

Worker Safety in Crisis: The Cost of a Weakened OSHA

Worker safety and health is in crisis today. The agency tasked with protecting workers in the most dangerous jobs—the Occupational Safety and Health Administration (OSHA)—has been seriously weakened by this administration. It is no surprise, then, that during the COVID-19 pandemic, OSHA has completely abdicated its responsibility to ensure that employers keep workers safe on the job. More than 16,000 workers have already fallen ill and hundreds have died from COVID-19, including workers in hospitals, first response, nursing homes, meat and poultry plants, warehouses, grocery stores, and mass transit. The workers in many of these critical industries are disproportionately workers of color.

Yet, OSHA has not issued any enforceable COVID-19-specific requirements, practices, or policies that employers must implement to protect workers. OSHA's response to the thousands upon thousands of complaints¹ it has received from terrified workers around the country, alleging employers are not following safe infection control practices, has been feeble: there is little the agency can do, it says;² OSHA is not doing on-site enforcement and has no COVID-19-specific mandates for employers. But as the number of workers infected and dying from this disease grows, and as the illness spreads in communities where workers live, it is clear that a voluntary approach to worker safety is not mitigating this public health disaster. Communities of color are especially paying the price for this federal failure.

This administration promised it would protect workers.³ But its actions have seriously weakened OSHA and its mission to protect workers in the most hazardous jobs, exposing the hollowness of that promise. In fact, workers are now in greater danger of physical harm.

Black and Latinx workers, including immigrants, work in the most dangerous jobs. This year, the Bureau of Labor Statistics reported that Black workers and Latinx workers (the majority immigrants) suffered higher fatality rates than other workers. In its latest release, the Bureau found that the number of Black workers killed on the job in 2018 increased 16 percent, from 530 to 615, the highest total since 1999.⁴

Overall worker fatality rates also increased in the manufacturing industry; agriculture, forestry and fishing; and oil and gas extraction industries.⁵ When OSHA abdicates its role and mission to ensure employers are providing safe conditions, there is a direct impact on those working in the harshest and most dangerous conditions.

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Lowest Number of OSHA Inspectors Since 1975

Despite a promise by the Trump administration⁶ that the number of workplace safety and health inspectors would increase by 2019, the OSHA now has the lowest number of on-board inspectors in the last 45 years. According to numbers just released, federal OSHA now has a total of 862 inspectors to cover millions of workplaces (**Table 1**).⁷ Alarmingly, this number is lower than the number of inspectors released last March, when the agency announced it would be increasing the number of inspectors.⁸ At this staffing level, it would take the agency a whopping 165 years to inspect each workplace under its jurisdiction just once.⁹

The dangerous decrease in the number of inspectors, which has fallen steadily since 2017, is a clear result of administration policies to suspend filling vacancies in FY 2017 and then slow-walk hiring by putting in new procedures over the last few years.¹⁰ It is not an accident.

Overburdening inspectors reduces OSHA's ability to protect workers and spot and change practices that lead to fatalities and injuries. In fact, reducing the number of OSHA inspectors puts more workers in danger of physical harm on the job.¹¹



Table 1. Number of Federal OSHA Inspectors (Including Supervisors)

Year	Total # of Federal OSHA Inspectors
1975	1,102
1976	1,281
1977	1,353
1978	1,422
1979	1,441
1980	1,469
1981	1,287
1982	1,003
1983	1,160
1984	1,040
1985	1,027
1986	975
1987	999
1988	1,153
1989	1,038
1990	1,203
1991	1,137
1992	1,106
1993	1,055

1994	1,006
1995	986
1996	932
1997	1,049
1998	1,029
1999	1,013
2000	972
2001	1,001
2002	1,017
2003	1,038
2004	1,006
2005	956
2006	948
2007	948
2008	936
2009	929
2010	1,016

2011	1,059
2012	1,006
2013	994
2014	986
2015	943
2016	952
2017	896
2018	875
2019	862*
* As of Jan 1, 2020	
<p><i>Source: Compliance officers from 1973 to 1989 from Twentieth Century OSHA Enforcement Data. A Review and Explanation of the Major Trends, U.S. Department of Labor 2002; Compliance officers for 1990 to 2019 from OSHA Directorate of Enforcement Programs. Numbers include total number of safety and health inspectors and supervisors on board (this does not include Area Directors).</i></p>	

