness notices; 5) increase timely filing of wage loss claims; 6) reduce lost production days; and 7) increase return-to-work outcomes for those federal employees who sustain serious workplace injuries. Goal 8, initiated in 2012, tracks whether an agency has established a method for its employees to electronically submit OWCP's workers' compensation claim forms.

The Department of Labor leads the POWER Initiative to help ensure federal employees are provided with safe and healthy work environments, as well as the support they need after experiencing a serious work-related injury or illness. OSHA tracks the first three goals; OWCP tracks the remaining five goals.⁶

Each year, tens of thousands of federal employees file claims for workers' compensation benefits due to workplace injuries or illness. In FY 2013, federal employees (excluding those employed by the USPS) filed more than 68,000 injury notices. Although the vast majority of claimants often return-to-work following only a brief disruption in employment, thousands take longer to recover, and may remain on workers' compensation rolls for months, years, or in some cases permanently. While the number of reported injuries has continued to decline in the Federal Government over the past several years, compensation for lost wages and medical benefits still represents a significant cost to the American taxpayer. In CBY 2013 alone, total costs were approximately \$1.6 billion (excluding the USPS).

FY 2013, the third year of the POWER Initiative, was a partial success. The Government as a whole (less the USPS) met four out of the six measurable goals. No departments met all of their measurable goals.

⁶ OSHA only tracks Executive Branch departments and agencies, while OWCP tracks all federal agencies.

Goal 1 directs agencies to reduce their total injury and illness case rates. In this third year of the POWER Initiative, the Government as a whole (less the USPS) exceeded this goal. The FY 2013 performance target was for agencies to have no more than 2.63 total injury and illness cases per 100 employees; government-wide, the total case rate was 2.51, representing a 22 percent *decrease* over the rate of 3.22 in the FY 2009 baseline year. In FY 2013, sixteen of the eighteen Executive Branch departments met their goal. Among the remaining forty-four independent agencies that are tracking Goal 1, twenty-six met the goal, twelve fell short, and six had no measurable data.

Goal 2 directs agencies to reduce their lost time case rates. In this third year of the POWER Initiative, the Government as a whole (less the USPS) exceeded this goal. The FY 2013 performance target was for agencies to have no more than 1.29 lost time cases per 100 employees; government-wide, the lost time case rate was 1.20, representing a 19 percent *decrease* over the rate of 1.48 in the FY 2009 baseline year. Sixteen of the eighteen Executive Branch departments met their goals. Among the remaining forty-four independent agencies that are tracking Goal 2, twenty-nine agencies met their performance target, nine failed to do so, and six agencies had no measurable data.

Goal 3 requires agencies with a lost time case rate above the national average to analyze their injury and illness data, and report to OSHA on what steps they are taking to mitigate the most common hazards. Although results of their analysis are reportable to OSHA through their annual reports, agencies did not report specific strategies to mitigate hazards as required by this goal. [Please refer to tables 2a and 2b for those agencies (as identified by the red symbol -▲) that did not achieve their respective LTCR goals.] Even so, agencies reported on general mitigation strategies, including incident analysis methodologies; integrating OSH-related considerations into agency operations, and tracking near misses. Agencies stressed the importance of self-inspection, internal and external, in identifying hazards, and analyzing and controlling trends.

Goal 4 concerns the timely filing of initial claim forms for injuries and illness. Agencies are expected to increase their timely filing by 3 percent per year (with the goal capped at 95 percent) above the baseline or meet the minimum threshold of 75 percent for FY 2013. Government-wide (less the USPS), these claims were timely filed 86.91 percent of the time, which represents an *increase* of 9 percent over the baseline of 80.1 percent, but which fell short of the performance target of 87.75 percent. Among the eighteen Executive Branch departments, only seven met this goal. Of the eleven that failed, three did not meet the minimum threshold, and the remaining eight failed to increase timely filing by 3 percent per year above the baseline year. Six of the Legislative Branch agencies met their performance targets. Two of the remaining three agencies failed to meet the minimum threshold of 75 percent, and one failed to increase timely filing by 3 percent per year above the baseline year. Two of the three Judicial Branch agencies met their targets, and one had no measurable data. Of the forty-four independent agencies, five had no claims filed during FY 2012, twenty met their goal, and the remaining nineteen failed to meet their performance target. (Fifteen did not meet the minimum threshold, and the other four failed to increase by 3 percent per year above the baseline year.)

Goal 5 asks agencies to meet or exceed minimum timely filing requirements for compensation claims. All departments and agencies were tasked with increasing the timely filing of these claims by 3 percent per year above the baseline, or meeting a minimum threshold of 68 percent for FY 2013. Government-wide (less the USPS), 79.85 percent of wage loss claims were filed

on-time, *surpassing* the goal of 75.68 percent. Of the eighteen Executive Branch departments, twelve met or exceeded their target, and six did not. Four Legislative Branch agencies met their goal, three did not, and two had no claims filed during the fiscal year. One of the Judicial Branch agencies met its target, one did not, and one had no wage loss claims filed. Of the forty-four independent agencies that were tracked, fourteen met their targets for timely filing of wage loss claims; fifteen had no wage loss claims filed, and the remaining fifteen failed to meet their targets or meet the minimum threshold of 68 percent goal for the year.

Goal 6 tasked agencies with decreasing the number of lost production days per 100 employees by 1 percent below the baseline year or maintaining a rate of 15 days or less. The Government as a whole (less the USPS) achieved a lost production day rate of 34.2 days, exceeding the target of 34.7 days. Among the eighteen Executive Branch departments, nine met or exceeded their targets. Eight Legislative Branch agencies met lost production day targets, while one did not. One Judicial Branch agency met its target, one did not, and one had no measurable data. Of the forty-four independent agencies tracking Goal 6, twenty-seven met their lost production day targets, twelve failed to do so, and five had no measurable data.

Goal 7 tasked the fourteen agencies with the largest, statistically significant volume of serious injuries with increasing the return-to-work outcomes in these cases. These agencies are: the departments of Agriculture, Air Force, Army, Defense, Health and Human Services, Homeland Security, the Interior, Justice, Labor, the Navy, Transportation, the Treasury, Veterans Affairs; and the Social Security Administration. Collectively, these agencies were to increase the return-to-work of their seriously injured employees to 93.38 percent. For FY 2013, their actual percentage return-to-work was 91.92 percent. Four met their return-to-work targets, including the departments of Health and Human Services, the Interior, Labor, and Transportation.

Goal 7 also serves to support Executive Order (EO) 13548: *Increasing Federal Employment of Individuals with Disabilities*. As noted in section 3(b),

Agencies shall make special efforts, to the extent permitted by law, to ensure the retention of those who are injured on the job. Agencies shall work to improve, expand, and increase successful return-to-work outcomes for those of their employees who sustain work-related injuries and illnesses, as defined under the Federal Employees' Compensation Act (FECA), by increasing the availability of job accommodations and light or limited duty jobs, removing disincentives for FECA claimants to return-to-work, and taking other appropriate measures. The Secretary of Labor, in consultation with the Director of the Office of Personnel Management, shall pursue innovative re-employment strategies and develop policies, procedures, and structures that foster improved return-to-work outcomes, including by pursuing overall reform of the FECA system. The Secretary of Labor shall also propose specific outcome measures and targets by which each agency's progress in carrying out return-to-work and FECA claims processing efforts can be assessed.

In support of POWER Goal 7 and EO 13548, the OWCP established the *POWER Return-to-Work Council* to serve as a forum for: discussing and exchange of best practices in the area of return-to-work; to review the results of analytical studies on return-to-work and promote sharing and implementation of best practices identified; and to form a bridge between the workers' compensation and disability hiring personnel, and establish a continuity of practice for the

sharing of information, ideas, and experiences. The Council comprises representatives of the fourteen agencies subject to POWER Goal 7, as well as representatives from DOL's OWCP, Office of Disability Employment Policy, OSHA, DoD's Computer/Electronic Accommodations Program, and OPM. The Council continued to hold quarterly meetings during FY 2013, in which members shared their experiences and best practices toward promoting the importance of return-to-work in the federal community.

Goal 8 of the POWER Initiative tracks whether an agency has established a method for its employees to electronically submit workers' compensation forms, specifically the CA-1, CA-2 and CA-7. Of the eighteen Executive Branch agencies, sixteen were reportedly in compliance with this requirement. Among the forty-four independent agencies tracked by the POWER Initiative, sixteen agencies have established electronic filing capability.

During FY 2013 the POWER Initiative continued to provide a framework that focuses agencies' attention and resources on improving their safety, injury management, and return-to-work programs. As the performance results in this report show, while the Federal Government as a whole (less the USPS) achieved success in these areas during the first two years of the Initiative, in this third year, it experienced some difficulty in sustaining improvement and achieving targets. Moving forward, it is apparent that further improvement is needed, notably in the areas of timely filing of injury/illness, and return-to-work. OWCP's focus on the importance of electronic filing and monitoring of agency progress under Goal 8 is expected to produce further improvement in timely filing performance. The POWER Council's continuing partnership and collaboration with federal agencies to emphasize the importance of return-to-work should foster further improvement toward achieving a positive outcome for this goal during FY 2014, the final year of the Initiative.

CONTROLLING TRENDS

Last year, OSHA requested a limited assessment of whether agencies met their POWER goals. However, this year agencies were asked to summarize whether or not they met their POWER goals. Although some agencies complied with this request, responses were largely inconsistent. For example, 27 percent (twenty-one agencies) of all agencies reported that they met all seven POWER goals. However, 44 percent (thirty-four agencies) of the agencies either did not specify whether or not they met their FY 2013 POWER goals, or it was unclear from the response. Additionally, seventeen agencies reported that they met at least two or more POWER goals.

Under Goal 1, agencies are called upon to reduce their TCR by 4 percent per year below the FY 2009 baseline if the rate is at or above the national target of 3.22; or by 1 percent per year if the TCR is below the national average. Under Goal 2, agencies are called upon to reduce their LTCR by 4 percent per year below the FY 2009 baseline if the rate is at or above the national target of 1.48; or by 1 percent per year if the LTCR is below the national average. No further

Table 2a. *POWER Goals 1 and 2, Lost Time Case Rates, Total Case Rates for Departments and Large Independent Agencies.*

● Green = Met Goal

▲ Red = Did Not Meet Goal

Total Case Rates	Lost Time Case Rates
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Agency	FY2009 TCR Baseline	FY2013 TCR Target	Final TCR		FY2009 LTC Baseline	FY2013 LTC Target	Final LTCR	
All Government, less USPS	3.22	2.63	2.51	●	1.48	1.29	1.2	●
Department of Agriculture	5.5	4.72	4.91	▲	1.85	1.64	2.08	▲
Department of Commerce	2.36	1.03	0.84	●	1.03	1	0.39	●
Department of Defense (including Air Force, Army, Navy/Marines)	2.76	2.25	2.08	●	1.48	1.22	1.11	●
Department of the Air Force	2.73	2.02	1.79	●	1.49	1.22	1.11	●
Department of the Army	3.02	2.5	2.25	●	1.56	1.28	1.13	●
Department of the Navy	2.77	2.27	2.13	●	1.44	1.18	1.07	●
Department of Education	1	1	0.48	●	0.63	1	0.29	●
Department of Energy	1.66	1.57	1.41	●	0.67	1	0.69	●
Department of Health and Human Services	1.43	1.08	1.01	●	0.73	1	0.53	●
Department of Homeland Security	6.79	5.56	5.47	●	2.48	2.19	2.31	▲
Department of Housing and Urban Development	0.77	1	0.87	●	0.41	1	0.26	●
Department of Interior	6.03	5.17	5.18	▲	2.08	1.81	1.69	●
Department of Justice	4.14	3.66	3.58	●	2.35	2.08	2.04	●
Department of Labor	1.99	1.89	1.69	●	0.87	1	0.63	●
Department of State	1.02	1	0.69	●	0.52	1	0.36	●
Department of Transportation	1.64	1.49	1.46	●	0.98	1	0.79	●
Department of Treasury	1.22	1	0.84	●	0.73	1	0.49	●
Department of Veterans Affairs	3.7	3.22	3.05	●	1.71	1.51	1.43	●

Table 2b. POWER Goal 2, Lost Time Case Rates, Total Case Rates for Small Independent Agencies.

