

OSHA Enforcement Activity Declines Under the Trump Administration

Almost 5,200 workers were killed on the job last year and over 2.85 million more suffered an injury serious enough to warrant medical attention or time away from their job.¹ The U.S. Bureau of Labor Statistics (BLS) reports that the number of work-related fatalities is increasing.² Yet, under the Trump administration, Occupational Safety and Health Administration (OSHA) enforcement activity—crucial to saving workers' lives—is declining.

OSHA's responsibility is to help assure that employers are providing safe workplaces. Since OSHA was created in 1971, the number of workplace deaths and the rate of on-the-job injuries has declined by 65 percent—with a workforce twice as large.³

The fact is that workplace fatalities and serious injuries and disease are preventable when employers follow common sense safety rules. Strong and targeted enforcement by OSHA saves not only lives, but valuable resources for employers as well. A substantial body of empirical evidence, including recent studies conducted by the Rand Corporation⁴ and by the business schools of Harvard University⁵ and the University of California at Berkeley⁶, confirm that OSHA inspections result in substantially and persistently reduced rates of both injuries and insurance costs to the tune of billions of dollars annually for employers, both large and small.

Though enforcement works, and though OSHA already has such limited inspection resources that it would take the agency over 150 years to visit every workplace under its jurisdiction just once, the Trump administration is cutting back on OSHA enforcement activity—putting workers lives at risk and undercutting businesses that play by the rules and that prioritize worker safety.

Reduction in OSHA Enforcement Activity: The Data Is Clear

Beginning in fiscal year 2016, OSHA revised the way it counts and measures enforcement activity. Prior to FY 2016, OSHA used the total number of onsite inspections as a way to measure enforcement activity. But OSHA found that this system of counting every inspection equally—whether it took one day or five months—penalized OSHA staff that took on more complex inspections that required a greater amount of time and effort. To encourage OSHA staff to undertake more complex inspections, such as for fatalities, process safety management, health hazards, heat, and ergonomics, in FY 2016 OSHA adopted a new system of measuring enforcement activity through weighed “enforcement units.” The new system assigns values—a number of enforcement units—to each specific type of inspection—with more time consuming and complex inspections having a higher enforcement unit value.

Here is how OSHA explained its new way of measuring enforcement activity⁷:

“In the past, we have used the number of inspections as the primary metric to measure enforcement activity. While this metric served a useful purpose, it penalized those field managers that took on more complex inspections that required a greater amount of CSHO [*compliance safety and health officer*] effort. For example, a process safety management (PSM) inspection of an oil refinery, which might take months, accounted for less weight under this system than a group of concurrent safety inspections at a construction site involving several employers. Our inspection metric that gave equal weight to all inspections may have discouraged some offices from committing necessary resources to fully complete more time-consuming, complex investigations.

This new system underscores the importance of the resource-intensive enforcement activity that is focused on some of the most hazardous work place issues such as ergonomics, heat, chemical exposures, workplace violence and process safety management.

The weighting system accounts for the different amounts of time and resources required by different types of safety and health enforcement activities.”

Thus, since FY 2016, OSHA has measured agency enforcement activity not by the total number of onsite inspections, but through a weighted system of enforcement units. Therefore, to adequately and accurately measure OSHA enforcement activity under the Trump administration, the new enforcement unit (EU) measurements must be used.

For FY 2016, OSHA reported that total enforcement activity reached 42,900 enforcement units.⁸ But in FY 2017, the number of enforcement units reported by the agency dropped. The total units for enforcement activity in FY 2017 is 41,829 enforcement units—**1,071 enforcement units less than the FY 2016 levels.** ⁹



Of great concern, this decline in enforcement activity continued at an accelerated pace in the first five months of FY 2018. Comparing OSHA enforcement activity in just the first five months of FY 2018 with enforcement activity from the first five months of FY 2017, the data shows that enforcement units are already down by 1,163 from FY 2017.

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Table 1. OSHA Enforcement Activity (Enforcement Units, EU) in First Five Months of FY 2017 vs FY 2018:¹⁰

Month	FY 2017	FY 2018	Change in Enforcement Units
October	3610 EU	3481 EU	-129
November	3054 EU	3122 EU	+ 68
December	2668 EU	2206 EU	-462
January	3314 EU	2901 EU	-413
February	3160 EU	2933 EU	-227
Total Drop in Enforcement Activity in Just First Five Months of FY 2018			-1,163

Since the beginning of the Trump Administration, the number of OSHA inspectors has also fallen significantly. As of January 2018, Federal OSHA had 764 inspectors, down from 814 in January 2017.¹¹ This has clearly led to serious cutbacks in enforcement activity that raises vital questions about OSHA’s ability to protect workers.

Conclusion

OSHA saves lives and limbs. Enforcing worker safety protections must be a top priority for policy makers—cutting back and jeopardizing worker welfare, as the Trump administration has done, is not an option.

Endnotes

¹ <https://www.bls.gov/iif/#News>

² <https://www.bls.gov/charts/census-of-fatal-occupational-injuries/number-of-fatal-work-injuries-by-employee-status-self-employed-wage-salary.htm#>

³ <https://www.osha.gov/osha40/index.html>

⁴ 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

⁵ 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

⁶ 3 Levine DI, Toffel MW, Johnson MS. 2012. Randomized government safety inspections reduce worker injuries with no detectable job loss. *Science* 336(6083):907-911.

⁷ https://www.osha.gov/dep/enforcement/ews_memo_09302015.html

⁸ https://www.osha.gov/dep/2016_enforcement_summary.html

⁹ https://www.osha.gov/dep/2017_enforcement_summary.html

¹⁰ Data from OSHA received on April 30th; FOIA Response 855067

¹¹ <https://aflcio.org/reports/death-job-toll-neglect-2018>