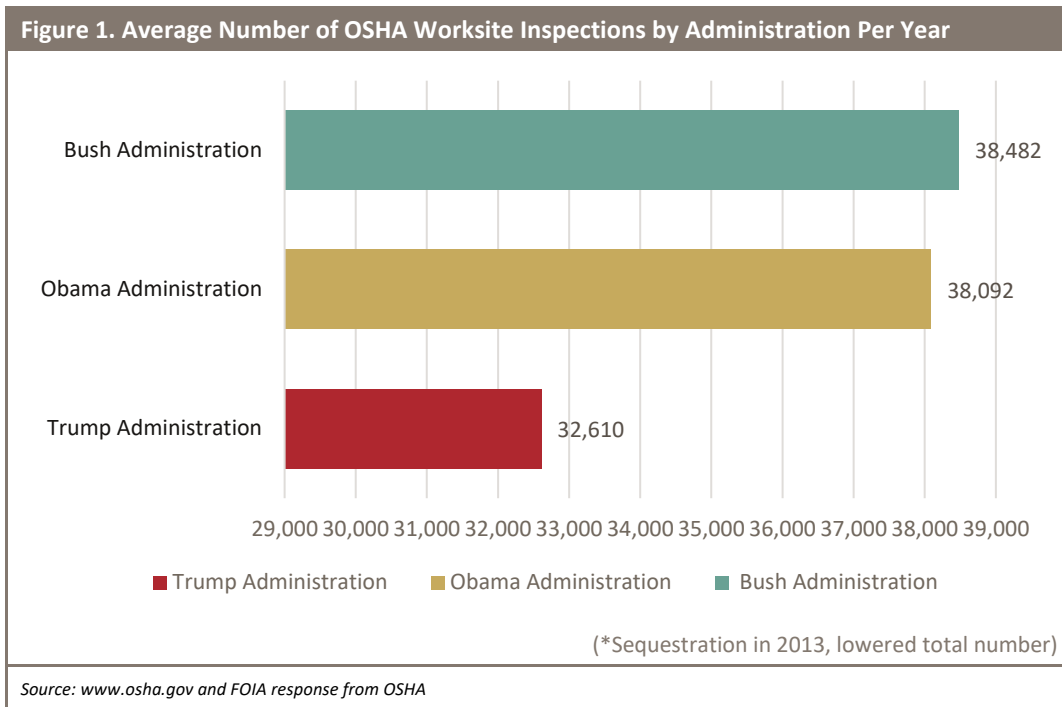
The average number of OSHA inspections per year under the Trump administration is at least 5,000 less than under the Obama or Bush administrations.

42 Percent of Top Career Leadership Positions Remain Unfilled

To make matters worse, OSHA has also failed to fill 42 percent of its top leadership career positions, leaving the agency without requisite expertise and direction to protect workers.¹² Key positions such as the director of enforcement, director of training, director of whistleblower protections, and regional directors have been vacant for years. Currently, these unfilled positions are partially staffed by employees who are also holding another job—doing two jobs at once.¹³ That is not a recipe that bodes well for worker safety.

Total Inspections Significantly Lower than Obama and Bush Administrations

As expected, the decrease in the number of inspectors has directly led to a precipitous drop in the overall number of inspections conducted by federal OSHA, as well as a drop in the number of more complicated inspections. New data reveal that the number of OSHA inspections conducted during the first three years of the Trump administration (FY 2017-19) is thousands of inspections per year lower than any three-year period under the Bush or Obama administrations.¹⁴ In fact, the average number of OSHA inspections per year under this administration is more than 5,000 inspections less per year than the average number of inspections under the Obama¹⁵ or Bush administrations (**Figure 1**).



This is especially dangerous for workers because OSHA inspections prevent injuries and save lives and limbs. A substantial body of empirical evidence, including a recent landmark study by the Business Schools of Harvard University and the University of California at Berkeley, as well as studies by the Rand Corporation, found that OSHA inspections result in substantially and persistently reduced rates of serious injuries.¹⁶ When those inspections are reduced, there is a direct impact on worker safety.

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Reductions in More Complex Inspections

As the total number of inspections declines, OSHA has also cut back on the number of more complicated, labor-intensive inspections. A lack of resources has led to a 25 percent drop in heat-related inspections; a 66 percent drop in the number of inspections related to musculoskeletal injuries; a 27 percent drop in the number of inspections where OSHA measures workers' chemical exposures; and a 38 percent drop in the highest penalty "significant cases."¹⁷ OSHA is cutting back on these critical inspections even though musculoskeletal disorders are the number one occupational illness faced by workers, and the country has had record heat levels over the last few years (**Table 2**).