● Green = Met Goal

▲ Red = Did Not Meet Goal

Agency	Total Case Rates				Lost Time Case Rates			
	FY2009 TCR Baseline	FY2013 TCR Target	Final TCR		FY2009 LTC Baseline	FY2013 LTC Target	Final LTCR	
Agency for International Development	0.87	1	1.11	▲	0.4	1	0.48	●
Armed Forces Retirement Home	9.03	3.9	8.9	▲	6.5	1.42	3.56	▲
Commission on Civil Rights	2.27	1	0	●	0	1	0	●
Consumer Product Safety Commission	0.92	1	0.38	●	0.92	1	0.38	●
Corporation. for National and Community Service	0.52	1	0.65	●	0.17	1	0.49	●
Environmental Protection Agency	0.62	1	0.52	●	0.29	1	0.24	●
Equal Employment Opportunity Commission	1.05	1.02	1.12	▲	0.32	1	0.54	●
Federal Communication Commission	0.22	1	0.17	●	0.22	1	0.11	●
Federal Deposit Insurance Corporation	0.6	1	0.3	●	0.39	1	0.2	●
Federal Election Commission	0.28	1	0	●	0.28	1	0	●
Federal Energy Regulatory Commission	NA	NA	NA	NA	NA	NA	NA	NA
Federal Maritime Commission	1.69	1	0	●	1.69	1	0	●
Federal Mediation and Conciliation Services	1.21	1	0.83	●	0	1	0.83	●
Federal Reserve - Board of Governors	1.28	1.24	1.33	▲	1.23	1	1.33	▲
Federal Trade Commission	0.09	1	0.35	●	0.09	1	0.09	●
General Services Administration	1.06	1	0.79	●	0.69	1	0.35	●
Holocaust Memorial Council	3.66	1.07	2.81	▲	3.14	1	2.25	▲
International Boundary and Water Commission	9.52	8.22	7.54	●	7.14	3.91	4.37	▲
International Broadcasting Bureau	0.87	1	0.6	●	0.66	1	0.38	●
International Trade Commission	0.54	1	0.52	●	0.27	1	0.26	●
J.F. Kennedy Center for the Performing Arts	2.13	2.07	5.88	▲	0	1	1.96	▲
Merit Systems Protection Board	1.86	1	0	●	0	1	0	●
National Aeronautics and Space Administration	0.48	1	0.46	●	0.17	1	0.21	●
National Archives and Records Administration.	4.51	2.77	1.98	●	2.27	1.69	1.74	▲
National Credit Union Administration	0.74	1	0.84	●	0.53	1	0.75	●
National Endowment for the Arts	1.2	1.16	0.63	●	0.60	1	0.63	●
National Endowment for the Humanities	1.88	1	1.81	▲	1.88	1	1.2	▲
National Gallery of Art	2.97	2.19	2.93	▲	1.85	1.22	0.98	●
National Labor Relations Board	0.74	1	0.18	●	0.31	1	0.18	●
National Science Foundation	0.5	1	0.55	●	0.43	1	0.55	●
National Transportation Safety Board	0.75	1	0.72	●	0.75	1	0.24	●
Nuclear Regulatory Commission	0.51	1	0.42	●	0.34	1	0.05	●
Office of Personnel Management	1.18	1.14	0.99	●	0.59	1	0.63	●
Peace Corps	0	1	0	●	0	1	1	●
Pension Benefit Guarantee	0.44	1	0	●	0.33	1	0	●

Corporation								
Presidio Trust	4.55	4.03	11	▲	3.94	3.49	6.47	▲
Railroad Retirement Board	0.63	1	0.32	●	0.52	1	0.32	●
Securities and Exchange Commission	0.14	1	0.2	●	0.08	1	0.12	●
Selective Service System	2.14	1.29	0.65	●	2.14	1.29	0.65	●
Small Business Administration	1.27	1.06	1.39	▲	0.49	1	0.64	●
Smithsonian Institution	2.49	2.42	2.78	▲	1.18	1.14	1.63	▲
Social Security Administration	1.27	1.18	1.16	●	0.82	1	0.74	●
Tennessee Valley Authority	2.18	1.41	1.63	▲	0.20	1	0.13	●

reductions are required if an agency has a rate of 1 or less per year for goals 1 and 2. (Please refer to tables 2a and 2b for details regarding POWER goals 1 and 2, TCR and LTCR for departments and large independent agencies, and small independent agencies, respectively.)

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

The Federal Advisory Council on Occupational Safety and Health (FACOSH) is an advisory council to the Secretary of Labor on occupational safety and health matters focusing on federal agencies. The Assistant Secretary of Labor for Occupational Safety and Health chairs the Council, which consists of sixteen members: eight representing federal agency management, and eight from labor organizations representing federal employees.

FACOSH met three times during the extended reporting period. During its October 2012 meeting, FACOSH approved the *Training Subcommittee*⁷ – *Federal Buildings Personnel Training Act Workgroup*'s report and recommendation, and approved the reports of the *Model Career Management Plan*, and *Uniform Safety and Health Training Guidelines* workgroups. FACOSH forwarded the subcommittees' reports and recommendations to the Secretary, who approved all the recommendations.

During its June 2013 meeting, FACOSH received updates from its two standing subcommittees – *Training*, and *Emerging Issues*.⁸ (Background information regarding FACOSH and occupational exposure limits is provided below.) In addition, the Council deliberated upon future POWER metrics and best practices for whistleblower protection programs. No recommendations regarding these topics were acted upon during the meeting.

During its December 2013 meeting, its two standing subcommittees provided further updates. The Council received an update from OPM regarding its recent activities involving the application of the Training Subcommittee recommendations. OPM concluded that the recommendations were not implementable at that time. The Council referred the issue back to the Subcommittee for further deliberations. No recommendations regarding these topics were acted upon during the meeting.

⁷ The *Training Subcommittee* was tasked with evaluating the effectiveness of the Industrial Hygiene Series 0690, and the Safety and Occupational Management Series, 0018, in meeting the needs of federal agency OSH programs, as well as assessing the OSH training needs for federal workers at all levels. The Subcommittee's first goal was to provide FACOSH with recommendations for altering core qualifications requirements for those job series and to provide justification for changing OPM's current qualification standards. In addition, the Subcommittee planned to assess the training needs of federal employees, possibly dividing those requirements into different categories, such as managers, collateral duty personnel, and professional OSH personnel. In response to the FACOSH Report, OPM conducted several focus groups researching the applicability of the recommendations.

⁸ The *Emerging Issues Subcommittee* was tasked with evaluating OSHA's current permissible exposure limits' ability to effectively protect federal workers, and to determine the means necessary to assure the Government's leadership in using the most protective measures to protect its employees from exposure to hazardous substances.

The certified minutes for these meetings are available on the OSHA page at: http://www.osha.gov/dep/facosh/facosh_10182012_mtgmnt.pdf, http://www.osha.gov/dep/facosh/facosh_06062013_mtgmnts.pdf, and http://www.osha.gov/dep/facosh/facosh_12052013_mtgmnts.pdf, respectively.

BACKGROUND: FACOSH AND PERMISSIBLE EXPOSURE LIMITS.

During CYs 2011 and 2012, the Emerging Issues Subcommittee collected information from federal agencies and labor organizations representing federal employees regarding their experience with using occupational exposure limits, including the OSHA permissible exposure limits. OSHA sets minimum standards for workplace safety and health for both private sector and federal employers.

The Emerging Issues Subcommittee laid the groundwork for FACOSH's recommendations regarding occupational exposure limits. It analyzed the scientific and technological advances in determining exposure limits for substances of concern, starting with the adoption of the original OSHA permissible exposure limits, and how federal Executive Branch agencies use the occupational exposure limits for risk management and control.

It should be noted that since the current permissible exposure limits have existed unchanged since their adoption in 1971, they do not incorporate into these recommended limits over 40 years of advances in technology, or the latest peer-reviewed published toxicological reports. Advances in scientific knowledge have led to a greater understanding of adverse effects; and scientific research is continually re-evaluating occupational exposure limits and their effectiveness in protecting workers.

FACOSH's analysis resulted in three recommendations for ensuring that the Federal Government continues to set an example as a model employer in protecting its workforce from substances that could cause serious injuries or illnesses. The full FACOSH report, *Recommendations for the Adoption and Use of Occupational Exposure Limits by Federal Agencies*, is available upon request, and at: http://www.osha.gov/dep/facosh/Exhibit_9b.pdf.

The proposal that was forwarded to the Secretary included recommendations to:

- Forward the memorandum, the Report, and the sample Executive Order text to the White House for the President's review with the recommendation to issue an updated Executive Order amending EO 12196 – directing agency heads to require the use of the most protective occupational exposure limits that are feasible, and that are published by a recognized research or regulating body, in federal workplaces, notwithstanding the existence of a permissible exposure limit for a given substance of concern. In addition, it was recommended that the Secretary publicize a list, updated every five years, of recognized research for regulating bodies whose occupational exposure limits agencies must consider in complying with this requirement.
- Include in the updated EO that federal Executive Branch departments and agencies require their contractors, subcontractors, recipients, and sub-recipients, to the extent authorized by applicable statutory authority, to use the most protective occupational exposure limits that are feasible, and published by a recognized research or regulatory body, notwithstanding the existence of a permissible exposure limit, while working at federal workplaces.

- Stipulate in the updated EO that a person deemed to be competent by virtue of training and experience make recommendations regarding acceptable chemical exposure risks, appropriate occupational exposure limits, and employee exposure controls. Recommendations on occupational exposure limits may be based on factors, such as, toxicity of the chemical, length and frequency of exposure, analytical limit of detection, and technological and economic feasibility.

EVALUATIONS

Section 1-401(h) of EO 12196 requires the Secretary of Labor to, “*evaluate the occupational safety and health programs of agencies and promptly submit reports to the agency heads.*”

While the EO establishes OSHA’s responsibility for evaluating federal agencies, 29 CFR §1960.79 expands the evaluation responsibilities to the federal agencies themselves. In addition, 29 CFR §1960.80 develops OSHA’s responsibilities for conducting evaluations. Accordingly, both the OSHA evaluations and the agencies’ self-evaluations should focus on an assessment of agencies’ OSH program elements, vis-a-vis, the safety and health management system.

In an effort to find a consistent and standard evaluation method, OSHA determined that the OSHA Form 33, an extant private sector evaluation tool, might be beneficial for both OSHA and the federal agencies. The OSHA Form 33, developed in 1984, is a safety and health program assessment tool used to evaluate a private sector employer’s safety and health management system. A SHMS integrates OSH attributes into an organizational structure. Therefore, an evaluation of a SHMS requires a systematic approach to determine whether policies and procedures are appropriately developed and implemented, and regularly monitored and modified to correct any problems and/or adapt to a changing worksite environment. Its relevancy applies to all employers, regardless of size, number of employees, or industrial sector.

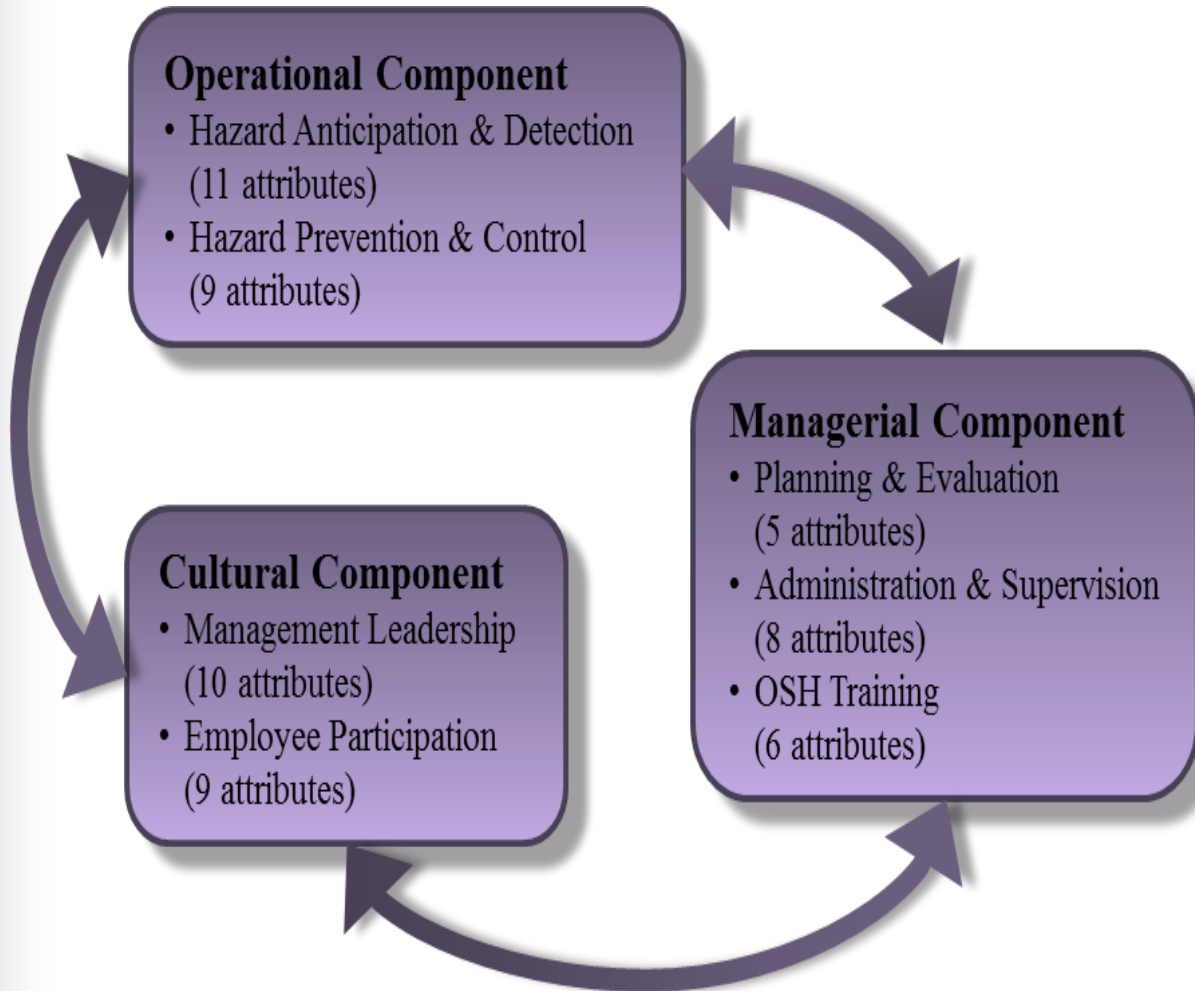
Based on the concept of an organizational safety and health program, the OSHA Form 33 provides for the assessment of the three components of a SHMS—*operational, managerial, and cultural*—using 58 attributes as metrics for the program’s overall effectiveness and integration. (Please refer to figures 1 thru 4 for a depiction of the components, and the attributes of a SHMS that were evaluated in FY 2013.)

The *Operational Component* measures whether a SHMS has a well-defined and communicated system to identify, correct, and control hazards. The *Managerial Component* assesses whether the SHMS incorporates effective planning, administration, training, management leadership, and supervision to support the prevention or elimination of workplace hazards. Finally, the *Cultural Component* evaluates whether the SHMS has developed an effective safety culture in which management and workers come together to effectively reduce or eliminate hazards. While the attributes within each of the components are distinct, they are interdependent, cross-feeding into each other.

FIGURE 1. Components of a Safety and Health Management System.

For this year’s President’s Report, OSHA selected 25 out of the tool’s 58 attributes (nine from the Operational, eleven from the Managerial, and five from the Cultural components,

respectively; please refer to figures 2, 3, and 4 for the attributes evaluated in FY 2013) across the three components of a SHMS for the agencies to assess (In FY 2012, seventeen attributes were assessed). Agencies were asked to rate each of these attributes, based on their FY 2013 reporting



period experience, and were provided criteria for each attribute rating. Specifically, agencies were asked to rate each attribute on a “0” to “3” scale; with a rating of “0,” indicating that the attribute is *totally absent*, to a rating of “3,” indicating the attribute’s complete effectiveness and integration into the SHMS without the need for improvement. Furthermore, OSHA asked agencies to provide a detailed narrative, with examples to support each self-identified rating.

