

News Release



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US Labor Department's OSHA reports on state-run occupational safety and health programs *Agency calls for corrective actions to keep workers safe*

WASHINGTON – The U.S. Department of Labor's Occupational Safety and Health Administration today announced that it has concluded a special evaluation of state-run occupational safety and health programs under its jurisdiction. Enhanced Federal Annual Monitoring and Evaluation reports provide detailed findings and recommendations on the operations of state-run OSHA programs in 25 states and territories. The enhanced review was initiated after a 2009 special OSHA report on Nevada's program, prompted by numerous construction-related fatalities in Las Vegas, identified serious operational deficiencies in that state.

"Our goal is to identify problems in state-run programs before they result in serious injuries or fatalities," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "While we found many positives in the state programs, we also found deficiencies including concerns about identification of hazards, proper classification of violations, proposed penalty levels, and failure to follow up on violations to ensure that workplace safety and health problems are corrected."

The EFAME report and appendices for each of the 25 states, as well as each state's comment and fiscal year 2009 self-evaluation report, are now available on OSHA's website at <http://www.osha.gov/dcsp/osp/efame/index.html>.

States will have 30 days to provide a formal response, including a detailed corrective action plan for addressing findings and recommendations. Each state's formal response will be public information and available online as soon as it is received.

The EFAME review also identified areas where states have adopted standards and procedures exceeding federal OSHA's requirements, such as injury and illness prevention programs in California, Washington, Oregon, Minnesota and other states; the adoption of a cranes and derricks rule prior to OSHA's in North Carolina, Washington and Maryland; and Oregon's requirement that employers abate serious workplace violations during the contest period, a legal tool under consideration in Congress but still lacking in federal OSHA.

The review of the Hawaii program highlights significant performance problems resulting from staffing and funding cutbacks. OSHA is addressing these problems directly with the governor's office and has offered to provide supplemental federal enforcement assistance until the state can address its problems. If Hawaii is unable to present a reasonable strategy for expeditiously improving its worker safety and health oversight, consideration will be given to the state's current authority to operate its own program independently and could result in a federal takeover.

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“We recognize that some of the problems we identified could stem from significant budget constraints in many of the states and may also be the result of less intensive federal oversight in recent years,” Michaels added. “OSHA, through its regional offices, intends to provide assistance in the implementation of corrective actions and will work closely with state officials to review progress. We are confident that by working together to address identified problems, we can improve state operations and provide more consistent protection to all of America’s workers.”

The 25 states and territories evaluated are Alaska, Arizona, California, Connecticut, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, U.S. Virgin Islands, Virginia, Washington and Wyoming. No reports are being issued on the Nevada and Illinois state plans; a special study was issued on the Nevada state plan in October 2009, and the Illinois state plan was not approved until September 2009. The status of each state’s efforts to improve its plans will be reflected in the fiscal year 2010 Federal Annual Monitoring and Evaluation report expected in 2011. For more information about those states operating their own plans, visit <http://www.osha.gov/dcsp/osp/index.html>.

When Congress enacted the Occupational Safety and Health Act of 1970, it created an opportunity for federal-state partnerships to promote safety and health. Section 18 of the law allows states to develop and enforce occupational safety and health standards in the context of an OSHA-approved state plan. Twenty-seven states and territories have sought and obtained approval. Twenty-one states and Puerto Rico have complete programs covering both the private sector and state and local governments. Four states and the U.S. Virgin Islands have programs limited in coverage to public sector employees. Currently, state plans deliver the OSHA program to 40 percent of the nation’s workplaces, with federal OSHA responsible for the other 60 percent.

State plan standards and enforcement must be at least as effective as federal OSHA in providing safe and healthful employment to workers. In addition, state plans operate under authority of state law, not delegated federal authority. Thus, in order to operate its own plan, a state must enact an equivalent of the federal OSH Act and must use administrative and regulatory procedures to adopt its own standards, regulations and operating procedures, all of which must be updated within six months of any change in the federal program.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to assure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

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