	FY 2016	FY2019	Reduction
Excessive heat	187	139	25%
Musculoskeletal disorders (Ergonomics)	69	23	66%
High penalty “significant” cases	131	81	38%
Preventing combustible dust explosions	491	418	15%
Health hazards involving personal sampling	1582	1161	27%

Source: FOIA from OSHA and www.osha.gov

OSHA Is Disappearing From the News

Further weakening the agency’s ability to ensure safe conditions, OSHA is only publicizing a handful of its inspection results, drastically reducing the number of enforcement press releases issued by the agency by more than 50 percent from the previous administration. Although OSHA conducted more than 12,000 inspections in the second half of 2019, the agency only issued 84 press releases about violations cited. During the last six months of 2016, for example, OSHA issued 214 such releases.¹⁸ These are not national releases either; they are released in the locality of the inspection. So, some companies may never hear about any OSHA activity. The lack of publicity about agency enforcement actions seriously reduces any deterrent impact of OSHA’s already limited enforcement activities. In fact, a new study, just released last month, clearly found that publicizing OSHA citations “led other facilities to substantially improve their compliance and experience fewer occupational injuries. The estimates imply that OSHA would need to conduct 210 additional inspections to achieve the same improvement in compliance as achieved with a single press release.”¹⁹

Increase in Inspections Related to Fatalities and Catastrophes

OSHA’s inspection policies have for decades required the agency to conduct inspections following reports of a work-related fatality or catastrophe (more than three workers hurt).²⁰ The number of federal OSHA inspections opened as a result of a workplace fatality or catastrophe has increased in the Trump administration to levels that are the highest in over a decade. OSHA opened investigations into 837 workplaces due to a fatality or catastrophe in FY 2017. In FY 2019, that number has risen by over 150 workplaces to 978 opened investigations of fatalities or catastrophes.²¹ (**Table 3.**)

Fiscal Year	# of Workplace Inspections
2009	836
2010	830
2011	851
2012	900
2013	826
2014	850
2015	912
2016	890
2017	837
2018	941
2019	978

Endnotes

- 1 <https://www.washingtonpost.com/business/2020/04/16/osha-coronavirus-complaints/>
- 2 <https://www.wsj.com/articles/u-s-plant-workplaces-emerge-as-coronavirus-battlegrounds-11585775230>
- 3 <https://www.washingtonpost.com/news/posteverything/wp/2017/08/30/the-trump-administrations-ongoing-attack-on-workers/>
- 4 https://www.bls.gov/news.release/archives/cfoi_12172019.htm
- 5 Data from 2017 and 2018 (last year of data available) from BLS: <https://www.bls.gov/iif/oshcfoi1.htm#rates>
- 6 <https://www.politico.com/story/2019/06/17/number-of-workplace-safety-inspectors-fall-under-trump-1531659>
- 7 FOIA response from OSHA February 13, 2020
- 8 <https://www.safetyandhealthmagazine.com/articles/18265-acosta-to-lawmakers-i-fully-expect-inspections-to-increase>
- 9 https://afcio.org/sites/default/files/2019-05/DOTJ2019Fnb_1.pdf
- 10 <https://www.nbcnews.com/politics/white-house/exclusive-number-osha-workplace-safety-inspectors-declines-under-trump-n834806>
- 11 https://www.salon.com/2020/03/09/why-having-fewer-osha-inspectors-matters_partner/
- 12 <https://www.osha.gov/html/OSHAorgchart.pdf>
- 13 For example, Patrick Kapust is the Deputy Director of Enforcement, and the Acting Director of Enforcement. Same with all positions.
- 14 FOIA response from OSHA December 23, 2019
- 15 One year during the Obama Administration, 2016, was an outlier and thus reduced the totals for those years, because OSHA changed the way it counted and measure enforcement activity that year. Inspectors were tasked with conducting longer and more complicated inspections, and thus the total number of inspections fell as inspectors spent more time on complicated inspections. However, in the following three years under this administration, FY 2017-19, OSHA did less of the complicated inspections, but the total number inspections did not bounce back to previous levels.
- 16 Haviland AM, Burns RM, Gray WB, Ruder T, Mendeloff J. 2010. What kinds of injuries do OSHA inspections prevent? J Saf Res 14:339-345; Levine DI, Toffel MW. 2012. Government regulation that actually works Harvard business review blog. http://blogs.hbr.org/cs/2012/05/government_regulation_that_act.html ; Levine DI, Toffel MW, Johnson MS. 2012. Randomized government safety inspections reduce worker injuries with no detectable job loss. Science 336(6083):907-911.
- 17 FOIA response from OSHA February 4, 2020
- 18 <https://www.osha.gov/news/newsreleases>
- 19 <https://drive.google.com/file/d/1HcKpGXZuFWNNLa1YTl0A4Hte1BijabT-/view>
- 20 <https://www.osha.gov/enforcement/directives/cpl-02-00-159>
- 21 <https://www.osha.gov/enforcement/2018-enforcement-summary> and FOIA #884652