OPERATIONAL COMPONENT

• HAZARD ANTICIPATION AND DETECTION (5 OF 11 ATTRIBUTES ASSESSED)

- **A comprehensive, baseline hazard survey has been conducted within the past 5 years.** *The purpose of this attribute is to determine if the agency, through site inspection and analysis, has developed a reasonably complete inventory of the safety and health hazards existing at a certain time, to serve as the basis for subsequent action planning and priority setting.*
- **Effective safety and health self-inspections are performed regularly.** *The purpose of this attribute is to determine if personnel in the agency are performing effective safety and health inspections on a regular basis.*
- **Effective surveillance of established hazard controls is conducted.** *The purpose of this attribute is to determine if the agency regularly assesses if previously established safety and health controls are still effective; or if they are either improperly applied, or otherwise inadequate.*
- **Change analysis is performed whenever a change in facilities, equipment, materials, or processes occurs.** *The purpose of this attribute is to determine if the agency has effective policies and procedures that result in advance detection of potential hazards associated with planned or anticipated changes in the workplace.*
- **Material Safety Data Sheets (MSDSs) are used to reveal potential hazards associated with chemical products in the workplace.** *The purpose of this attribute is to determine if the agency is effectively utilizing the information contained in the MSDSs to detect existing or potential hazards.*

• HAZARD PREVENTION AND CONTROL (4 OF 9 ATTRIBUTES ASSESSED)

- **Feasible engineering controls are in place.** *The purpose of this attribute is to determine if the agency identifies and employs engineering methods to eliminate or control workplace hazards.*
- **Effective safety and health rules and work practices are in place.** *The purpose of this attribute is to determine if the agency has established general workplace rules, and specific work practices that prescribe safe and healthful behaviors and task performance methods.*
- **Applicable OSHA-mandated programs are effectively in place.** *The purpose of this attribute is to determine if the agency has effectively implemented program management requirements in applicable OSHA standards.*
- **An effective procedure for tracking hazard correction is in place.** *The purpose of this attribute is to determine if the agency monitors timely correction of identified hazards.*

FIGURE 2. *Operational Safety and Health Management System Attributes Evaluated in FY 2013.*

MANAGERIAL COMPONENT

- **PLANNING AND EVALUATION (3 OF 5 ATTRIBUTES ASSESSED)**
 - **Hazard incidence data are effectively analyzed.** *The purpose of this attribute is to determine if the agency uses hazard incidence data to set safety and health priorities.*
 - **An action plan designed to accomplish the organizations safety and health objectives is in place.** *The purpose of this attribute is to determine if the agency has established a plan to achieve its safety and health objectives.*
 - **A review of the overall safety and health management system is conducted at least annually.** *The purpose of this attribute is to determine if the agency periodically audits the management aspects of its SHMS, identifying progress, and needed changes/improvements.*

- **ADMINISTRATION AND SUPERVISION (5 OF 8 ATTRIBUTES ASSESSED)**
 - **Safety and health program tasks are each specifically assigned to a person or position for performance or coordination.** *The purpose of this attribute is to determine if the essential OSH responsibilities are identified and assigned to appropriate personnel.*
 - **Individuals with assigned safety and health responsibilities have the necessary knowledge, skills, and timely information to perform their duties.** *The purpose of this attribute is to determine if the agency's personnel have the understanding, skill and current information needed to effectively perform their OSH responsibilities.*
 - **Individuals with assigned safety and health responsibilities have the authority to perform their duties.** *The purpose of this attribute is to determine if the agency's personnel have adequate authority to perform their safety and health responsibilities effectively.*
 - **Individuals with assigned safety and health responsibilities have the resources to perform their duties.** *The purpose of this attribute is to determine if the agency's personnel have the necessary resources to perform their safety and health responsibilities effectively.*
 - **Organizational policies promote the performance of safety and health responsibilities.** *The purpose of this attribute is to determine if the agencies' organization's personnel are provided positive incentive for performance of their safety and health responsibilities.*

- **SAFETY AND HEALTH TRAINING (3 OF 6 ATTRIBUTES ASSESSED)**
 - **Employees receive appropriate safety and health training.** *The purpose of this attribute is to determine if the agencies' personnel are provided appropriate training to perform their assigned safety and health responsibilities.*
 - **New employees' orientation includes applicable safety and health information.** *The purpose of this attribute is to determine if the agency provides appropriate education and training in safety and health protection for new employees who are assuming new duties.*
 - **Supervisors receive training that covers the supervisory aspects of their safety and health responsibilities.** *The purpose of this attribute is to determine if the agency provides supervisory training that address their responsibilities and an understanding of hazards.*

FIGURE 3. *Managerial Safety and Health Management System Attributes Evaluated in FY 2013.*

CULTURAL COMPONENT

- MANAGEMENT LEADERSHIP (3 OF 10 ATTRIBUTES ASSESSED)
 - **Top management provides competent safety and health staff support to line managers and supervisors.** *The purpose of this attribute is to determine if the agency provides appropriate staff guidance and assistance to managers and supervisors relative to their safety and health responsibilities.*
 - **Managers delegate the authority necessary for personnel to carry out their assigned safety and health responsibilities effectively.** *The purpose of this attribute is to determine if the agencies' managers promote a culture of safety and health and support effective operation of the SHMS by delegating adequate authority for personnel to perform their OSH responsibilities.*
 - **Managers allocate the resources needed to properly support the organization's SHMS.** *The purpose of this attribute is to determine if the agencies managers demonstrate OHS leadership, promote a culture of safety and health in the organization, and support effective operation of the SHMS by allocating needed resources.*

- EMPLOYEE PARTICIPATION (2 OF 9 ATTRIBUTES ASSESSED)
 - **There is an effective process to involve employees in safety and health issues.** *The purpose of this attribute is to determine if there is an established organizational process that is known, trusted, and used by employees to provide input regarding safety and health issues.*
 - **Employees participate in the evaluation of safety and health performance.** *The purpose of this attribute is to determine if employees of the organization are actively engaged in reviews and audits of safety and health performance.*

FIGURE 4. *Cultural Safety and Health Management System Attributes Evaluated in FY 2013.*

OVERALL ASSESSMENT

OSHA received responses from seventy-seven departments and agencies out of ninety-eight⁹ agencies, or a 78.6 percent response rate, evaluating their respective agencies' SHMSs, with a mean overall rating of "2.2" for FY 2013. This represents a slight *decrease* from the mean rating of "2.35" reported in FY 2012. Of the seventy-seven responding agencies, thirty-four agencies, or 44.1 percent provided a "3" rating for the overall assessment of their SHMSs in FY 2013 [as compared to nine out of eighty-five agencies (10.6 percent) in FY 2012]. The majority of federal agencies provided a "2," or better rating for the 25 attributes used to rate the three components of a SHMS; thereby representing that their respective SHMSs are effective- to highly-effective, with only minor to little improvements needed. This is in spite of the fact that FY's 2013 overall mean rating showed a slight *decrease* from the overall mean rating reported in FY 2012. Stated otherwise, federal agencies' SHMSs are "model" programs that are in compliance with the provisions of 29 CFR §1960. Of the seventy-seven agencies that provided input into this year's Report, fifteen agencies, or 19.5 percent, either did not provide a self-evaluation of their respective SHMSs, or provided a "not-applicable" rating for the overall assessment and respective SHMS's attributes; compared to fourteen percent, or twelve of eighty-five agencies, reported in FY 2012.

As noted, an agency's assignment of a "3" rating for its SHMS's overall score is indicative of a "model" program, with equal ratings assigned to all of the component's attributes. Such ratings indicate that improvements to the program and its attributes are *minimally* necessary. As identified earlier, thirty-four agencies provided an overall score of "3" to their SHMS. However, twenty-eight (82.4 percent) of these agencies identified that improvements were needed in multiple components of their programs, as indicated by self-assessment ratings of less than "3" across the component-attribute spectrum. This phenomenon suggests incongruences between the agency's overall assessment of their SHMS and the need for improvement *across* the SHMS component-attribute spectrum. This effect includes those agencies that reported the most effective systems, as indicated by a "3" rating, as well as those that indicated a SHMS, in full or part, was "not applicable" to their situations, or did not report on the status of their SHMSs. (Please refer to Table 4 for the discrete number of responding federal agencies that provided the specified rating for the twenty-five assessed attributes.)

As indicated above, the three components of a SHMS and their related attributes apply to any system, regardless of such agency factors as: size, number of employees, and scope of mission. Therefore, it is disconcerting that between seven (9.1 percent) to eighteen (23.4 percent) agencies reported that *all* of the twenty-five attributes of their SHMS were rated as either "not applicable," or were "not-rated" by the respective agencies. OSHA is working with these agencies to ensure they better understand the applicability of the SHMS for the protection of their workers, and the mitigation of hazards in their work environments.

OPERATIONAL COMPONENT ASSESSMENT






















Nine attributes were provided to federal agencies to rate the **operational** component of their respective SHMSs. Of these, five attributes were newly added for federal agencies to assess in the FY 2013 reporting period, including: *hazard survey, change analysis, use of MSDSs,*

⁹ Tables 3a, and 3b depict the overall score assigned by federal agencies to the self-evaluation of their respective SHMSs for FY 2013. Those responding agencies, that either did not provide an overall rating of their respective SHMSs, or did not provide documentation that they conducted a self-evaluation, are identified as "NR"(not reported) in the table. Although the seventeen agencies that did not provide an agency report (indicated in the EXECUTIVE SUMMARY) are included in the table, these agencies are also identified as "NR."





engineering controls, and *OSHA-mandated programs*. Overall, the attributes of the operational component were rated highly, indicated by a “3” or “2” rating. Forty-one agencies (53.2 percent of agencies) provided a “3” rating: for the *self-inspection* attribute for the reporting period, as compared to forty-one agencies (48.2 percent) for the FY 2012 reporting period; forty agencies (51.9 percent of agencies) for the *surveillance* attribute, as compared to 38 agencies (44.7 percent) for the FY 2012 reporting period; and forty-three agencies (55.8 percent of agencies) for the *presence of work rules and practices* attribute, as compared to forty-four agencies (51.8 percent of agencies) for the FY 2012 reporting period. Newly added to this year’s Report, the majority of agencies also provided a “2” or higher rating for the *hazard survey* (fifty-two agencies), and *OSHA-mandated programs* (sixty-one agencies) attributes (67.5 percent, and 79.2 percent, respectively).

Federal agencies continue to strive to improve the effectiveness of their SHMSs. Minimal gains, reflected in agencies’ ratings shifting from the lower end of the rating spectrum to the higher end, were noted across the operational component. A handful of federal agencies identified the need for substantial improvements, with the *hazard survey* (eight agencies), and *change analysis* (six agencies) attributes¹⁰ (10.4 percent, and 11.7 percent, respectively) requiring the most attention in the upcoming reporting period.

Table 3a. Major Departments and Independent Agencies’ Overall Safety and Health Management System Self-rating Score (n = 23).

Agency	Score	Agency	Score
Department of Agriculture		Department of Labor	
Department of the Air Force		Department of the Navy	
Department of the Army		Department of State	
Department of Commerce		Department of Transportation	
Department of Defense		Department of the Treasury	
Department of Education	NR	Department of Veterans Affairs	
Department of Energy		Environmental Protection Agency	
Department of Health and Human Services		General Services Administration	
Department of Homeland Security	NR	National Aeronautics and Space Administration	
Department of Housing and Urban Development		Social Security Administration	
Department of the Interior		Tennessee Valley Authority	
Department of Justice			

Legend for Table 3a and 3b.

Symbol	Color	Indicates a SHMS Score of: (Interpretation)
	Green	3 (Completely in place)
	Yellow	2 (Mostly in place with only minor improvements needed)
	Red	1 (Some portion or aspect is present although major improvement is needed)
	Blue	0 (No discernible or meaningful indication that portion or aspect is even in place)
NR		Data not reported by agency

¹⁰ The *hazard survey* and the *change analysis* attributes of the operational component of a SHMS were added for analysis to the extended FY 2013 Report. They were not evaluated for FY 2012 reporting period.

MANAGERIAL COMPONENT ASSESSMENT

Eleven attributes were provided to federal agencies to rate the **managerial** component of their SHMSs. Of these, three attributes were newly added for federal agency assessment in the FY 2013 reporting period, including: *incidence data*, *authority to perform*, and *appropriate resources*. Overall, the attributes of the managerial component were rated highly, indicated by a “3” or “2” rating. In particular, the majority of agencies provided a “3” rating across the five attributes used to assess the **Administration/ Supervision** subcomponent of their respective SHMSs, with approximately 57.1 percent to 67.5 percent of agencies providing a “3” rating for these attributes. For the FY 2012 reporting period, agencies’ similarly rated the *specific assignment of OSH tasks; knowledge, skills, and information; and OSH organizational policies* attributes, which were used to evaluate the **Administration/ Supervision** subcomponent, with approximately 48.2 percent to 62.4 percent of agencies providing the “3” rating for these attributes. From the FY 2013 submitted data, federal agencies’ reports reflected some improvement in agencies’ designing an action plan to accomplish the organization’s OSH objectives. Thirty agencies out of seventy-seven agencies (39.0 percent of agencies) rated the *action plan* attribute with a “3;” as compared to twenty-eight out of eighty-five agencies (32.9 percent of agencies) for the FY 2012 reporting period. Although the overall number

Table 3b. *Smaller Independent Agencies’ Overall Safety and Health Management System Self-rating Score (n =75).*

Agency	Score	Agency	Score
Advisory Council on Historic Preservation	NR	National Council on Disability	NR
Architectural and Transportation Barriers Compliance Board (Access Board)	●	National Credit Union Administration	NR
American Battle Monuments Commission	NR	National Endowment for the Arts	NR
Armed Forces Retirement Home Board	NR	National Endowment for the Humanities	■
Broadcasting Board of Governors	NR	National Gallery of Art	NR
Board of Governors of the Federal Reserve System	●	National Labor Relations Board	■
Central Intelligence Agency	●	National Mediation Board	NR
Committee for Purchase from People Who Are Blind or Severely Disabled (Ability One)	●	National Science Foundation	■
Commodity Futures Trading Corporation	●	National Transportation Safety Board	●
Consumer Product Safety Commission	●	Nuclear Regulatory Commission	NR
Corporation for National and Community Service	●	Occupational Safety and Health Review Commission	●
Court Services and Offender Supervision Agency	●	Office of Navajo and Hopi Indian Relocation	●
Defense Nuclear Facilities Safety Board	●	Office of Personnel Management	●
Equal Employment Opportunity Commission	■	Office of Special Trustee for American Indians	●
Export-Import Bank of the United States	■	Overseas Private Investment Corporation	■
Farm Credit Administration	●	Peace Corps	NR
Federal Communications Commission	■	Pension Benefit Guaranty Corporation	●
Federal Deposit Insurance Corporation	NR	Postal Regulatory Commission	●
Federal Election Commission	■	Railroad Retirement Board	■
Federal Energy Regulatory Commission	NR	Security and Exchange Commission	●
Federal Housing Finance Agency	●	Selective Service System	■
Federal Labor Relations Authority	■	Small Business Administration	▲
Federal Maritime Commission	●	The Presidio Trust	●
Federal Mediation and Conciliation Service	●	The Smithsonian Institution	■
Federal Mine Safety and Health Review Commission	■	U.S. African Development Foundation	■

