

Public Employees for Environmental Responsibility News Release (www.peer.org)

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OSHA SHOULD GET OUT OF THE WHISTLE BLOWING BUSINESS — Scathing GAO Report Cements Case for a Separate Whistleblower Protection Agency

Washington, DC — A new Government Accountability Office report slamming the Occupational Safety & Health Administration for inattention to its large and growing whistleblower protection program underscores the need to remove it from under OSHA, according to Public Employees for Environmental Responsibility (PEER). PEER and other whistleblower support organizations have called upon Labor Secretary Hilda Solis to elevate the whistleblower program into its own office.

The Department of Labor has responsibility for administering the whistleblower provisions of 19 laws covering approximately 200 million U.S. workers. These functions are housed inside OSHA. Last week, GAO issued a report entitled “Whistleblower Protection: Sustained Management Attention Needed to Address Long-standing Program Weaknesses,” which took OSHA to task for more than 20 years of malpractice and neglect. The report faulted OSHA for basic but ingrained failures, including –

- Allowing whistleblower funds to be diverted to other uses. OSHA does not even have a separate accounting code to track whistleblower program expenditures;
- Lacking any action plan or performance measures for the whistleblower program. OSHA does not even mention whistleblower protection in its mission statement or strategic plan; and
- Abdicating responsible management, as one finding concludes “OSHA has done little to ensure that investigators have the necessary training and equipment to do their jobs, and that it lacks sufficient internal controls to ensure that the whistleblower program operates as intended.”

“OSHA management of the whistleblower program makes MMS look good,” stated PEER Executive Director Jeff Ruch, pointing out that OSHA has not yet implemented any of the eight recommendations from a critical 2009 GAO report on the whistleblower program. “The bottom line is that millions of American workers remain vulnerable to retaliation as a result of official malfeasance and indifference.”

On July 14, 2010, PEER and two other national whistleblower groups, the Government Accountability Project and the National Whistleblower Center, called upon Secretary Solis to move the program out of OSHA into a new “national Whistleblower Protection Office [with] its own budget, programmatic identity, strategic plan, staff, and leadership.” The groups charged that “an entrenched culture of harassment within OSHA...renders the agency even more ill-suited to fulfill its statutory duties of whistleblower protection.” Secretary Solis has yet to respond to this joint letter.

In a statement responding to the GAO report, OSHA Assistant Secretary David Michaels said he has undertaken a “top-to-bottom review” of the program but, PEER charges, this evaluation answers to the same dysfunctional leadership, will not consider cost codes or other budgeting reforms and is shrouded in secrecy. For example, OSHA recently conducted a survey of all its whistleblower investigators but has not released the results and is trying to block a PEER Freedom of Information Act request on the grounds that the survey results are “confidential intra-agency...opinions.”

“The world’s biggest whistleblower program is in need of real reform, not redecoration. As long as it remains inside OSHA, whistleblower protections will be marginalized,” Ruch added, noting that OSHA is overwhelmed with its health and safety functions, including a yawning backlog of chemical exposure standards. “OSHA has too much on its plate and should free itself of the functions that it has demonstrated that it cannot do.”

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[Read the GAO report](#)

[View the PEER/GAP/NWC letter to Secretary Solis](#)

[See OSHA statement on the GAO report](#)

[Scan OSHA refusal to release whistleblower staff survey results](#)

[Look at the low priority OSHA places on its whistleblower program](#)

[Examine the crippling OSHA health standard backlog](#)