

Occupational Safety & Health State Plan Association - Press Release



September 28, 2010

The Occupational Safety and Health State Plan Association (OSHSPA), made up of 27 States and Territories that administer their own OSHA programs and work as partners with OSHA to ensure safe and healthful workplaces across the nation, fully supports regular auditing and monitoring of State-administered occupational safety and health programs. It is the organization's belief that appropriate auditing and monitoring can be a valuable tool to enhance program effectiveness and to support continuous program improvement. OSHSPA also believes that it is critical for the methodology that is used by OSHA to measure programs be consistent across the nation and to continue to allow the States to operate in a way that is at least as effective as OSHA. The State Plans do not, and should not, operate in a manner identical to OSHA. Rather, they serve as laboratories for moving occupational safety and health issues forward and fuel creative approaches to ensure the occupational safety and health of workers.

OSHA has recently engaged in a process where enhanced federal monitoring of programs was conducted and has issued State-specific 2009 Enhanced Federal Annual Monitoring and Evaluation (EFAME) Reports of State Plan OSHA programs. The reports contain a number of recommendations that may be useful to State Plan OSHA programs. However, OSHSPA believes that the scope, methodology, and evaluation criteria used by each of the ten federal OSHA regional offices were inconsistent and in some cases the report findings are misleading. Despite a last minute attempt to standardize the format of the reports, documentation and content still vary considerably. For several states, the executive summaries do not appear to clearly represent the audit findings contained in the associated report, nor do they clearly indicate positive aspects of the State Plan programs. Finally, although required by the guidelines established by the OSHA national office, some reports do not include a determination on whether a State continues to meet its State Plan requirements.

A well-designed audit containing pertinent and valid criteria, administered consistently by a well-trained staff, and focused on outcomes rather than process, is critical if the end results are to be consistent and meaningful. Appropriate fact-based criteria must be established to measure quality and performance against valid established benchmarks. OSHSPA is concerned that some of the audits seem to place too much emphasis on OSHA's determination regarding whether or not specific state policies and procedures are identical to federal OSHA's. This "identical procedure" approach is in conflict with the provisions of the OSH Act that specifically allow for State Plan administration of an OSHA program utilizing alternative policies and procedures, as long as the State's standards and overall enforcement of those standards are at least as effective as federal OSHA's.

Each State Plan program will respond to OSHA individually regarding its specific audit. Overall effectiveness of State and federal OSHA programs is paramount in ensuring that all workers nationwide

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have a safe and healthful workplace. OSHSPA members would welcome the opportunity to work with OSHA in developing effective measures and an effective auditing system that will better ensure that State Plans and federal OSHA are equally accountable to the American workers and general public, in regards to overall program effectiveness.

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