Federal Retirement Thrift Investment Board	NR	U.S. Agency for International Development	NR
Federal Trade Commission	■	U.S. Arctic Research Commission	NR
Harry S. Truman Scholarship Foundation	●	U.S. Chemical Safety and Hazard Investigation Board	
Institute of Museum and Library Services	■	U.S. Commission on Civil Rights	NR
Inter-American Foundation	●	U.S. Commission of Fine Arts	NR
International Boundary and Water Commission	NR	U.S. Holocaust Memorial Museum	NR
James Madison Memorial Fellowship Foundation	●	U.S. International Trade Commission	■
Marine Mammal Commission	■	U.S. Nuclear Waste Technical Review Board	NR
Merit Systems Protection Board	●	U.S. Office of Government Ethics	NR
Millennium Challenge Corporation	●	U.S. Office of Special Counsel	NR
Morris K. and Stewart L. Udall Foundation	NR	U.S. Trade and Development Agency	■
National Archives and Records Administration	NR	Vietnam Education Foundation	●
National Capital Planning Commission	NR		

Table 4. *Number of Federal Agencies Assigning Ratings to Safety and Health Management System Attributes (n = 77).*

Component	Subcomponent	Attribute	Number of Agencies with the Self-assigned Rating						
			3	2	1	0	NA	NR	
Operational	Hazard Anticipation/Detection	Hazard survey	25	27	1	8	8	8	
		Self-inspection	41	21	0	3	5	7	
		Surveillance	40	18	3	3	6	7	
		Change analysis	24	21	4	6	13	9	
		Use of MSDSs	36	15	1	4	12	9	
	Hazard Prevention/Control	Engineering controls	36	14	3	4	11	9	
		Work rules and practices	43	23	2	2	0	7	
		OSHA-mandated programs	35	26	2	4	1	9	
		Tracking hazard correction	39	18	2	4	7	7	
		Managerial	Planning/ Evaluation	Incidence data	35	16	2	5	10
Action plan	30			23	3	8	6	7	
Annual SHMS review	34			22	5	5	3	8	
Administration/ Supervision	Specific assignment of OSH tasks		52	12	0	3	2	8	
	Knowledge, skills, and information		44	18	3	2	1	9	
	Authority to perform		45	14	2	2	3	11	
	Appropriate resources		45	17	2	2	0	11	
	OSH organizational policies		45	19	1	1	1	10	
	Safety/Health Training		Employee OSH training	33	20	4	2	2	16
			New employee orientation	35	20	2	2	2	16
Supervisory training		22	24	4	7	4	16		
Cultural	Management Leadership	Provided competent staff	37	15	3	1	3	18	
		Delegation of authority	44	13	2	1	1	16	
		Resource allocation	44	14	1	1	1	16	

Employee Participation	Employee involvement process	42	14	3	1	1	16
	Employee evaluation of OSH performance	29	23	2	3	3	17

dropped, agencies' rating of the *annual SHMS review* attribute remained relatively constant at thirty-four agencies (44.2 percent of agencies) for the reporting period; as compared to thirty-five out of eighty-five agencies (41.2 percent of agencies) for the FY 2012 reporting period.

Agencies reported gaining ground in providing appropriate *supervisory training*, with only eleven agencies (14.3 percent) rating this attribute with either a "1" or "0" rating; as compared to fifteen out of eighty-five agencies (17.6 percent) for the FY 2012 reporting period.

Some decline was noted in other ratings of the managerial attributes. The number of federal agencies providing a "3" rating to the *employee OSH training* attribute *decreased* from forty-four agencies (51.8 percent of agencies) for the FY 2012 reporting period, to thirty-three agencies (42.9 percent of agencies) for the FY 2013 reporting period. Similar *decreases* were noted in the number of federal agencies that provided a "3" rating to the *new employee orientation* attribute, from thirty-nine agencies (45.9 percent of agencies) for the FY 2012 reporting period, to thirty-five agencies (45.5 percent of agencies) for the FY 2013 reporting period; and the *supervisory training* attribute, from twenty-three agencies (27.1 percent of agencies) for the FY 2012 reporting period, to twenty-two agencies (28.6 percent of agencies) for the FY 2013 reporting period.

CULTURAL COMPONENT ASSESSMENT

As for the FY 2012 reporting period, five attributes were provided to federal agencies to rate the **cultural** component of their SHMSs. Of these, the *provided competent staff* attribute was newly added to the tool for federal agency assessment in FY 2013 reporting period; the "*line*" *function* attribute was deleted from the assessment tool. Overall, the vast majority of federal agencies, between fifty-two agencies (67.5 percent) to fifty-eight agencies (75.3 percent) providing a "2" or higher rating for all five of the attributes used to assess the cultural component. This result approximates last year's reporting, whereby between fifty-six agencies (65.9 percent) to sixty-eight agencies (80 percent) provided similar ratings.

From the FY 2013 submitted data, federal agencies' reports reflected improvement in three attributes of the cultural component, specifically *delegation of authority*, *employee involvement process*, and *evaluation of OSH performance* attributes, as indicated by fewer agencies providing lower ratings to these attributes. The *employee evaluation of OSH performance* attribute demonstrated the most improvement as demonstrated by only three agencies (3.9 percent of agencies) providing either a "0," or a "not applicable" rating for the FY 2013 reporting period, as compared to twenty-five agencies (29.4 percent of agencies) for the FY 2012 reporting period. The ratings of federal agencies for the former two attributes demonstrated smaller incremental improvements, with only one agency (1.3 percent of agencies) providing either a "0" or a "not applicable" rating for the FY 2013 reporting period, as compared to three agencies (3.5 percent of agencies) providing similar ratings for the FY 2012 reporting period.

RECORDKEEPING

Beginning January 1, 2005, federal agencies were required to maintain their injury and illness records in essentially the same format as the private sector, as is set forth in 29 CFR §1904.

Historically, however, OSHA did not systematically collect this information. This will change, starting in 2015. On August 5, 2013 OSHA finalized a rule change that will allow the Department of Labor to annually collect the statutorily-required injury and illness records from all Executive Branch agencies. In addition, the rule clarifies and updates some existing provisions of 29 CFR §1960. Collecting these records will allow OSHA to identify those worksites that have the highest injury and illness rates, and better target needed training for federal agencies.

Throughout 2013, OSHA worked with the Bureau of Labor Statistics to adapt its private sector survey to the federal sector for universal data collection. In order to ensure the best response rate from federal agencies, OSHA is planning to provide guidance about the data collection process, and advance information about the data to be collected so agencies are familiar with data collection requirements prior to Bureau's system becoming active. In addition, OSHA is proposing to conduct training regarding the changes to 29 CFR §1960, and the data collection process and procedures.

COMPLIANCE ASSISTANCE

AGENCY TECHNICAL ASSISTANCE REQUEST

An agency technical assistance request, known as an ATAR, is a consultative service open only to federal agencies and is analogous to OSHA's Consultation Program for private sector employers. Federal agencies may contact an OSHA area office and request technical assistance, which may include hazard abatement advice, training, a partial or comprehensive inspection, and/or program assistance. While the request is generally considered to be totally consultative, an agency's failure or refusal to abate serious hazards may result in an inspection referral. In FY 2013, OSHA conducted an ATAR at the request of the U.S. Secret Service (USSS) and began planning the process with the National Archives and Records Administration.

U.S. SECRET SERVICE ATAR

OSHA conducted an assistance request for the USSS involving mold remediation. The assessment group visited three exterior security USSS Washington, DC. locations. None of the walls or equipment in any of the buildings exhibited visible mold growth or displayed any signs of water damage from water intrusion to the ceiling tiles. However, in one building the group noticed a small amount of mold growth along one edge of the air conditioner diffusers. As a result, GSA and USSS submitted a work order that included removing the diffuser unit from the ceiling, cleaning and inspecting all of the internal parts and screens, replacing the filter, and reinstalling the unit back into the ceiling. After completing the work order and building evaluations, GSA and USSS agreed to develop and implement a schedule of formal maintenance and cleaning for the respective ventilation units in each exterior security building. No further action beyond the ATAR was taken.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ATAR

In FY 2013, the National Archives and Records Administration (NARA) proposed to OSHA that it consider an alternate standard for several of the agency's mobile ladder stands used in the records preservation and storage process. In support of NARA's request for the alternate standard, it requested that OSHA conduct an ATAR specific to its mobile ladder stands. The ATAR was convened in November 2012, at NARA's Philadelphia facility under the jurisdiction

of OSHA Region III. The results of this ATAR will be reported in the CY 2014 Secretary's Report to the President.

FIELD FEDERAL SAFETY AND HEALTH COUNCILS

Field federal safety and health councils (FFSHCs) are federal interagency groups, chartered by the Secretary, that bring together local OSH professionals for education, problem solving, and cooperation in the safety and health field. Located throughout the nation, these councils work to reduce the incidence, severity, and cost of accidents, injuries, and illnesses within their designated geographic areas. In CY 2013, thirty-five FFSHCs actively carried out efforts to improve the effectiveness of OSH functions within the Government.

Under 29 CFR §1960.89, each active council must submit an *Annual Report to the Secretary* describing its activities and programs for the previous calendar year ; and its plans, objectives, and goals for the current year. The report is used to assess the FFSHC's program plans, and to determine the success of its goals and objectives. The councils that best exemplify the intent and purpose of the FFSHC program may receive an achievement award from the Secretary.

In determining award recipients, councils are separated into three categories based on the size of the federal population they serve, which allows them to compete with other councils that possess approximately the same resources and serve similar populations. Each council's *Annual Report to the Secretary* is evaluated and receives a score that is ranked with other FFSHCs in its category. The top three scorers in each category receive awards for *Superior Performance*, *Meritorious Achievement*, and *Notable Recognition*.

Due to tie scores in Category I, ten FFSHCs received a Secretarial award for their CY 2013 council activities. By category, these were:

Category I: FFSHCs serving an area with a federal employee population greater than 24,000

Superior Performance – Northern New Jersey

Meritorious Achievement – Greater New York

Meritorious Achievement – Dallas/Fort Worth

Notable Recognition – Western New York

Category II: FFSHCs serving an area with a federal employee population between 12,000 to 24,000

Superior Performance – Greater Cincinnati

Meritorious Achievement – Greater St. Louis

Notable Recognition – Roadrunner Chapter

Category III: FFSHCs serving an area with a federal employee population less than 12,000

Superior Performance – Mississippi Gulf Coast

Meritorious Achievement – Hudson Valley

Notable Recognition – Duluth/Superior

ALTERNATE AND SUPPLEMENTARY STANDARDS

Under 29 CFR §1960.17, if agencies cannot comply with an applicable OSHA standard, the agency may submit a request to OSHA for an *alternate standard*.¹¹ Currently, there are five OSHA-approved alternate standards.

During FY 2013, the National Oceanic and Atmospheric Administration (NOAA), and the National Archives and Records Administration each had alternate standards progressing through OSHA's review process. NOAA requested OSHA consider its application for an alternate *Diving Standard*, and NARA asked for approval of modifications to its *Special Purpose Ladders (Pulpit Ladders)*. These efforts continued through the time period covered by this Report.

The agencies and their alternate standards include:

- Federal Aviation Administration - *Alternate Standard for Fire Safety in Air Traffic Control Towers*.
- GSA - *Standard on Special-Purpose Ladders*.
- National Aeronautics and Space Administration - *Standard for Lifting Devices and Equipment*.
- U.S. Navy, Naval Facilities Engineering Command - *Management of Weight-Handling Equipment*.
- U.S. Navy - *Gas Free Engineering Manual*.

Under 29 CFR §1960.18, if no OSHA standard exists that is appropriate for application to working conditions of federal agency employees, an agency may submit a request for a *supplementary standard*. Currently, there are only two OSHA-approved supplementary standards: the National Aeronautics and Space Administration's (NASA's) *Safety Standard for Explosives, Propellants, Pyro-technics*; and U.S. Department of Agriculture/Forest Service's *Supplementary Standard for Containers and Portable Tanks Transport*.

OCCUPATIONAL SAFETY AND HEALTH TRAINING

OSHA provides federal agency OSH personnel with training opportunities. Annually, OSHA provides a week of training, known as FEDWEEK, specifically for federal agency OSH personnel at the OSHA Training Institute, located in Arlington Heights, Illinois. This year, OSHA provided nine half-day seminars, offered twice during the week on topics chosen after surveying federal OSH personnel. The one hundred-five federal OSH employee participants, representing thirty-one federal agencies, had the opportunity to attend up to six different sessions on various topics, including: *Electrical Safety; Office Ergonomics; Record Keeping; Defensive Driving; Machine Guarding; Indoor Air Quality; Confined Spaces; Fall Protection; and Hearing Conservation*.

In addition, the Institute offers a myriad of professional and technical courses that are open to the private and public sectors alike. Federal OSH personnel regularly attend these courses.

FEDERAL AGENCY SAFETY AND HEALTH ROUNDTABLE

Previously, FACOSH informally recommended to OSHA that the agency establish a forum to serve as an informational exchange for federal agency best practices. As a result, OSHA

¹¹ An alternate standard is the federal agency equivalent of a private sector variance. Any alternate standard must provide equal or greater protection than the applicable OSHA standard for the affected federal employees.

initiated the *Federal Agency Safety and Health Roundtable* concept, convening two roundtables in CY 2013. Federal senior safety and health managers, medical personnel, technical experts, and labor representatives were invited to attend. The June inaugural meeting was held in the DOL. It included a technical general session and a breakout session to allow managers the opportunity to collaborate on safety and health issues affecting federal agencies and their workforce. Additionally, success stories were shared by one of NASA's leading program managers, as well as other prominent OSH professionals.

