

Workplace Safety & Health Enforcement Falls to Lowest Levels in Decades

While the Occupational Safety and Health Administration (OSHA) under the Trump administration implements a new enforcement rating system to disguise further declines in workplace safety and health enforcement, data reveal a rise in workplace fatalities and catastrophes in workplaces under OSHA's jurisdiction.

Enforcement Declines to Levels Below Obama and Bush Administrations

New data released by the federal Occupational Safety and Health Administration in December 2019¹ confirm that workplace safety enforcement under the Trump administration has declined to levels below the previous two administrations. According to OSHA's own data, in the first three years of the Trump administration, federal OSHA conducted an average of 32,610 worksite inspections per year. During the Obama administration, the average was 38,092 worksite inspections per year; during the Bush administration, the average per year was 38,482 worksite inspections. (See **Table 1**, below.)

OSHA inspections prevent injuries; there is compelling evidence that injury rates are lowered at inspected workplaces for several years after the inspection has occurred.^{2,3,4}

Comparing the number of workplace safety inspections conducted by federal OSHA during the last three years of the Obama administration with the first three years of the Trump administration, the **total number of inspections is down by 6,099 inspections over three years**. In fact, the number of OSHA inspections during the first three years of the Trump administration is less than any three-year period under the Obama and Bush administrations. This represents a significant decrease in OSHA enforcement.

Fiscal Year	Number of Federal OSHA Inspections
2001	35,974
2002	37,614
2003	39,817

Table 1. Number of Federal OSHA Worksite Inspections by Fiscal Year	
2004	39,167
2005	38,714
2006	38,579
2007	39,324
2008	38,667
2009	39,004
2010	40,993
2011	40,614
2012	40,961
2013	39,228
2014	36,163 (gov't shutdown)
2015	35,820
2016	31,948
2017	32,408
2018	32,023
2019	33,401

Source: Occupational Safety and Health Administration, at <https://www.osha.gov/dep/>

Fewest OSHA Inspectors in 40 Years; Fewer Complex Investigations

Federal OSHA data reveal not only that inspections are dropping, but that OSHA has the lowest number of inspectors (“compliance officers”) on staff in the last 40 years—while the number of workers under OSHA’s jurisdiction has almost doubled.⁵ In 1979, federal OSHA had 1,441 inspectors; in 1982, it had 1,003 inspectors;⁶ in 2010, OSHA had 1,106 inspectors;⁷ in 2016, it had 952 inspectors;⁸ and in March 2019, OSHA had only 870 inspectors.⁹ **By slashing the number of lifesaving safety and health inspectors, the administration is slowly crippling the agency’s ability to protect workers.**

This alarming reduction in enforcement will have a disparate impact on workers of color, who work in jobs with the highest injury risk.¹⁰

Fewer Complex, Resource-Intensive Inspections Into Serious, Life-Threatening Hazards

As the total number of inspectors and inspections declines under the Trump administration, OSHA is also reducing the number of inspections focused on some of the most serious and often life-threatening hazards, such as chemical exposures, workplace violence, and dangerous heat, ergonomics, refinery, and process safety management–related hazards.¹¹ These are inspections that often involve complex investigations and often take many months to complete.

The background is that in 2016,¹² OSHA under the Obama administration stopped focusing on just the raw number of inspections and began a new system of weighting inspections in order to encourage inspectors to conduct more of these crucial, resource-intensive inspections. **The revised system implemented in 2016 changed the way the agency measured and evaluated enforcement activity to better recognize the importance of those inspections that were more complicated and took longer to conduct**—thus creating an incentive for inspectors to spend extra time on these.

The agency had determined that the old weighting system, where all inspections are equally valued, whether they take one day or six months, may have discouraged inspectors from conducting more complex investigations and encouraged them to increase numbers with lots of relatively short construction inspections. According to OSHA,¹³ the revised weighting system “underscores the importance of the resource-intensive enforcement activity that focuses on some of the most hazardous work place issues such as ergonomics, heat, chemical exposures, workplace violence and process safety management.”

Unfortunately, under the Trump administration, these resource-intensive inspections have sharply declined between FY 2016, the first year of this revised, weighted measuring system, and FY 2018.¹⁴ (See **Table 2**, below.)

- Overall, OSHA worksite inspections for health-related hazards, such as exposure to dangerous levels of heat or toxic chemicals, have fallen dramatically: from 6,244 inspections in FY 2016 to 5,567 inspections in FY 2018.¹⁵ In fact, in FY 2018, OSHA conducted the lowest number of health-hazard-related inspections since 2008, the last year of the Bush administration.¹⁶
- There was a two-thirds reduction in the number of OSHA inspections focused on protecting workers from ergonomic-related hazards—even though musculoskeletal disorders, such as carpal tunnel syndrome and lower back pain, are the leading types of disabling job-related injuries and illnesses in the nation.¹⁷
- The agency reduced, by almost half, the number of inspections focused on protecting workers from dangerous heat levels (even though last year was one of the hottest years on record).
- The number of inspections where inspectors measure workers’ chemical exposures dropped by 20 percent.

Fewer High-Penalty ‘Significant Cases’ That Put Industries on Notice

Other indicators of overall enforcement efforts are the number of cases where inspectors have taken the time to dig deep and find the facts about “willful” or “repeat” violations with much higher penalties per violation, and cases where inspectors have looked for multiple similar violations in the same workplaces. These kinds of inspections typically yield much higher penalties, and OSHA labels them as “significant cases.” These are the kinds of inspections that make local headlines and put entire industries on notice about the risks of violating OSHA’s standards. But under the Trump administration, the total number of high-penalty “significant” cases dropped by 50 percent between FY 2016 and FY 2018 (from 131 in FY 2016 to 66 in FY 2018).

