



US Department of Labor
Occupational Safety and Health
Administration



OSHA Enforcement: Ensuring Safe and Healthy Workplaces

The Occupational Safety and Health Administration's (OSHA) mission is to promote and to assure workplace safety and health and to reduce workplace fatalities, injuries and illnesses. OSHA continues to respond to new challenges from emerging industries, new technologies, and an ever-changing workforce by utilizing strategic mechanisms such as Site Specific Targeting (SST), National Emphasis Programs (NEPs), and the Enhanced Enforcement Program (EEP).

OSHA's enforcement programs remain focused and efficient. Although there are many components to OSHA's effort, and multiple intermediate measures of its effectiveness, the most meaningful indicator of OSHA's success is the number of employees who go home every day healthy and uninjured.

Enhanced Enforcement Program: OSHA revised the program in January 2008

After four years of implementation, OSHA updated the EEP program in a January 2008 directive. The purpose of the program remains the same, to target those employers who are indifferent to their obligations under the OSH Act. However, the criteria have been revised to provide greater focus on those employers that have a history of past serious, willful and/or repeat violations with OSHA. During the first five years (FY2004-2008) of the program, OSHA identified 2,471 inspections that qualified for the EEP.

OSHA Enforcement Activity: Areas of Emphasis

In the OSHA FY 2008 Operating Plan, OSHA identifies industries with high injury/illness rates and a high proportion of severe injuries/illnesses for focused targeting of outreach, education, and enforcement activities. These areas of emphasis include:

Industry Areas of Emphasis

- Landscaping
- Oil and gas field services
- Residential building construction
- Commercial and institution building construction
- Highway, street, and bridge construction

Fatality Hazard Areas of Emphasis

- Fall from elevation
- Trenching
- Struck by
- Powered Industrial vehicle
- Electrical

National Emphasis Programs: Targeted Strategy

National Emphasis Programs (NEPs) focus on major health and/or safety hazards which are of recognized national significance. They provide guidance to the OSHA field offices for program planning and for conducting inspections consistently across the nation. On July 27, 2007, the NEP on Microwave Popcorn Processing Plants was issued in order to identify and to reduce or to eliminate exposures to butter-flavoring chemicals used in microwave popcorn manufacturing facilities. A few months later, on January 24, 2008, the Crystalline Silica NEP was signed by the Assistant Secretary. Other current NEPs include:

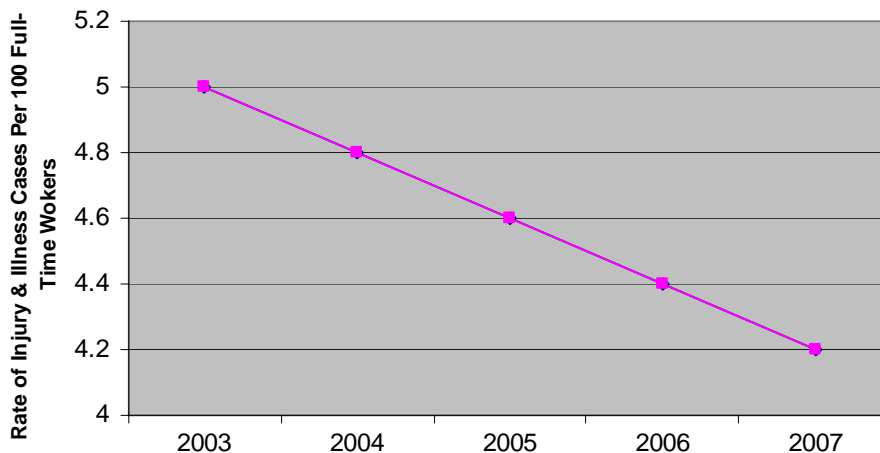
- Petroleum Refinery Process Safety Management
- Combustible Dust
- Lead
- Amputations
- Shipbreaking
- Trenching

During FY2008, OSHA conducted 8,730 inspections (out of 38,591 total inspections) that were related to an NEP.