The second Roundtable, held December 2013 in the DOL, included discussions on the POWER Initiative; contractor safety, including the application of the multi-employer worksite to construction in federal worksites; the new federal agency recordkeeping requirements, the Global Harmonizing Standard; the President's Report; strategies to reduce injuries and illnesses among the federal workforce; and the OSHA inspection process of federal agencies. Although only two roundtable sessions have been held, attendees enthusiastically applauded them as a highly effective OSH resource and information exchange. OSHA will facilitate future roundtables on a quarterly basis.

SECTION 2 – FEDERAL AGENCY OSH ACTIVITIES

This section provides information on agency reported fatalities and catastrophes; and selected agency activities, including participation in OSH committees and councils, continuity of operations planning, motor vehicle safety, and telework programs. It also provides a summary of agencies' methods of controlling occupational injury and illness trends, specifically highlighting POWER Goal 3; the impact of the inspection process on an agency's safety and health management system; employees' overseas training; and protections afforded employees who report safety and health hazards. Per statute, the GSA and the National Institute for Occupational Safety and Health (NIOSH) are required to provide certain services to federal agencies in pursuing the safety and health of federal employees. This section ends with a brief regarding these activities.

FATALITIES AND CATASTROPHES

The Act, and provisions of 29 CFR §1960 and other regulations, require employers, both private and public, to investigate, track, and report findings involving work-related fatalities and catastrophic events to OSHA in an expeditious manner. Agencies reported that forty-one civilian employee fatalities occurred during FY 2013, thirty-seven of which were determined to be work-related, as follows. The federal departments reported fatality incidents, including:

- Department of Agriculture (USDA): four fatalities, with three being work-related;
- Department of Energy: two work-related fatalities;
- Department of the Interior: three work-related fatalities; and
- Department of State: thirteen fatalities, with ten being work-related, and eighteen injuries.

Independent from the military departments, the Department of Defense (DoD) reported that its Defense Logistics Agency had one work-related fatality, and consolidated the reports received from the military departments. The DoD consolidated report included fatality reports from:

- The Department of the Air Force, with one work-related fatality;
- The Department of the Army, with four work-related fatalities, and five catastrophic events; and
- The Department of the Navy, with thirteen work-related fatalities, four injuries, and one catastrophic event.

SUMMARY OF AGENCY FATALITY/ CATASTROPHIC REPORTS

The USDA detailed the following incidents:

- While on a wildland fire patrol hike, a fire engine crewmember collapsed and became unresponsive while ascending a hill near the Monument Canyon drainage. Although onsite personnel immediately initiated cardio-pulmonary resuscitation, and upon arrival, Medevac flight personnel initiated other resuscitation efforts, the resuscitation efforts were unsuccessful. The agency determined that an unknown pre-existing medical condition was the cause of the fatality; autopsy revealed cardiac arrest related to heart disease. As a result of this fatality, the agency reported that it has implemented efforts to increase employee awareness of need to be physically fit.
- According to the agency report, three smokejumpers were constructing a fire-line around a tree that had been struck by lightning and was on fire within the South Warner

Wilderness, Modoc National Forest, California. Within 15 minutes, a large limb separated from the tree, fell to the ground, struck and injured the Incident Commander who was working below. Despite efforts to resuscitate him, he succumbed to his injuries. As a result of this fatality, the agency reported initiating several training programs, including: hazard-tree awareness training, and the concept of margin training. It also implemented several programmatic changes, including: increasing crew risk assessment training, and options to blast or walk-away from single tree fires.

- According to the agency report, a Fire Management Officer (FMO), an Assistant FMO and an Engine Captain were independently patrolling a wildland fire on all-terrain vehicles (ATVs) to find a lightning sparked fire's perimeter on the Santa Fe National Forest. All personnel were wearing the required personal protective equipment. The Engine Captain did not arrive at the pre-arranged meeting point, and could not be contacted via radio or phone. A search was conducted for seven days involving 280 searchers from the Forest Service, State Police, National Guard, Bureau of Land Management, and other local agencies. The Engine Captain was found at the bottom of a ravine. The agency's analysis of the incident indicated that the Engine Captain attempted to negotiate a steep incline just off a forest road, and that the ATV appeared to have flipped back onto him, causing fatal injuries to his neck and head area. The deceased had completed all required ATV training. As a result of this fatality, the agency reported that it has created a field risk assessment guide to enable employees to select the proper tool (ATV or Utility Terrain Vehicle) for the envisioned work; and has embedded video communications with all field ATV riders.
- The USDA reported a fourth incident for which it was not able to determine work-relatedness. According to agency reports, a Range employee died four days after becoming sick due to respiratory complications after a Hantavirus infection. It was not known whether he acquired Hantavirus at work from one of the many Forest Service outbuildings he frequented, or at home working in his barn or at his father's ranch. He worked with livestock and frequented numerous Forest Service buildings on a daily basis. All Forest Service buildings were found to be in good condition and were kept clean; however, all contained evidence of the presence of rodents. As a result of this fatality, the agency reported that it has increased training to field regarding the respiratory hazards of airborne exposure to rodent feces dust in old, abandoned and unoccupied buildings.

The Department of Energy reported the following incidents:

- According to its report, a Department Facility Management Specialist fell from the stairs in a mechanical equipment room during facility modification work in the Main Building of the Headquarters Germantown, Maryland facility. The employee required hospitalization due to sustained head injuries, and later died as a result of his injuries. The agency reported that "fitness for duty," and other factors contributed to the fall. As a result of this fatality, the agency assessed all internal and external stairs in headquarters-owned buildings for condition and compliance with applicable codes; repairs were made as needed. In addition, the agency reported that it developed a Return-to-Work/Fitness-for-Duty guidance document, and communicated it to the entire agency on its internal *Powerpedia* wiki-page.
- The second incident involved a Bonneville Power Administration employee who was fatally injured while working on high-voltage equipment. The agency's analysis concluded that the direct cause of the incident was accidental, precipitated by the

employee's improper preparation of the work task. As a result of this incident, the Administration revised its contract clause to increase emphasis on safety and health requirements. It also reported that it is in the process of undertaking a comprehensive review of its contractor safety and health requirements utilizing existing Department safety and health directives as a baseline.

The Department of the Interior reported the following incidents:

- According to its report, a volunteer, working on a boat off the California coast, had completed the day's work and was returning to the mainland by water craft. As he was descending a ladder from a dock into a boat, he lost his grip, fell - striking his head on the boat. He died from the resulting injuries. As a result of this incident, the agency is studying varying designs to on- and off-boarding of personnel from watercraft to the shore.
- The Department reported that an employee, who was working alone in a remote area, failed to check-in at a pre-determined location. The ensuing search found the employee in an unconscious state; he was unable to be resuscitated. Preliminary reporting indicated that agency check-in procedures may not have been followed. However, the case remains under investigation. The Department reported that it has implemented programmatic changes, including more robust employee check-in and check-out procedures.
- The third incident involved the death of a wildland smoke-jumper who died from injuries sustained when his parachute canopy failed to deploy. The incident occurred approximately 45 miles east of Boise, Idaho, near Smith's Prairie in support of fire suppression activities. The agency's corrective actions are pending the final investigation report.

The Department of State reported that ten of its personnel were killed, and twelve were injured during multiple suicide attacks on its missions. These included:

- A suicide bomber attack of the U.S. Embassy at Ankara, Turkey that killed one staffer, and injured five others;
- A suicide bomber attack that occurred in Kabul, Afghanistan that killed one, and injured five others; and
- A complex, multiple suicide, vehicle-borne attack on the Consulate in Herat, Afghanistan that killed eight individuals, and injured two local guards.

Specific to the above incidents, the Department of State reported that unspecified corrective actions were taken, and that it has internal procedures in place to address such incidents. State reported other fatalities, including that:

- A local guard assigned to security of an Embassy residence in New Delhi entered the pool and drowned. As a result of this incident, State limited access to the pool area by locking the pool gate, installing a pool alarm and a rope demarking the shallow depth from the deeper area of pool.
- One USAID officer was killed, and two others injured during a head-on collision with an opposite direction traveling truck. The motor vehicle accident occurred in Haiti. A review of the DriveCam video recording showed that the accident was unavoidable on the part of government driver, and that no corrective or programmatic changes were needed.

- The final incident involved the death of a local Ho Chi Minh City, Vietnam heating-ventilation- air conditioning (HVAC) contractor. The contractor was attempting to empty a 40 pound carbon dioxide cylinder when the tank valve malfunctioned, causing the tank to fall severing its valve assemble. The sudden release of gas propelled tank across the workspace fatally striking the contractor. As a result of this incident, State reported that it established a post policy to identify and conduct risk assessment of all non-routine operations (those happening less than once per year); and conducted a hazard assessment and developed standard operating procedures necessary to mitigate any risk factors identified.

In addition to the above fatalities, State reported one catastrophic event that caused burn- and fall-injuries to four contract employees. These employees were reinsulating the HVAC ducts in a mechanical room in Washington, DC, that resulted in a flash fire. The project was stopped until adequate controls could be implemented. As a result of this incident, the agency reported that it prepared a training program to identify health and safety requirements that must be followed during contract management, and instituted a process where reimbursable work authorization projects are reviewed prior to work authorization.

The DoD reported that an employee of the Defense Logistics Agency slipped while walking up the wooden stairs leading into a modular building. The employee suffered a fractured skull, and died eleven days later. The ensuing investigation highlighted that the contributing factors included the inclement weather with the presence of rain and ice, which caused the walking surface to become slippery, and an uneven and cracked walkway. The Agency: provided training to employees on the importance of reporting potential hazards/mishaps, installed non-slip materials to the wooden steps as an interim measure, contracted replacement of the steps with metal grate steps, and updated/posted emergency contact information.

The Department of the Air Force reported that a worker, who was tasked to repair an HVAC unit on a facility roof, died of head injuries sustained from a fall from a 20-foot ladder. Although not reportable to OSHA, the Department reported a second fatality involving an “off-duty” military member in transit to his new duty station. According to the agency report, the member failed to negotiate an interstate entry ramp curve, and proceeded into the path of an oncoming tractor-trailer. The Air Force reported that neither fatality precipitated programmatic changes.

The Department of the Army reported the following incidents:

- An underwater explosive test facility dive team was recovering equipment from a depth of 127 feet when one of the divers secondary air supply experienced rapid air loss, forcing the diver to make an emergency ascent to the surface. The agency reported that human error may have attributed to the incident, but the report was inconclusive whether the diver's regulator contributed to the equipment failure. As a result of this fatality, the agency reported that all future dive operations would be conducted under strict Navy protocols using naval personnel.
- According to the agency report, the driver of an Army bus collided with an oncoming vehicle, when attempting a left turn at an intersection. The report concluded that the incident was caused by driver inattentiveness. As a result of the incident, the employee fell into a coma, and later died from his injuries. This fatality did not precipitate changes to Army protocols.
- According to the agency report, an employee was replacing the cab hydraulic cylinder on a light medium tactical vehicle with the cab raised to access the engine compartment.

While working on the hydraulic lift arm for the cab, the cab dropped from the raised position and pinned the employee between the cab and front bumper. The agency's analysis of the incident concluded that the employee failed to use the proper equipment to support the cab of the truck, and that he was overconfident in his ability to remove the cylinder without injury. According to the agency report, the work package for this task required a cab support tool which was not available to the employee for the task. The agency's report also indicated that the manager failed to ensure mechanics conducted maintenance tasks in accordance with appropriate technical manuals. As a result of this fatality, the agency directed that maintenance activities involving the replacement of the cab hydraulic cylinder be suspended until the cab support tool is on hand, and all personnel are trained on the use of the tool.

- The agency reported a fourth fatal incident that involved a three man crew moving utility poles. An employee was using a four-by-four wooden board to guide utility poles that were being raised by a crane operator. For unknown reasons, the crane operator lowered the utility pole causing the four-by-four wooden pole that the employee was holding to flip in an arc - striking the employee on the chest, neck, and jaw. The employee died two days later. As a result of this fatality, the agency reported developing written procedures on lifting, loading, and setting utility poles. It reported that a job hazard analysis assessment was conducted and communicated to employees. The agency clarified supervisory personnel responsibilities to include that the team leader will ensure personnel are properly licensed and trained to operate assigned equipment, that the first line supervisors will be present to supervise personnel during all hazardous operations, and that the Garrison Safety Office will make periodic audits to review the effectiveness of training and operator qualifications.

In addition to the above fatalities, the Army reported on five catastrophic events which resulted in an injury to one individual (amputation to index finger and permanent injury to middle finger), and approximately \$11.5 million in equipment losses or damages. The five events involved personnel injury during diagnostic maintenance on a HVAC unit; damages to a 100-ton spillway gantry crane, and a 520-ton floating crane; the unintentional sinking of a tugboat; and the grounding of a dredge vessel. The agency's analyses of the incidents indicated human error to be a contributing cause in each case. As a result of these events, the Army installed newer or repaired obsolete or damaged equipment, and provided training to personnel on revised and newly developed protocols.

The Department of the Navy reported the following incidents:

- According to the agency report, a contractor employee assigned to work at the Naval Sea Systems Command Headquarters, located at the Washington Navy Yard, fatally shot twelve employees, including: seven government, and five government contractor employees, and wounded four others. The agency indicated that multiple high level investigations are pending, and that possible corrective actions will focus on background and security investigations of personnel. The Navy further reported that its immediate corrective actions included improved security checks at the Washington Navy Yard.
- A second incident involved a Police Detective Sergeant who was struck by a pick-up truck driven by another DoD civilian employee. The victim was transported in critical condition to Rhode Island Hospital where he underwent emergency surgery; he subsequently died from his injuries. Three investigative organizations, the Naval Criminal Investigative Service, the U.S. Attorney's office in Providence, Rhode Island,

and the Installation Safety Mishap Investigation team, are currently investigating the incident. The agency's report indicated that corrective and/or programmatic changes are pending the investigative final report.

In addition to the above fatalities, the Navy reported on one catastrophic event that resulted in a fire, during testing of the large lithium battery, at the Naval Surface Warfare Center located in Indiana. The agency's report indicated that the direct cause of fire was the venting of the cells being tested. As a result of the incident, the Navy initiated a review of its lithium battery testing standard operating procedures, established certification requirements, and provided stand-downs and process training to personnel. It stated that its programmatic improvement will include: storage and segregation of battery products; battery hazard identification, controls and briefing; and article verifications and validation. Furthermore, it indicated that program guidance and battery and test process procedures are in the process of being updated.