Type of Inspection	Number of Inspections FY 2016	Number of Inspections FY 2018	EU Value Change from FY 2016 to FY 2018
Combustible Dust (x2 for EU value)	491	396	-190 EU
Ergonomics (x5 for EU value)	69	23	-230 EU
Heat (x4 for EU value)	187	105	-328 EU
Fatality/Catastrophe (x3 for EU value)	866	906	+150 EU ¹⁸
Personal Sampling Cases (x2 for EU value)	1,582	1,285	-600 EU
Significant Cases (High Penalty) (x8 for EU value)	131	66	-520 EU
Non-Weighted (quick) (x1 for EU value)	27,662	28,322	+660 EU
Rapid Response Investigation (letter sent in response to a severe injury) (x 1/9 for EU value)	7088	8290	+133 EU

Source: FOIA Response from OSHA, January 24, 2019, FOIA Number 870706

New Enforcement Rating System Artificially Inflates Low Numbers

Recently, the Trump administration introduced a new rating system that reduces the extra weight given to the chemical, workplace violence, heat, ergonomics, and refinery-hazard investigations. This change artificially inflates OSHA’s enforcement numbers with short, quick inspections—while allowing them to hide the fact that they are doing far fewer of the more resource-intensive investigations.¹⁹

Instead, OSHA will now give extra weight to short duration, mostly safety inspections that have always constituted the largest portion of all OSHA inspections. Under the new weighting system,²⁰ these quick, safety-focused inspections will be weighted higher—and the more resource-intensive investigations will now get less weight than in the 2016 system.

This new system returns OSHA to a time when inspectors once again have less incentive to take the time and effort needed to conduct inspections focused on ergonomic hazards, dangerous heat levels, workplace violence, or process safety management-related hazards in refineries and chemical facilities. **This new rating system is clearly not designed to increase protection of workers—but to allow this administration to artificially inflate its picture of enforcement activity.**

Workplace Fatalities and Catastrophes Under Federal OSHA Jurisdiction Are Rising

As OSHA reduces the number of inspections and inspectors, these actions raise a warning flag about the impact on workers. During FY 2018, federal OSHA saw the largest increase in the number of fatality and catastrophe investigations in a decade.²¹ Under OSHA's enforcement policy, all work-related fatalities and catastrophes that result in the hospitalization of three or more workers must be investigated by the agency.²² The numbers are startling: In FY 2017, there were 837 work-related fatality and catastrophe investigations conducted by federal OSHA; in FY 2018, that number rose to a decade-high 935 fatalities and catastrophes.

There is no doubt that OSHA has made an incredible difference in saving workers' lives and limbs.²³ Currently, the number of OSHA inspectors has fallen to levels where it would take more than 165 years to investigate every workplace just once.²⁴ **As the administration reduces enforcement, workers in dangerous jobs and industries—especially workers of color who work in jobs with the highest risk of serious injuries—will pay the price, as will their families and communities.**

Endnotes

- ¹ <https://www.osha.gov/news/newsreleases/trade/12032019>
- ² Levine DI, Toffel MW, Johnson MS. 2012. "Randomized Government Safety Inspections Reduce Worker Injuries with No Detectable Job Loss." *Science* 336(6083): 907-11.
- ³ Foley M, Fan ZJ, Rauser E, Silverstein B. 2012. "The Impact of Regulatory Enforcement and Consultation Visits on Workers' Compensation Claims Incidence Rates and Costs." 1999-2008 *Am J Ind Med* 55(11): 976-90.
- ⁴ Haviland AM, Burns RM, Gray WB, Ruder T, Mendeloff J. 2012. "A New Estimate of the Impact of OSHA Inspections on Manufacturing Injury Rates, 1998-2005." *Am J Ind Med* 55(11): 964-75.
- ⁵ <https://www.osha.gov/osha40/timeline.html>
- ⁶ <https://aflcio.org/reports/death-job-toll-neglect-2019>
- ⁷ <https://aflcio.org/reports/death-job-toll-neglect-2019>
- ⁸ Data from OSHA received on January 3, 2019 in response to FOIA 871618. Numbers include total number of compliance officers and supervisory compliance officers, but not area directors.
- ⁹ Letter from Loren Sweatt to Senator Sherrod Brown, August 21, 2019.
- ¹⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6198680/>
- ¹¹ https://www.osha.gov/dep/enforcement/ews_memo_09302015.html.
- ¹² https://www.osha.gov/dep/enforcement/ews_memo_09302015.html.
- ¹³ https://www.osha.gov/dep/2018_enforcement_summary.html
- ¹⁴ https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/#_edn16
- ¹⁵ https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/#_edn16
- ¹⁶ <https://aflcio.org/sites/default/files/2017-03/DOTJ2015Finalnobug.pdf> and <https://aflcio.org/reports/death-job-toll-neglect-2019>
- ¹⁷ <https://www.bls.gov/news.release/osh.t04.htm>
- ¹⁸ There are some fatality inspections counted as significant cases in the OSHA data released.
- ¹⁹ <https://www.osha.gov/news/newsreleases/trade/09272019-0>
- ²⁰ <https://www.osha.gov/memos/2019-09-30/revisions-occupational-safety-and-health-administration-weighting-system>
- ²¹ https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/#_edn16
- ²² https://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-160.pdf
- ²³ <https://www.osha.gov/osha40/>
- ²⁴ https://aflcio.org/sites/default/files/2019-05/DOTJ2019Fnb_1.pdf Page 102

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