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STATEMENT OF  
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HUMAN RESOURCES DIVISION  
BEFORE THE  
SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES  
ON  
[ THE EFFECTIVENESS OF THE OCCUPATIONAL SAFETY  
AND HEALTH ADMINISTRATION'S COMPLAINT PROCEDURES ]

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Mr. Chairman and Members of the Committee:

We are pleased to appear here to discuss our April 9, 1979, report entitled "How Effective are OSHA's Complaint Procedures?" The report discusses the need for the Occupational Safety and Health Administration and States to resolve workers' complaints that do not involve serious hazards, by a method other than an inspection. The report digest which summarizes our findings, conclusions, and recommendations is attached to my statement.

We reviewed OSHA's complaint policies and procedures because we were concerned about the impact that complaint inspections were having on OSHA's enforcement program. In fiscal year 1976, OSHA made 9,150 complaint inspections. By fiscal year 1977, the number had more than doubled.

Our report covered complaint inspections in several OSHA offices in Pennsylvania, Missouri, and Florida and State offices in California, Iowa, and Maryland. These were selected to provide geographic representation and varying complaint workloads. Also, we sought offices covering heavily industrialized and unionized areas and those which were not.

The Occupational Safety and health Act requires an investigation of a signed complaint by a worker or worker representative if there is reasonable evidence of imminent danger

or a violation of a safety or health standard that threatens physical harm. However, it was OSHA's policy to make inspections for all complaints.

Our review showed that, although most complaints did not meet the formality requirements of the act, nearly all complaints were investigated. Of the 2,807 complaints received between October 1977 and March 1978 in the offices we visited, only 248 did not result in inspections. Reasons for not making inspections for the 248 complaints included such things as lack of jurisdiction or denial of entry to the worksite, rather than the formality or merit of the complaints.

Complaints represented the largest use of OSHA's inspection resources and significant use of the States' resources. In fiscal year 1978, OSHA and the States made about 37,000 complaint inspections. In some of OSHA's area offices, complaint inspections were about 75 percent of their workload. OSHA officials in Philadelphia and St. Louis said that their workload consisted almost entirely of complaints.

We found that complaint inspections provided limited benefits in protecting workers from serious hazards. Most complaints came from the types of businesses that OSHA and the States would not generally inspect on their own initiative and did not appear to address serious hazards or, in some cases, any hazards.

OSHA's goals were to focus resources on the most hazardous workplaces. However, in reviewing 267 complaints dealing with alleged safety hazards, only 65 involved industries included in OSHA's high-risk or special emphasis program. (Industries are not categorized by health risk.) The complaints which were not from high-risk industries usually involved small businesses less likely to have serious hazards, such as restaurants, motels, retail stores and offices.

For fiscal year 1978, about 70 percent of all complaints OSHA received were classified, prior to inspection, as non-serious. Only 1 percent were considered as potential imminent danger. Of the OSHA and State case files we looked at, over half of the complaints were classified as nonserious. The nonserious complaints described such conditions as dirty restrooms, unsanitary shower facilities, lack of separate restrooms and inadequate lighting in an office.

Complaint inspections often did not detect any violations of standards, seldom detected serious violations, and rarely detected serious violations that related to the subject of the complaints. For 80 percent of the complaints we reviewed, no violations were found that related to the items complained about. Less than 4 percent of the complaint items were cited as serious violations.

OSHA and the States were reluctant to resolve complaints without workplace inspections regardless of the seriousness of the alleged hazards, even if the complaints did not meet the formality requirements of the act. Half of the formal complaints we reviewed were considered nonserious by OSHA and the States. We also found instances where inspectors made complaint inspections covering items for which no standards existed.

Complaints usually were not screened to determine whether they could be handled by some means other than a worksite inspection. Complaint information was generally vague. Better information was not obtained although, often, it could have been. The need for detailed data is important especially when dealing with potential health hazards. OSHA and the States should have helped workers better define their complaints before deciding to schedule workplace inspections so that inspectors' time would not be spent on trivial complaints. Also, inspectors, especially industrial hygienists, could be better prepared if they had more specific data.