CERTIFIED SAFETY AND HEALTH COMMITTEES

A certified safety and health committee (CSHC) is an OSH committee that the head of the sponsoring agency has certified to the Secretary of Labor as meeting the requirements of 29 CFR §1960, Subpart F. The purposes of a CSHC are to monitor and assist with an agency's OSH program; maintain an open channel of communication between employees and management; and facilitate employee input to improve OSH-related policies, conditions, and practices. In addition to an improved OSH program and a safe and healthful workplace, agencies with a CSHC are statutorily exempt from unannounced OSHA inspections.

Both EO 12196 and 29 CFR §1960, Subpart F discuss the formation, composition, and duties of CSHCs. In brief, an agency that wants to establish a CSHC must establish OSH committees at both the national and – if the agency has subcomponents located outside its national office or headquarters – other appropriate levels within the organization. Committee membership must include equal numbers of management and non-management representatives. In addition, the committee must have access to OSH-related information, monitor the agency's OSH program, and consult and advise on OSH program operations.

When an agency decides to form a CSHC, it must report this intent to the Secretary and include:

- The existence, location, and coverage (establishments and populations) area of the committee; and
- The names and phone numbers of each committee chair (national and local).

In addition, the agency must certify to the Secretary of Labor that the committee meets all the requirements of 29 CFR §1960, Subpart F. The agency must also provide an annual update on its CSHC as part of its required *Annual Report to the Secretary of Labor on the Agency's Occupational Safety and Health Program*.

In an effort to support agency formation of CSHCs, OSHA may not conduct unannounced inspections at federal agencies with CSHCs unless the CSHC has requested an inspection. While any agency may form a CSHC, only five such certified committees currently exist. The Secretary recognizes the following departments and independent agencies as having CSHCs:

- Central Intelligence Agency,
- Department of Labor,

- General Services Administration,
- Tennessee Valley Authority, and
- U.S. International Trade Commission.

STATUS OF AGENCY CSHCs

As previously noted, the aforementioned agencies must provide the Secretary with an annual status report on their respective CSHCs. Only the DOL and the Tennessee Valley Authority submitted complete information certifying to the Secretary that their respective CSHCs met the requirements of the subpart. The Central Intelligence Agency provided a vague report that touched on the requested information, but explaining further information was CLASSIFIED. The U.S. International Trade Commission reported that it no longer has a CSHC; the GSA reported that it is no longer eligible to have a CSHC since it no longer has a national level committee. During CY 2014, OSHA will be following up with these agencies to confirm the status of their CSHCs.

OTHER OSH COMMITTEES AND COUNCILS

Thirty-seven agencies (as compared to thirty-four in FY 2012) reported on a variety of non-certified OSH-related committees that function at the departmental, agency, and field operation levels, including FFSHCs. Committee membership varied from agency-to-agency, with some comprised of various levels of managers, others focused on expertise in a specific area, and still others had members with only OSH-related duties and responsibilities. According to the various reports, most of these OSH committees were considered vital components of the respective department or agency's OSH program. Given the reported levels of participation of some of the OSH committees, some of the departments and agencies may want to pursue certifying their committees and achieving the recognition and OSH benefits such certification would provide.

Although the majority of federal agencies reported minimal to no involvement in FFSHC activities, some agencies described a variety of committees and other venues to address workplace OSH issues. These departments and agencies reported active participation in FFSHC activities, and reported that they encourage employees to participate in local council activities and appropriate OSH professional organizations, such as the American Biological Safety Association, the American Conference of Governmental Industrial Hygienists, the American Industrial Hygiene Association, the American Society of Safety Engineers, Health Physics Society, the Human Factors and Ergonomics Society, the National Fire Protection Association, the National Strength and Conditioning Association, as well as, nationally- and locally-oriented safety organizations, such as the National Safety Council, and local working groups, to assess safety procedures for specific jobs or draft worksite safety policies. Other agencies reported making efforts to reestablish their OSH committees that had become inactive in recent years.

Specifically,

- The Army indicated that most of its major Commands, subordinate Commands, and organizations participate in Command OSH advisory councils at least twice a year, and that it encourages its personnel to participate in other agencies' OSH councils.
- The Department of Commerce reported active encouragement of its employees to participate in Bureau field office OSH meetings, and that its various Bureaus participate in the Department's semiannual OSH council and the monthly safety managers' workgroup meetings.

- The Department of Education stated that the current Chairperson of the Metropolitan Washington Federal Safety and Health Council is a departmental employee, and has held that position for the past six years.
- State indicated that it participated in several of the FACOSH subcommittees and workgroups.
- NASA and the National Traffic Safety Board indicated that their headquarters personnel respectively participate in FACOSH and its various subcommittees.

CONTINUITY OF OPERATIONS

Various executive orders and legislative acts require Executive Branch agencies to develop and implement plans for responding to or maintaining agency operations in the event of emergencies or disasters. Depending on the specific event, some agencies may respond to the site of an event, and must account for the safety and health of their federal employees during such a response. Still other agencies, with no mission to respond, are required to plan for continuing their operations should an event affect their business sites and workplaces. Nearly every department and agency reported that it had some type of plan for dealing with emergency response and continuity of operations, such as telework; or that it is currently developing a plan. Most agencies also reported that these plans either contained provisions for ensuring the safety and health of their federal workers, or were developed with OSH personnel input. Specifically,

- The USDA reported that it has a variety of COOP plans, including occupant emergency and business continuity plans, which contain provisions for building evacuation and shelter-in-place during emergencies; and cover a wide variety of scenarios. The Department also reported on its ongoing efforts to identify and delineate OSH manager COOP-related roles and responsibilities relative to assuring the safety and health of employees.
- The Air Force reported that its Chief of Safety ensures the safety and health of personnel in the Department's COOP process by identifying the critical risks to organizational readiness, and supporting strategies that best mitigate risks to ensure that the Air Force can continue its essential functions safely under all conditions, including, but not limited to, natural disasters, military attack, technological failures, civil unrest, or other disruptive conditions that seriously degrade or threaten national security.
- The Department of Energy indicated that its program offices and field sites address pandemic situations, including the use of social distancing, shutdown of non-essential operations, and alternate work locations. It further indicated that its *Biologic Event Monitoring Team* reviews other infectious diseases that can result in a biological emergency, and provides advice and coordinates communications to more than 15,000 federal employees.
- The Department of Health and Human Services reported that its fully developed COOP strategy incorporates a variety of options, including, telework, relocation, and administrative leave for its employees, and devolution of specific missions to alternative sites or sub agencies.
- Similarly, the Federal Trade Commission reported that its plans include operations' relocation and telework for its personnel.

In addition to COOP planning, federal agencies were asked to report lessons learned from recent training experiences and natural disasters. Similar to previous reports, they reported challenges with communications, command and control, accountability for employees' safety, as well as inter- and intra-agency communication and coordination. Specifically,

- The Department of Energy reported that in 2013, its Western Area Power Administration (WAPA) established the Office of Security and Emergency Management to facilitate the development and maintenance of the WAPA Emergency Management Program, including updating plans with current guidance, document-required training and drills, conducting and documenting required self-assessments, and maintaining an effective emergency readiness assurance program. Other Department subagencies reported similar efforts.
- The Department of the Interior reported a COOP Plan success that resulted when, on May 31, 2013, a tornado did major damages to its El Reno, Oklahoma offices. No injuries were sustained by its employees. It reported that its employees were familiar with the possible risks associated with tornados, and the pre- and post-actions to take in such a situation, and knew their established alternate worksite location.
- The Department of Veterans Affairs reported that the 2013 Eagle Horizon Exercise highlighted the need to update the Emergency Relocation Group list. Additionally, the Department's National Cemetery Administration determined that individuals designated as alternates for the Emergency Relocation Group should receive training in their roles and responsibilities prior to future COOP exercises.
- The Court Services and Offender Supervision Agency reported its most significant lesson learned pertained to employee notification and telework capacity during inclement weather events. As a result of the experience, the Agency improved its weather-related operating status notification system.
- For four years running, the Federal Housing Finance Agency reported that it received a score of 14/14 "GREEN" (outstanding) from the Department of Homeland Security-Federal Emergency Management Administration continuity exercises.
- The Overseas Private investment Corporation identified the need for improved signage at its designated assembly points, and improved communication tools for floor wardens. Corrective actions included the use of clearer signage and an upgraded radio communication system.

In FY 2012, four agencies reported not having COOP plans. Of these, the Architectural and Transportation Barriers Compliance Board (Access Board), and the Vietnam Education Foundation, reported progress in developing such plans during the 2013 reporting period; and while the other two, the Inter-American Foundation, and the James Madison Memorial Fellowship Foundation, continued to report not having COOP plans. Additionally for the 2013 reporting period, the National Merit Board did not report on its COOP plans.

MOTOR VEHICLE SAFETY

Federal agencies reported that 5,416 motor vehicle accidents (MVAs) occurred in FY 2013, which represents approximately a 3.9 percent *decrease* from the 5,621 MVAs reported in FY 2012. (Please see Table 5 for a side-by-side comparison of FY 2012 and 2013 MVAs reported by federal agencies.) The majority of agencies reported having a motor vehicle safety program,

with most agencies noting compliance with EOs 13043 and 13513, which require the use of seatbelts in motor vehicles, and ban texting while driving, respectively. In addition, agencies reported that they continued to provide programs to limit the likelihood and impact of motor vehicle accidents.

Similar to previous years' reports, many departments and agencies required defensive driving courses, the majority using courses through GSA, or the National Safety Council or similar organizations. Several agencies also reported having programs to encourage seatbelt use, such as decals in vehicles, or reminders on employee websites or in break rooms. While several agencies reported tracking seatbelt use after an accident – many using information from police reports – few had any full-time tracking of seatbelt use at other times. A number of agencies mentioned having random compliance checks, including one agency that reported using camera surveillance.

Approximately twelve agencies indicated not having a motor vehicle safety program for a variety of reasons, including, their size and number of employees assigned, mission - such as not driving in an “official capacity,” and not owning an agency-dedicated fleet. Ten other agencies indicated that a motor vehicle safety program was “not applicable” to their situation, or failed to report the existence of a program. Particularly disconcerting, however, was the assertion by a few agencies that, because they had zero MVAs, they did not need a motor vehicle safety program.

Those agencies indicating that they did not have a motor vehicle safety program include: the Access Board, Armed Forces Retirement Home, Federal Labor Relations Authority, Federal Maritime Commission, Federal Mine Safety and Health Review Commission, Inter-American Foundation, James Madison Memorial Fellowship Foundation, Marine Mammal Commission,

Table 5. *Summary of FY 2013/2012 Motor Vehicle Accidents as Reported by Department and Independent Agency.*

Department/Agency	Status	Number of Accidents FY 2013 (FY 2012)
Department of Agriculture	↓	0 (147)
Department of the Air Force	↔	13 (13)
Department of the Army	↓	11 (23)
Department of Commerce	↑	134 (128)
Department of Defense	↓	515 (823)
Department of Energy	↑	90 (47)
Department of Health and Human Services	↑	100 (96)
Department of Homeland Security	?	NR (2669)
Department of Justice	↓	2689 (3006)
Department of Labor	↑	403 (370)
Department of the Navy	?	NR (NR)


Table 5. *Summary of FY 2013/2012 Motor Vehicle Accidents as Reported by Department and Independent Agency.*

Department/Agency	Status	Number of Accidents FY 2013 (FY 2012)
Department of State	↑	380 (271)
Department of Transportation	↓	28 (38)
Department of the Treasury	↑	316 (4)
Department of Veterans Affairs	↓	43 (292)
Environmental Protection Agency	↔	31 (31)
General Services Administration	↓	38 (92)
National Aeronautics and Space Administration	↓	201 (205)
Social Security Administration	↓	3 (6)
Tennessee Valley Authority	↑	102 (78)
Office of Personnel Management	↑	218 (204)
Armed Forces Retirement Home	↑	1 (0)
Broadcasting Board of Governors	?	NR (3)
Central Intelligence Agency	?	NR (NR)
Commodity Futures Trading Commission	↑	2 (0)
Corporation for National and Community Service	↑	3 (0)
Court Services and Offender Supervision Agency	↓	14 (15)
Equal Employment Opportunity Commission	↑	15 (8)
Farm Credit Administration	↓	0 (5)
Federal Communications Commission	↑	4 (2)
Federal Deposit Insurance Corporation	↑	32 (10)
Federal Energy Regulatory Commission	?	NR (6)
Federal Maritime Commission	↑	3 (0)
Federal Mediation and Conciliation Service	↑	2 (0)
International Boundary and Water Commission	↓	0 (1)
National Archives and Records Administration	↑	7 (2)

Table 5. Summary of FY 2013/2012 Motor Vehicle Accidents as Reported by Department and Independent Agency.

Department/Agency	Status	Number of Accidents FY 2013 (FY 2012)
Nuclear Regulatory Commission	↓	0 (15)
Office of Navajo and Hopi Indian Relocation	↓	0 (1)
Small Business Administration	↓	0 (1)
Smithsonian Institution	↓	13 (15)
The Peace Corps	↑	1 (0)
The Presidio Trust	↑	4 (0)

Legend for Table 5

	No change from FY 2012 report	NR	Not reported
	Decrease from FY 2012 report	?	Undetermined from reported data
	Increase from FY 2012 report		

National Endowment for the Humanities, Postal Regulatory Commission, Social Security Advisory Board, and the United States African Development Foundation.

TELEWORK ENHANCEMENT

In general, agencies reported that their telework programs are in compliance with *Telework Enhancement Act of 2010*, other applicable laws, statutes, and regulations, and OPM guidelines; and that the authority, policy, and responsibilities for managing the telework programs are set forth in agency regulations and policies. Most reported the use of checklists, self-evaluations; and in some cases, counseling, training, and visits from supervisors for personnel who are authorized to telework. Of those agencies that reported on this item, they reported continuing to promote telework, and expand telework capability with minimal adverse mission impacts, and that no employees were injured or became ill while on telework. Several agencies reported not having a formalized telework program, including: the Access Board, Federal Mine Safety and Health Review Commission, Inter-American Foundation, James Madison Memorial Fellowship Foundation, Marine Mammal Commission, National Mediation Board, the Presidio Trust, and the Selective Service System; citing various reasons for the omission, including agency size and mission requirements.