Injury and Illness Rates: Record Lows in FY2007

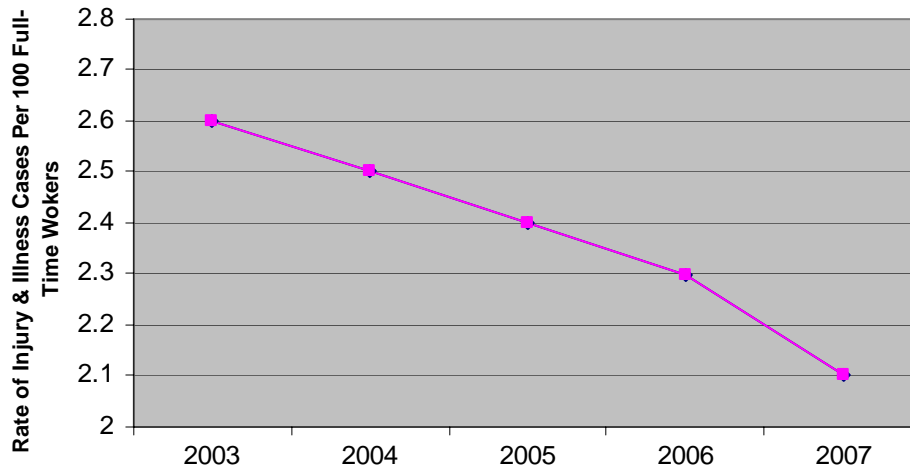
The Total Recordable and Days Away/Restricted case rates continued to decline, indicating that fewer American employees encountered safety or health hazards resulting in serious injuries or illnesses. The rates for calendar year 2007, reported on October 23, 2008, were lower than the previous year, and thus, were the lowest rates that BLS has ever reported. Not only has the rate at which employees experienced a recordable injury decreased by 16.0% since calendar year 2003, but also the Days Away/Restricted case rate, the measure of cases in which employees were absent from work, restricted, or transferred as a result of a workplace injury or illness, has declined by 19.2% over the same period.

Total Recordable Case Rate



Injury and Illness Rates ^{1, 2}	2003	2004	2005	2006	2007	% Reduction 2003-2007
Total Recordable Case Rate	5.0	4.8	4.6	4.4	4.2	- 16.0%
Days Away/Restricted Case Rate	2.6	2.5	2.4	2.3	2.1	-19.2%

Days Away/Restricted Case Rate



Workplace Fatality Rate: An All-Time Low

OSHA continues to aggressively pursue the reduction of workplace fatalities. In calendar year 2007, the rate of fatal work injuries was 3.7 fatalities per 100,000 employees, down from 4.0 the previous year. This preliminary rate is the all-time lowest rate achieved since the Bureau of Labor Statistics instituted its Census of Fatal Occupational Injuries in 1992.

OSHA continues to broaden its efforts to reach at-risk Hispanic employees with targeted initiatives that include Spanish-language publications available in print and on OSHA's website, along with other compliance assistance information. Additionally, OSHA's Local Emphasis Programs (LEPs) target industries in which Hispanic employees are significantly represented. As a result, the fatality rate for Hispanic workers has decreased by 12% since 2002.

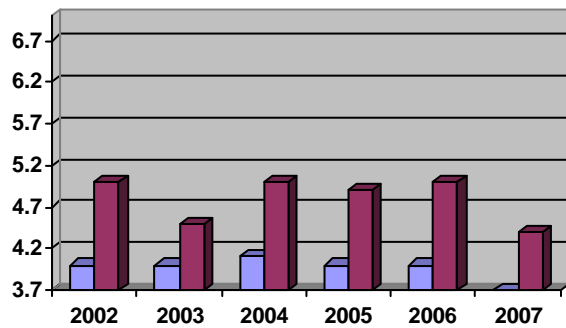
Fatality Statistics	2002	2003	2004	2005	2006	2007*	% Reduction 2002-2007
Total Number of Fatalities	5,524	5,575	5,764	5,734	5,840	5,488	-0.7%
Fatality Rate³	4.0	4.0	4.1	4.0	4.0	3.7	-7.5%
Hispanic Fatality Rate³	5.0	4.5	5.0	4.9	5.0	4.4	-12.0%

*Preliminary

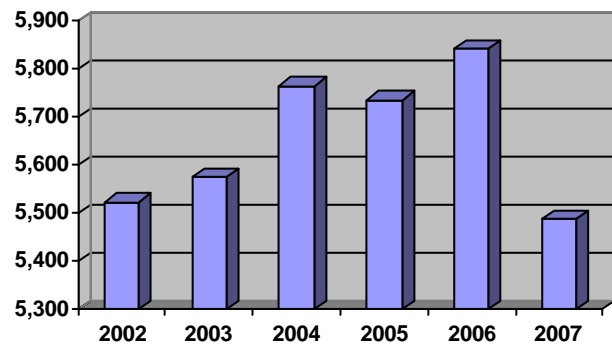
¹ Rates reflect number of cases per 100 full-time employees