We found that improvements could be made in complaint inspections. Complaints involving potentially serious hazards were not always investigated promptly. Also, inspectors making complaint inspections in high-risk industries frequently inspected only for alleged hazards and did not inspect other

work areas where potentially serious hazards were likely to exist.

We made several recommendations to improve OSHA's and the States' complaint handling procedures including recommending that Congress amend the act to give OSHA authority to resolve formal complaints without inspections when the complaints do not involve potential hazards that can cause death or serious physical harm.

OSHA revised its procedures for handling worker complaints effective September 1, 1979. According to OSHA, all complaints will be thoroughly evaluated to enable the agency to respond promptly to serious hazards and to deal with many less serious hazards without inspections. We have not evaluated the impact of these new procedures. However, OSHA inspection data for the first 4 months of fiscal year 1980 shows that complaint inspections were about 27 percent of OSHA's inspection activity, a drop of about 8 percent from the prior year.

Mr. Chairman this completes my statement. We would be happy to respond to any questions you or other members of the Committee may have.

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESSHOW EFFECTIVE ARE OSHA'S  
COMPLAINT PROCEDURES?D I G E S T

The Occupational Safety and Health Administration (OSHA) and States have a limited number of inspectors to follow up on the large number of complaints about workplace hazards. Because of this, their procedures to resolve complaints need revision. The Occupational Safety and Health Act requires an investigation, if there is reasonable evidence of imminent danger or a violation of a safety or health standard that threatens physical harm. Although most complaints do not meet the formality requirements of the act, nearly all complaints are investigated.

Starting in 1977 inspections for alleged hazards began to increase substantially. In fiscal year 1978, the agency and States operating under approved plans made about 188,000 inspections, of which about 37,000 were in response to complaints. As workers continue to become aware of the physical protection that the act should insure, the volume of complaints is expected to continue.

GAO reviewed OSHA and State procedures for responding to complaints to determine if the agency and the States were making the best use of the limited number of inspectors and protecting workers from workplace hazards.

GAO found that:

--Complaint inspections were of little value in protecting workers from serious hazards. Most complaints GAO reviewed came from workplaces that OSHA would not visit on its own initiative because they were not part of a high-risk industry. Also, most complaints--about 80 percent of the cases GAO reviewed--did not appear to address serious hazards or involve violations of standards. (See p. 9.)

--Usually, complaints were handled by a workplace inspection; however, some complaints could be resolved without such inspections. (See p. 13.)

--Initial complaint information was generally vague, and although better information was available, it was not sought. (See p. 19.)

--A backlog of health complaints existed at all the offices visited. (See p. 8.)

*Thoroughness  
Investigations  
follow-ups on*

--Complaints involving potentially serious hazards sometimes were not investigated soon enough. Also, although files often did not adequately show the scope of the inspection, inspectors frequently followed up only the alleged hazard and not other work areas where potentially serious hazards were likely to exist. (See p. 25.)

RECOMMENDATIONS TO THE  
SECRETARY OF LABOR

The Secretary of Labor should direct the Occupational Safety and Health Administration and the States to

- ① --develop criteria for screening safety and health complaints,
- ③ --evaluate each complaint and try to resolve nonformal complaints considered less than serious by means other than a workplace inspection,
- ② --identify vague health complaints and use cross-trained safety inspectors to obtain additional information needed,
- ④ --develop inspection procedures which require that potentially serious worksite hazards are looked for when an inspector visits a worksite on a complaint inspection,
- ⑤ --make sure that timely complaint inspections are made when the alleged hazards are believed potentially serious, and



--insure that inspectors adequately document the scope and the results of complaint inspections.

#### AGENCY COMMENTS

Labor agreed with GAO's findings and recommendations and has either taken or is considering actions to improve its procedures. Such proposed actions, if properly implemented, should result in program improvements. However, Labor must take additional actions to make sure that its limited staff is better used in resolving complaints. (See pp. 23 and 29.)

#### RECOMMENDATION TO THE CONGRESS

The Congress should amend section 8(f) of the Occupational Safety and Health Act of 1970 to give OSHA authority to resolve formal complaints without inspections when the complaints do not involve potential hazards that can cause death or serious physical harm.