Agencies were also requested to describe how recent natural disasters affected their telework programs. Of the agencies that reported adverse impacts, the majority describe stressed and overtaxed communication systems, and preparedness issues. However, these impacts did not necessitate significant changes to their programs.

ANALYZING AND CONTROLLING TRENDS

This year, OSHA again asked agencies how they determined any OSH-related trends, such as specific causes or types of injuries, or hazardous jobs or tasks. Responses illustrated little

change in previously reported agency actions to identify and analyze workplace hazards. Agencies responded by describing a range of analysis methods, from manual cataloging of incidents to real-time computer monitoring of OSH-related data as entered into an information system(s). In general, agencies with a greater number of employees, or higher incidence rates, tended to incorporate information systems and more frequent monitoring of entered data.

Overall, federal departments and agencies with higher rates of injuries and illnesses reported greater emphasis on data analysis, integrating OSH-related considerations into all aspects of agency operations, and tracking near misses. Yet even agencies that reported few or no work-related injuries and illnesses continued to track OSH-related reports and information to help ensure safer and more healthful workplaces.

Most departments and agencies reported performing some type of data analysis to determine the prevalence of injury type, the most common causes of injuries, and the jobs or tasks that resulted in injuries. Agencies also reported tracking and analyzing “near-misses,” or those incidents that could have resulted in an accident or injury, but did not at that particular time. Other strategies for reducing workplace injuries and illnesses include, integrating safety considerations into building design and/or job duties and procedures; encouraging employees to report potential hazards as they are discovered; and focusing on specific problems, such as frequent types of injuries, or specific hazards. Agencies stressed the importance of self-inspection, internal and external, in identifying hazards, and analyzing and controlling trends.

SAFETY AND HEALTH MANAGEMENT SYSTEM RESPONSE TO THE INSPECTION PROCESS

Federal agencies reported involvement in a variety of inspection activities, including internal agency and external (OSHA-conducted) inspections; and various responses to the inspection process, including immediate correction, working with GSA and other entities for hazard abatement, negotiation with OSHA, and updating policy and procedural guidance. Some agencies, including the departments of Health and Human Services, and Justice; and the U.S. International Trade Commission, indicated that they encourage employee and contractor participation in this inspection process.

Collectively, eighteen agencies reported over 184 federal OSHA inspections, and over 11,188 internal safety and health inspections of their respective establishments; with over 11,991 *Notices of Unsafe or Unhealthy Working Conditions* being issued either by federal OSHA or the agency’s internal inspection authority. Fifty-seven agencies either indicated that the inspection process was “not applicable” to their situations (ten agencies), or did not report on it (forty-seven agencies).














The Department of Defense, including the armed services departments, reported the greatest number of OSHA inspections, with 148 inspections, and 496 Notices being issued. The Federal Aviation Administration reported the greatest number of internal agency safety and health inspections, with approximately 11,173 inspections of its staffed and unstaffed workplaces, and 11,412 Notices being issued.








TRAINING OF OVERSEAS FEDERAL EMPLOYEES

The legislative provisions of the Act, EO 12196, and 29 CFR §1960 that require agencies to provide safe and healthful workplaces have no geographical limits. In an effort to determine how to best assist agencies with providing safe and healthful workplaces for their overseas employees, OSHA requested that agencies provide information on whether any of their federal employees were stationed overseas, and how they ensured that those employees were provided with safe and healthful workplaces.




According to agency reports, more than 142,000 government employees worked outside the boundaries of the United States during the 2013 reporting period. This represents approximately a ten percent *decrease* from the ~159,000 federal civilian employees reported working overseas in FY 2012. (Please see Table 6 for a comparison of federal civilian employees reported working overseas in FYs 2012 and 2013.) The departments of Defense (including the armed services, reported approximately 83,000 employees), and State (55,200 employees) reported the largest number of overseas employees. The DoD, its various components, and the other military departments indicated that they extend their OSH programs and coverage to include their overseas federal civilian employees. State indicated that it has a robust overseas OSH program, and includes provisions for safe and healthful living conditions for its overseas employees, as well as other federal employees stationed at embassies. Multiple agencies indicated the presence of a federal civilian overseas workforce, but did not disclose the approximate numbers of these employees serving in overseas locations. In addition, several independent agencies reported an

Table 6. Number of Federal Civilian Employees in Overseas Locations by Agency
(FY 2013, FY 2012) (n = 27 agencies).

Agency	Status	Number of Employees	
		FY 2013	FY 2012
Department of Agriculture		450	458
Department of Commerce		785	~900
Department of Defense		~83,000	~88,000
Department of Energy	?	0	NR
Department of Health and Human Services	?	NR	2,500
Department of Homeland Security	?	NR	2,100
Department of the Interior		550	~380
Department of Justice		1,351	1,037
Department of Labor		24	7
Department of State		55,200	54,584
Department of Transportation	?	645	NR
Department of the Treasury		55	768
Department of Veterans Affairs	?	NR	NR
Environmental Protection Agency		179	158
General Services Administration		12	7
National Aeronautics and Space Administration		4	284
Social Security Administration		6	6
Broadcasting Board of Governors	?	NR	~300
Consumer Product Safety Commission		1	1

Millennium Challenge Corporation		29	37
National Science Foundation		4	4
Nuclear Regulatory Commission		4	2
Overseas Private Investment Corporation		1	1
Peace Corps		181	200
Smithsonian Institution		~1	~1
U.S. Agency for International Development	?	NR	6,780
U.S. Trade and Development Agency	?	30	NR
~TOTAL		~142,512	~158,515

Legend for Table 6

	No change from FY 2012 report	NR	Not reported
	Decrease from FY 2012 report	?	Undetermined from reported data
	Increase from FY 2012 report		

overseas federal workforce, most of whom are covered under either DoD's or State's OSH programs.

Several agencies also reported on agency support of their stateside employees, reporting a range of employee support activities for OSH-related activities. Some reported that employee training is primarily based on job responsibilities. Some also reported making special efforts to ensure that collateral duty OSH personnel received the appropriate training. In addition, several agencies reported that employees were encouraged to seek professional OSH certification and participate in professional OSH organizations. Agencies also reported providing support by maintaining OSH websites, distributing OSH awards, publishing OSH newsletters, and encouraging participation in FFSHCs and other appropriate venues. Many agencies reported that they also supported employees' safety and health through encouraging healthy lifestyles by providing fitness centers; subsidizing gym memberships; sponsoring health fairs; and offering a variety of health-related services, such as health-screenings and physical examinations. Although not specific to OSH-related issues, several agencies reported on the added value of Employee Assistance Programs.

WHISTLEBLOWER PROTECTION PROGRAMS

29 CFR §1960, Subpart G requires federal agencies to ensure that employees are not subjected to reprisal or other forms of restraint for filing a report of unsafe or unhealthy working conditions. In an effort to assess agencies' whistleblower protection programs, OSHA requested that agencies provide information on any federal employee allegations of reprisal, and the actions taken in response to the allegations. Most agencies indicated awareness of provisions of the *Whistleblower Protection Act*, Title 5, U.S.C. § 2302(c), and reported having functional protection programs. The Access Board reported that it does not have such a program.

Even though most agency reports were not specific to occupational safety and health issues, a few agencies indicated major overall improvements to their programs, including:

- The Department of Commerce's indication that its program has been awarded *Whistleblower Protection Agency Certification* by the U.S. Office of Special Counsel for conducting training and promoting awareness of provisions of the Whistleblower Protection Act.

- The Department of Energy's report that it has established a *Differing Professional Opinion* process for technical issues involving environment, safety and health, for employees to raise technical concerns related to environment, safety, and health, which cannot be resolved using routine processes.
- The National Labor Relations Board publishing its guidance document: *Occupational Safety and Health Protection for Employees of the National Labor Relations Board*.

Agencies reported zero cases of reprisal against employees who filed a report of unsafe or unhealthy working conditions. This is a *decrease* from the five allegation reports that federal agencies indicated occurred in FY 2012. However, a couple of agencies reported handling reports of reprisal unrelated to safety and health concerns. The Department of Labor reported, that although its subagencies processed multiple allegations of reprisal, none of the issues filed in these cases were related to unsafe/unhealthful workplace conditions. Similarly, the Equal Employment Opportunity Commission reported processing one allegation report of reprisal that was unrelated to an employee report of unsafe or unhealthy working conditions.

In FY 2012, the Inter-American Foundation indicated that, although it did not have a whistleblower protection program, it would develop a program in the upcoming year. Its 2013 report did not indicate action on this item.

SPECIFIC AGENCY REPORTING REQUIREMENTS

29 CFR 1960, Subpart E requires GSA and andNIOSH to assist federal agencies with specific activities affecting federal employee safety and health. For the second year, OSHA requested that these two agencies provide reports on these activities. Specifically, OSHA asked GSA to address its programs for ensuring that federal facilities are designed, operated, and maintained in accordance with safety and health requirements and best practices; how the agency ensures that the products and services offered to federal agencies comply with product safety requirements; how safety recalls are implemented; and how federal purchasers are made aware of the safe use of such products, including any system for providing material safety data sheets. OSHA asked NIOSH to address its health hazard evaluation¹² program, and how it effected federal agencies.

GENERAL SERVICES ADMINISTRATION

As requested, GSA reported on its processes pertaining to *Facilities and Operations*, indicating that no significant changes to this agency function were implemented during the 2013 reporting period. In similar fashion, GSA indicated that no significant changes were implemented within its *Products and Services* function. It reported zero product recalls for the 2013 reporting period.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

NIOSH reported that, in FY 2013, it completed thirty-four technical assistance investigations of federal agencies, including seven on-site investigations (OSIs), and twenty-seven desk-top

¹² A health hazard evaluation (HHE) is a study of a workplace to learn whether workers are exposed to hazardous materials or harmful conditions. For federal agencies, NIOSH provides for technical assistance requests. On the basis of the information provided, NIOSH responds to a HHE/technical assistance request in one of the following ways: respond in writing with helpful information or a referral to a more appropriate agency; call to discuss the problems and how they might be solved; visit the workplace. During a visit, NIOSH will meet with the employer and employee representatives to discuss the issues and tour the workplace. During one or more visits, NIOSH may review records about exposure and health, interview or survey employees, measure exposures, and perform medical testing. At the end of this evaluation, NIOSH will provide a written report to the employer and employee representatives. Depending on the type of evaluation, the final report may require a development time of a few months to a few years.

investigations (DTIs). The issues investigated were varied. (Please refer to Table 7 for information on NIOSH's completed technical assistance investigations provided to federal agencies.) In addition, the Institute reported that it has received thirty-one new requests for technical assistance to be conducted during the 2014 reporting period from the departments of Agriculture, Energy and the Interior, three of which will include an on-site investigation. These new requests involve heat stress, and chemical exposure issues.

Table 7. NIOSH – Number of Health Hazard Evaluations of Federal Agencies Completed in FY 2013. (n = 34)

On-site Investigations (Number)		Desk-top Investigations (Number)	
Department/Agency	OSI Issue(s)	Department/Agency	DTI Issue(s) ¹³
Defense (3)	<ul style="list-style-type: none"> • Pharmaceutical dusts, • Firing range particulates, and • Disinfectants 	Agriculture (2)	
Homeland Security (1)	<ul style="list-style-type: none"> • Radon 	Defense (5)	
Interior (1)	<ul style="list-style-type: none"> • Pesticides 	Health and Human Services (5)	<ul style="list-style-type: none"> • Indoor environmental quality (16),
Justice (1)	<ul style="list-style-type: none"> • Lead • Cadmium 	USPS (3)	<ul style="list-style-type: none"> • Chemical (6),
Social Security Administration (1)	<ul style="list-style-type: none"> • Job stress, and • Indoor environmental quality 	Veterans Administration (5)	<ul style="list-style-type: none"> • Ergonomics (2), and • Heat stress (1)
		departments of Commerce, Homeland Security, Interior, and Treasury; Central Intelligence Agency, Commodity Futures Trading Commission, and the Social Security Administration (1 each)	

¹³ NIOSH indicated that these four issues were part and parcel of each of the desk-top investigations conducted on the identified federal agencies.



AGENCY OSH RESPONSIBILITIES

Federal Executive Branch agencies have a variety of responsibilities with respect to their OSH programs as delineated by Section 19 of the OSH Act, EO 12196, and Title 29 CFR §1960. This section condenses those responsibilities into five subsections: **Program, Standards, Workplace, Records, and Inspections and Investigations**. Each subsection lists the agency responsibilities, and provides a discussion of each responsibility along with hyperlinks to the specified reference(s).

PROGRAM

Establish and maintain an effective and comprehensive OSH program.

All three documents¹⁴ require agencies to establish and maintain OSH programs that comply with the program requirements of [29 CFR §1960](#) and OSHA's occupational safety and health regulations as described in the relevant parts of [Title 29 CFR](#).

Operate an OSH management information system.

[EO 12196](#), paragraph 1-201(j), requires each agency to maintain a system for managing its OSH information, which must include maintaining records the Secretary requires. While the EO does not mandate an electronic information management system, many such systems are available. They can facilitate maintaining, analyzing, retrieving, and tracking OSH-related information.

Develop and implement OSH program evaluation procedures.

[29 CFR §1960.78](#) requires agencies to evaluate the effectiveness of their OSH programs and include the results of those self-evaluations in their annual reports to the Secretary. According to [29 CFR §1960.79](#), these self-evaluations must include qualitative assessments of the extent to which the OSH programs comply with [EO 12196](#) and [29 CFR §1960](#), and analyses of whether the agency has effectively implemented its OSH program in all its field activities.

Appoint a DASHO and other OSH officials at appropriate levels.

[EO 12196](#), paragraph 1-201(c), and [29 CFR §1960.6](#) require each agency to designate an official who will be responsible for managing and administering the agency's OSH program. This *Designated Agency Safety and Health Official* must have "*sufficient authority*" to effectively represent and support the agency head with regard to the OSH program; [§1960.6](#) states that the DASHO should be an Assistant Secretary or equivalent. [29 CFR §1960.6\(c\)](#) also requires the agency to designate OSH officials at appropriate levels throughout the agency to ensure implementation of an effective OSH program.

¹⁴ [EO 12196](#), paragraph 1-201(b); [The Act](#), Section 19(a); and [29 CFR §1960.1\(a\)](#)

Submit an annual report to OSHA, and include a summary of OSH program self-evaluation findings.