² Rates are for private industry employers

³ Rates reflect number of fatalities per 100,000 full-time employees



■ Total Fatality Rate ■ Hispanic Fatality Rate



■ Total Number of Fatalities

OSHA Inspection Activity: Focused and Efficient

By proactively targeting the industries and employers that experience the greatest number of workplace injuries and illnesses, OSHA continues to maintain its high level of annual inspection activity. In FY2008, OSHA conducted 38,591 total inspections. This total represents 2.4% more inspections than OSHA's stated goal of 37,700. This year's significant enforcement actions included 121 inspections that each resulted in a total proposed monetary penalty of over \$100,000. OSHA conducted 23,023 programmed inspections in FY2008, which was a significant 6.7% increase over the past five fiscal years. OSHA also conducted 15,565 unprogrammed inspections, including employee complaints, accidents, and referrals, thus demonstrating OSHA's firm commitment to be continually responsive to employee concerns related to workplace safety and health. By fostering good working relationships with state, local, and other federal authorities, OSHA experienced a 5.9% increase over the past five fiscal years in the number of inspections generated through referrals from other governmental agencies. Additionally, the number of fatality investigations decreased by 9.7% over the past five fiscal years.

OSHA Inspection Statistics	FY2004	FY2005	FY2006	FY2007	FY 2008	% Change 2004-2008
Total Inspections	39,167	38,714	38,579	39,324	38,591	-1.5%
Total Programmed Inspections	21,576	21,404	21,506	23,035	23,023	6.7%
Total Unprogrammed Inspections	17,590	17,310	17,073	16,288	15,565	-11.5%
Fatality Investigations	1,060	1,114	1,081	1,043	957	-9.7%
Complaints	8,062	7,716	7,376	7,055	6,697	-16.9%
Referrals	4,585	4,787	5,019	5,007	4,855	5.9%
Other	3,829	4,807	3,555	3,183	3,056	-20.2%

Hazards Identified: Total Violations Rise; Serious and Repeat Violations Increase

While total injury and illness rates continue to decline, OSHA continues to direct enforcement resources to those establishments with the highest incidence of serious hazards. In FY2008, 87,687 violations of OSHA's standards and regulations were found in the nation's workplaces, a 1.1% increase since FY2004. The number of serious, willful, and repeat violations issued increased significantly over the previous fiscal year, as well as over the past five fiscal years. The considerable increases in these types of violations demonstrate OSHA's commitment to identifying and to eliminating a greater number of serious hazards in the workplace, as well as identifying more employers who have intentionally and/or repeatedly violated OSHA standards.

OSHA Violation Statistics	FY2004	FY2005	FY2006	FY2007	FY2008	% Change 2004-2007
Total Violations	86,708	85,307	83,913	88,846	87,687	1.1%
Total Serious Violations	61,666	61,018	61,337	67,176	67,052	8.7%
Total Willful Violations	462	747	479	415	517	11.9%
Total Repeat Violations	2,360	2,350	2,551	2,714	2,817	19.4%
Total Other-than-Serious	21,705	20,819	19,246	18,331	17,131	-21.1%

Whistleblower Complaint Protection: Integral to OSHA's Mission

Section 11(c) of the Act prohibits reprisals, in any form, against employees who exercise rights under the Act. The administration of Section 11(c) is thus integral to OSHA's core mission.

In FY2008, OSHA completed 1,259 investigations of 11(c) complaints. Twenty percent were meritorious complaints, 94% of which resulted in settlements. Sixty-three percent of the complaints were dismissed, and 17% were withdrawn.

The 26 state programs completed 1,007 whistleblower investigations. Twenty-one percent were meritorious, 74% of which resulted in settlements. Sixty-four percent of the complaints were dismissed, and 16% were withdrawn.

Summary

OSHA's enforcement efforts remain critical to workplace safety and health by targeting the most hazardous workplaces and the employers that have the highest injury and illness rates.

Innovative approaches such as the EEP, SST, and NEPs enable OSHA to effectively identify serious safety and health hazards, to address recalcitrant employers, and to efficiently use its resources. OSHA's continual focus on its bottom line, reducing workplace injuries, illnesses, and fatalities, adds value to the workplace for both employers and employees.