



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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MANPOWER AND WELFARE
DIVISION

June 9, 1975

The Honorable John H. Stender
Assistant Secretary for Occupational
Safety and Health
Department of Labor

Dear Mr. Stender:

As you know, the General Accounting Office is making a review of OSHA's administration of the provisions in the Occupational Safety and Health Act for allowing States to develop and implement occupational safety and health programs at least as effective as OSHA's. By letter dated April 2, 1975, we requested comments from the Secretary of Labor on the feasibility of taking action to ensure that States with OSHA-approved plans conduct workplace inspections with legal authority, safety and health standards, and enforcement procedures at least as effective as OSHA's. Your reply to that letter--dated May 12, 1975--will be fully considered in the completion of our review.

Another matter noted during our review concerns the need for OSHA to insure abatement of safety and health hazards found by OSHA personnel during their monitoring of State inspections. We are bringing this matter to your attention at this time because many of the hazards involved could cause injury or illness to employees and, therefore, appear to warrant prompt attention by OSHA to insure abatement.

We are continuing our review of other aspects of OSHA's administration of State programs.

HAZARDS OBSERVED BY
OSHA MONITORS

As part of their monitoring of States' activities under OSHA-approved plans, OSHA field office personnel regularly visit private industry workplaces. Such visits include

- "on-the-job evaluations" (OJE's) of State inspections as they are being made and
- "spot checks" at workplaces previously inspected by State inspectors; under OSHA's procedures State personnel may, but are not required to, accompany the OSHA representative making the spot check.

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We reviewed OSHA records pertaining to OJE's and spot checks of State inspections in Oregon during a 1-year period ending January 1, 1975, and in Washington during a 6-month period ending November 30, 1974. The records showed that OSHA personnel identified numerous hazards which they believed were violations of safety and health standards, as shown below.

	<u>Number of hazards identified by OSHA</u>		
	<u>Serious</u>	<u>Non-serious</u>	<u>Total</u>
	(note a)		
OJE's:			
Oregon	75	726	801
Washington	9	113	122
Total	<u>84</u>	<u>839</u>	<u>923</u>
Spot checks:			
Oregon	49	357	406
Washington	50	204	254
Total	<u>99</u>	<u>561</u>	<u>660</u>
Total	<u>183</u>	<u>1,400</u>	<u>1,583</u>

^aAs classified by OSHA personnel

None of the 923 hazards identified by OSHA during the OJE's were cited and required to be abated by OSHA inspectors or State inspectors.¹

The hazards identified by OSHA during the spot checks either (1) existed when the State inspectors made their initial inspections or (2) came into existence after the initial inspections. OSHA did not issue citations requiring abatement of any of the hazards noted during the spot checks, nor require the States to do so. We examined State inspection records to determine whether the States had reinspected the workplaces where OSHA's spot checks revealed serious hazards. Oregon had reinspected the workplaces where 21 of the 49 serious hazards had been noted, but had not reinspected workplaces where

¹Other hazards identified during the OJE's were cited by the State inspectors.

The other 28 serious hazards had been noted. Washington had only reinspected workplaces where 2 of the 50 serious hazards had been noted.

Many of the hazards noted during OJE's and spot checks appeared to be of the type that could be harmful to employees, as indicated by the following examples.

- Workers were exposed to unguarded saws.
- Workers were not protected from the danger of falling into an open vat filled with liquid salt heated to 1500° F. Employees were observed standing beside the vat.
- Blasting powder and blasting caps were not separated to prevent accidental detonation.
- The cutting heads on a wood-shaping machine were not guarded to prevent employee contact. The OSHA representative who made the spot check noted that an employee's fingers had been badly cut on the machine.

OSHA PROCEDURES DO NOT
INSURE ABATEMENT OF HAZARDS

We recognize that OSHA issued new guidelines in April 1975 to be followed by OSHA field offices in making OJE's and spot checks. Adherence to these guidelines, however, will not insure that all hazards found during these monitoring activities will be promptly abated.

The April 1975 guidelines state that OJE's are for monitoring purposes only and that the OSHA monitor will take no enforcement action except in the case of an imminent danger which is not acted upon by the State inspector. The guidelines do not require State enforcement action for other hazards found during OJE's.

For spot checks, the April 1975 guidelines provide as follows.

- The spot check visit is for monitoring purposes and no enforcement action should be taken by the OSHA monitor or by any State personnel accompanying the OSHA monitor, other than to affect the abatement of an imminent danger situation.

- At a closing conference, the employer will be asked to abate imminent danger situations voluntarily and will be told that a subsequent enforcement inspection will result if any violations appear to be serious and may result for apparent nonserious violations, and that abatement of the hazards by the time of such reinspection will remove all cause for citation and/or penalty.
- Abatement of imminent danger situations will be required by OSHA or the State if the employer does not voluntarily abate. (The guidelines are not clear on what action should be taken in certain instances in which the OSHA monitor does not believe that the State can and will take prompt action to require abatement of the imminent danger.)
- Serious violations noted during the spot check will be scheduled for reinspection by the State or by OSHA, depending on the operational status of the State program; reinspection by OSHA or the States will not be required for apparent non-serious violations.

CONCLUSIONS

Although we recognize that OJE's and spot checks are made to monitor State inspectors' performance, OSHA should do all it can to protect the workers exposed to the hazards noted during these visits.

OSHA should (1) insure that hazards identified in past OJE's and spot checks, which could cause injury or illness to employees, are abated and (2) revise its guidelines to insure prompt abatement of safety and health hazards identified in future OJE's and spot checks.

In the case of OJE's and spot checks during which an OSHA representative is accompanied by a State representative, OSHA should immediately cite or require the State to immediately cite all violations which could cause injury or illness to employees. In the case of spot checks which are made by OSHA without being accompanied by a State representative, OSHA should cite all such violations. OSHA's requirement for scheduling certain violations for subsequent re-inspections by OSHA or by the State not only excludes some hazards but also delays required abatement of those reinspected.

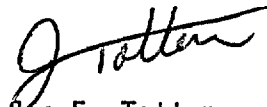
RECOMMENDATIONS

We recommend that OSHA review, or direct the appropriate States to review, the records on past OJE's and spot checks to identify hazards which neither OSHA nor the States have required to be abated. We recommend also that OSHA take, or require the States to take, the necessary actions to insure that such hazards are abated by the employers.

We recommend further that OSHA revise its guidelines for making future OJE's and spot checks to require that either OSHA or the State will immediately issue citations requiring abatement of all hazards identified in OJE's and spot checks.

We would appreciate your comments on the findings and recommendations in this report, including any actions you take or plan to take on the recommendations. We appreciate the excellent cooperation by OSHA field and headquarters personnel during our review.

Sincerely yours,



Boe E. Totten
Assistant Director

cc: Assistant Secretary for
Administration and Management