All three documents¹⁵ require each agency to send an annual report to the Secretary with respect to OSH-related accidents and injuries, and its OSH program. The agency must include a summary of its self-evaluation findings in the annual report. It must also include any information or data the Secretary requests. OSHA's Office of Federal Agency Programs formulates the annual report request and analyzes the agency reports.

Ensure adequate financial, and other resources for effective OSH program implementation and administration.

[29 CFR §1960.7](#) stipulates that each agency must provide the resources to implement and administer its OSH program. The standard lists several resources that a federal agency OSH program must include, such as sufficient personnel, personal protective equipment, hazard abatement, OSH-related sampling and analyses, training, technical information, and medical surveillance – but it does not limit the resources to that list.

Include appropriate OSH criteria in managers' and supervisors' performance appraisals.

According to [29 CFR §1960.11](#), agencies must include OSH-related performance measures as part of the performance evaluations for any management official-in-charge of an establishment, any supervisory employee, or any other appropriate management official. The standard further requires that the evaluation must measure the employee's performance "*in meeting requirements*" of the agency's OSH program, consistent with the manager's or supervisor's assigned responsibilities and authority.

Post the OSHA poster or equivalent and provide a copy to the Secretary.

[29 CFR §1960.12](#) requires the agency to "*post conspicuously in each establishment*" and keep posted, a poster informing employees of the "*provisions of the Act, Executive Order 12196, and the agency occupational safety and health program.*" The poster must include core OSHA-provided text along with other information specific to the agency. The agency must also provide a copy of this poster to the Secretary.

Promote OSH-related employee awareness.

Along with conspicuously posting the "OSHA poster," [29 CFR §1960.12](#) – specifically paragraph (e) – requires agencies to use their ordinary information channels – such as newsletters, bulletins, handbooks, website, etc. – to promote employees' awareness of OSH-related issues. While the standard does not define "*occupational safety and health matters*," nor does it specify the frequency with which an agency must "*promote... awareness*," simply posting the "OSHA poster" does not satisfy the requirements of this paragraph.

Establish anti-discrimination and -reprisal procedures for OSH-related activities.

Both [EO 12196](#), paragraph 1-201(f), and the Code of Federal Regulations ([29 CFR §1960.46](#)) require agencies to [establish procedures](#) assuring that no employee is subject to "*restraint, interference, coercion, discrimination or reprisal*" for OSH-related activities. Various OSH-related regulations afford employees rights and privileges related to reporting OSH issues and participating in OSH-related activities. Agencies

¹⁵ [EO 12196](#), paragraph 1-201(l); [The Act](#), Section 19(a)(5); and [29 CFR §1960.71\(a\)](#)

must establish procedures to assure that employees can exercise their rights and/or participate in OSH-related activities without becoming subject to discrimination or reprisal.

Provide CSHCs with all agency information relative and necessary to their duties.

If an agency has established a *Certified Safety and Health Committee*¹⁶ per [Subpart F](#) of 29 CFR §1960, it must provide that CSHC with “*all agency information*” relative to the Committee’s duties. According to the standard, such information can include - but is not limited to: OSH policies and programs; available OSH-related human and financial resources; accident, injury, and illness data; material safety data sheets; inspection reports; abatement plans; and reprisal investigation reports.

Provide OSH training to top management, supervisors, OSH inspectors, collateral duty personnel, CSHC members, employees, employee representatives.

[EO 12196](#), paragraph 1-201(k), requires OSH-related training for several levels of agency employees. 29 CFR §1960 [Subpart H](#) specifies the necessary OSH-related training for all levels of agency employees. Agencies must provide at least the listed required training for the designated level of employee, but may provide more extensive or comprehensive training for any level of employee.

STANDARDS

Comply with applicable OSHA and 1960 alternate standards.

All three documents¹⁷ require agencies to comply with all applicable OSHA standards issued under Section 6 of the Act – or an OSHA-approved alternate standard.

Adopt emergency temporary and permanent supplemental standards as necessary and appropriate if no OSHA standard exists.

According to [29 CFR §1960.18](#), if there is no OSHA standard that applies to a particular worksite, job, condition, or other workplace exposure, an agency must implement an emergency temporary supplemental standard to protect its employees. Subsequent to implementing an emergency temporary supplemental standard, the agency must develop and implement a permanent supplemental standard to continue to assure a safe and healthful workplace and adequate employee protection.

Notify OSHA and the other federal agency if another agency’s standard conflicts with an OSHA standard.

[29 CFR §1960.19\(c\)](#) stipulates that, in the unlikely event of another agency’s standard interfering with an OSHA standard, the head of the agency discovering such a conflict must notify the other federal agency and the Secretary. The agencies will then undertake joint efforts to resolve the conflict.

The standard also requires compliance with the more protective of the conflicting standards until after the conflict is resolved.

¹⁶ See [Certified Safety and Health Committees](#) for a description of CSHCs.

¹⁷ [EO 12196](#), paragraph 1-201(d); [The Act](#), Section 19(a); and [29 CFR §1960, Subpart C](#)

WORKPLACE

Provide safe and healthful workplaces and working conditions.

All three previously identified documents require that federal workplaces and working conditions be safe and healthful and free from recognized serious hazards. According to [§1960.2\(v\)](#), a “*serious hazard or condition*” is one that has the “*substantial probability*” of causing death or serious physical harm. [29 CFR §1960.1\(g\)](#) clarifies that federal employees who work in private sector establishments are covered by their respective federal employer’s OSH program, and the agency is responsible for assuring safe and healthful workplaces and conditions for these employees.

Ensure timely response to employee reports of unsafe/unhealthful conditions.

[EO 12196](#), paragraph 1-201(h), requires agencies to respond to employee reports of hazardous conditions. It also requires agencies to inspect the situation within 24 hours for “*imminent dangers*,” within three working days for potentially “*serious*” conditions, and within 20 working days for other conditions.

Promptly abate unsafe/unhealthful conditions.

Both [EO 12196](#), paragraph 1-201(e), and [§1960](#) require agencies to promptly abate unsafe or unhealthful working conditions. While [29 CFR §1960.28\(d\)\(3\)](#) recognizes that some hazards can be abated immediately, the [Executive Order](#) clarifies that if the agency cannot promptly abate the condition, it must develop an abatement plan that includes both a timetable for abatement and interim protective measures. [29 CFR §1960.30](#) provides further instructions with regard to abatement and abatement plans.

Acquire, maintain, and require the use of safety equipment, PPE, and other protective devices.

Both the [Act](#), at Section 19(a)(2), and [29 CFR §1960.8\(d\)](#) require federal employers to “*acquire, maintain, and require the use of approved PPE, approved safety equipment, and other devices necessary to protect employees.*”

RECORDS

Keep records per 29 CFR §1904, and allow OSHA access to them.

[The Act](#), at Section 19(a)(3), mandates that agencies maintain “*adequate records*,” and [29 CFR §1960.66](#) clarifies that, at a minimum, agencies must comply with the recordkeeping and reporting requirements under [29 CFR §1904](#), Subparts C, D, E, and G.

Use the records to identify unsafe/unhealthful conditions and establish OSH program priorities.

[29 CFR §1960.66\(c\)](#) requires agencies to analyze the information [including the records required by paragraph (b) of the standard] collected through its management information system (required by [EO 12196](#)) to identify unsafe and unhealthful working conditions and establish its OSH program priorities.

INSPECTIONS AND INVESTIGATIONS

Require inspections, allow access to OSHA’s inspectors, and establish a procedure for issuing Notices. (Refer to page 28 for an explanation of an OSHA Notice.)

Subpart D of Part 1960 covers workplace inspections and abatement of hazardous conditions. Among its requirements, agencies must:

- Inspect “*all areas and operations...at least annually,*” and more frequently if the area is hazardous – [§1960.25\(c\)](#);
- Authorize OSHA inspectors to “*enter without delay*” any agency worksite – [§1960.31\(b\)](#);
- Immediately abate imminent danger conditions and remove employees who are not needed during the abatement process – [§1960.26\(b\)\(5\)](#); and
- Establish procedures for issuing *Notices of Unsafe or Unhealthful Working Conditions* (Notices) not later than 15 days after completing the inspection for safety violations, or 30 days after completing the inspection for health violations – [§1960.26\(c\)\(2\)](#).

Allow for employee representatives during inspections.

[EO 12196](#), paragraph 1-201(i), requires agencies to assure that employee representatives accompany OSH inspectors during workplace inspections. In addition, [29 CFR §1960.27\(a\)](#) provides guidance on the selection of employee representatives.

Allow OSH personnel to use necessary specialized expertise.

[29 CFR §1960.8\(e\)](#) requires agencies to allow their OSH personnel to use necessary specialized expertise “*from whatever source available,*” such as other agencies, professional groups, labor organizations, universities, etc.

Investigate all fatalities and catastrophes, keep investigation report copies, and provide a summary report to OSHA, and CSHCs.

According to [§1960.29\(b\)](#) agencies must investigate all fatalities and/or catastrophes (hospitalization of three or more employees) and produce a written report of the investigation. The report must include specific information [[§1960.29\(d\)](#)] and the agency must provide copies to specified parties, including OSHA.

Keep CSHC members advised of reprisal allegations, and provide copies of investigation reports.

Among the duties of both local- and national-level CSHCs is the requirement to review the agency’s response to allegations of reprisal. [29 CFR §1960.40\(b\)\(8\)](#) requires local CSHCs to review the agency’s response and, according to [§.40\(b\)\(9\)](#), if at least half the committee is dissatisfied with the agency’s investigation report, they must report their

dissatisfaction to the Secretary. The same requirements are found at [§1960.41\(b\)](#) and [§.41\(d\)](#), respectively, for national CSHCs.

Given these statutory duties for CSHC members, [§1960.47](#) requires agencies to provide copies of reprisal investigation reports to their certified committees.

REFERENCES

[Executive Order 12196](#) - *Occupational safety and health programs for Federal employees*, 45 FR 12769, Feb. 26, 1980.

[Occupational Safety and Health Act of 1970](#), Public Law 91-596, 84 STAT. 1590, 91st Congress, S.2193, December 29, 1970, as amended through January 1, 2004.

Title 29 Code of Federal Regulations, [Part 1960](#).

OSH-RELATED RESOURCES AND INFORMATION

American Conference of Governmental Industrial Hygienists

ACGIH
 1330 Kemper Meadow Drive
 Cincinnati, Ohio 45240
 Customers/Members Phone: 513-742-2020
 Administrative Phone: 513-742-6163
 Fax: 513-742-3355
 E-mail: mail@acgih.org

American Industrial Hygiene Association

American Industrial Hygiene Association
 2700 Prosperity Ave., Suite 250
 Fairfax, VA 22031
 Phone: 703-849-8888
 Fax: 703-207-3561
 E-mail: infonet@aiha.org

American Society of Safety Engineers (ASSE)

American Society of Safety Engineers
 Customer Service
 1800 E Oakton St.
 Des Plaines, IL 60018
 Phone: 847-699-2929 (8:30 - 5:00 Central Time)
 Fax: 847-768-3434 (24 Hours)
 E-mail: customerservice@asse.org

Material Safety Data Sheets (MSDSs) and Related Information¹⁸

[MSDS Online Library](#)

[MSDS Solutions](#)

[MSDSs Online](#)

[MSDS Exchange](#)

[Free MSDSs](#)

National Institute for Occupational Safety and Health

NIOSH Health Hazard Evaluations

Completed in FY 2013

<http://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0031-3187.pdf>

<http://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0031-3177.pdf>

<http://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0031-3167.pdf>

<http://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0031-3169.pdf>

¹⁸ A search on the worldwide web for "Free MSDS" returned nearly 300,000 links. As a service to federal agencies, a few links have been provided. However, providing the link does not imply OSHA endorsement of the website, nor does it imply that any given site is "better than," or "preferred" to any other site.

<http://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0031-3174.pdf>

[NIOSH Pocket Guide to Chemical Hazards](#)
[NIOSH Chemicals Page](#)
[NIOSH Safety and Prevention Topics](#)

Occupational Safety and Health Administration

[OSHA Construction Industry Information and Assistance OSHA Website –
www.osha.gov](#)

[Laws, Regulations and Interpretations](#)

[Laws and Regulations \(29 CFR\)](#)

[Federal Advisory Council on Occupational Safety and Health](#)

[Safety and Health Management Systems e-Tool](#)

[Safety and Health Topics, Technical Links](#)

[OSHA Office of Federal Agency Programs](#)

200 Constitution Avenue, N.W., Rm. N3622

Washington, DC 20210

(202) 693-2122

(202) 693-1685 FAX

OSHA's Field Operations Manual, Chapter 13, Section VII Agency Technical Assistance

Request http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-150.pdf

[OSHA Compliance Assistance eTools and Electronic Products](#)

[OSHA Regional and Area Offices \(map with links\)](#)

[OSHA Standards](#)

[OSHA's Cooperative Programs](#)

[OSH-related Statistics and Data](#)

[OSHA Office of Whistleblowers Protection Programs, http://www.whistleblowers.gov/](#)

U.S. Bureau of Labor Statistics (BLS)

[BLS Injuries, Illnesses, and Fatalities Program](#)

ACRONYMS

ACRONYM	DEFINITION
ATAR	Agency Technical Assistance Request
CBY	Chargeback Year
CFR	Code of Federal Regulations
COOP	Continuity of Operations
CSHC	Certified Safety and Health Committee
CY	Calendar Year
DASHO	Designated Agency Safety and Health Official
DoD	Department of Defense
DOL	Department of Labor
EO	Executive Order
FACOSH	Federal Advisory Council on Occupational Safety and Health
FECA	Federal Employees' Compensation Act
FFSHC	Field Federal Safety and Health Council
FY	Fiscal Year
GSA	General Services Administration
LTCR	Lost-Time Case Rate
MVA	Motor Vehicle Accident
NARA	National Archives and Records Administration
NASA	National Aeronautics and Space Administration
NIOSH	National Institute for Occupational Safety and Health
OPM	Office of Personnel Management
OSH	Occupational Safety and Health
OSHA	Occupational Safety and Health Administration
OWCP	Office of Workers' Compensation Programs
POWER	Protecting Our Workers, Ensuring Reemployment
SHMS	Safety and Health Management System
TCR	Total Case Rate
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USPS	U.S. Postal Service