

State Plan Programs
Covering Private and Public Sectors

- Alaska
- Arizona
- California
- Hawaii
- Indiana
- Iowa
- Kentucky
- Maryland
- Michigan
- Minnesota
- Nevada
- New Mexico
- North Carolina
- Oregon
- Puerto Rico
- South Carolina
- Tennessee
- Utah
- Vermont
- Virginia
- Washington
- Wyoming

States Covered by Federal OSHA
Private Sector Only

- Alabama
- Arkansas
- Colorado
- Connecticut
- Delaware
- Dist. of Columbia
- Florida
- Georgia
- Idaho
- Illinois
- Kansas
- Louisiana
- Massachusetts
- Mississippi
- Missouri
- Montana
- Nebraska
- New Hampshire
- New Jersey
- New York
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- South Dakota
- Texas
- Virgin Islands
- West Virginia
- Wisconsin

State Plan Programs
Covering Public Sector Only

- Connecticut
- Illinois
- Maine
- New York
- New Jersey
- Virgin Islands

State Plan Programs

Currently, there are 28 states and territories with state-operated programs for worker safety and health. Twenty-one states and one territory have plans covering the private and public sectors. Five states and one territory have programs covering the public sector only. OSHSPA links the 28 state-plan jurisdictions, federal OSHA jurisdictions and Congress.

State Plan Programs have historically led efforts to create multidisciplinary approaches for workplace safety and health. In addition to compliance activity, most states devote significant resources for outreach, including consultative services and training resources to employers and workers.

The OSHSPA states have established a strategic planning process that measures program outcomes based on each state's unique knowledge of local work activity and hazards. This approach is consistent with the requirements of the Government Performance and Results Act (GPRA). Each state's strategic plan provides objective information for determining budget levels, and enhances public confidence by showing program activities and results.

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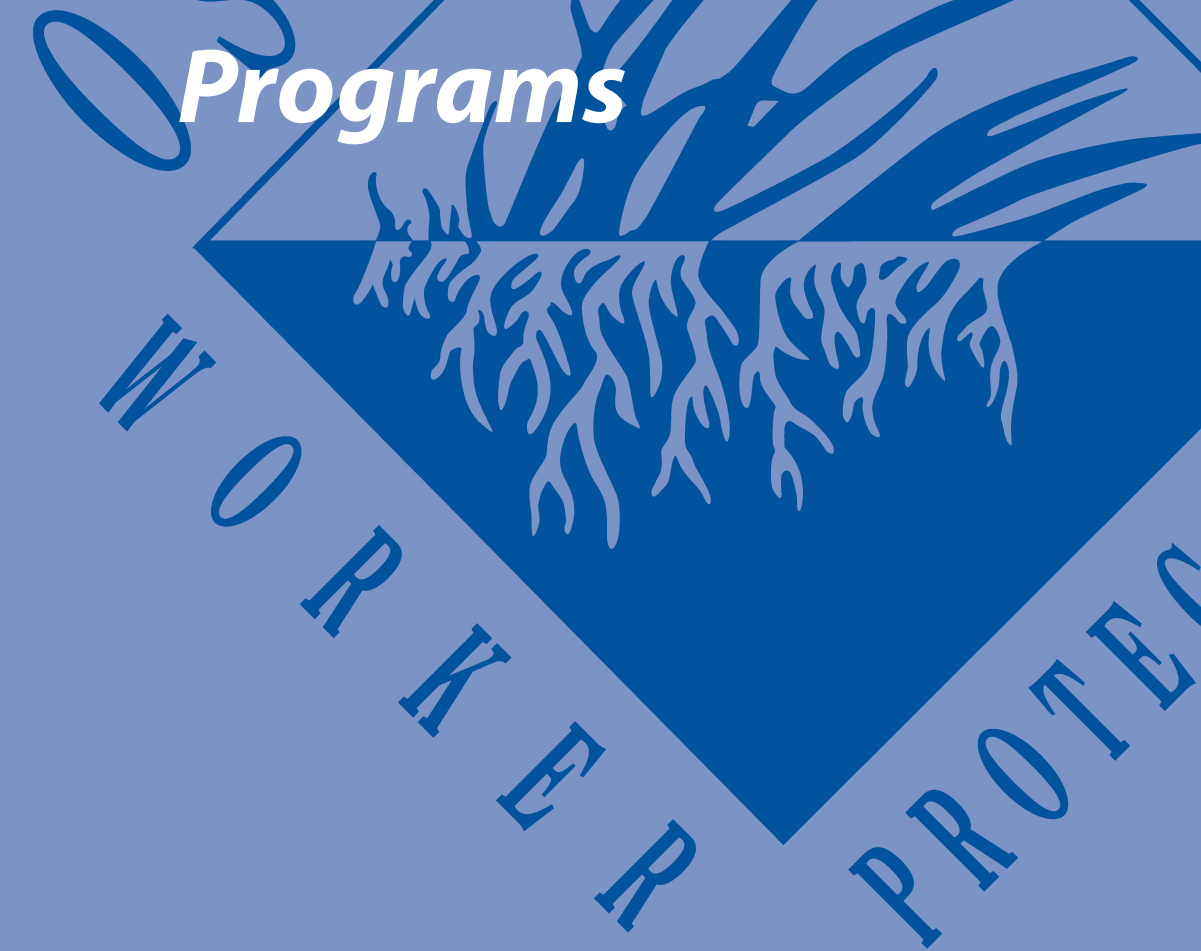
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2021 Special Report

Impact and Funding of State Occupational Safety and Health Programs

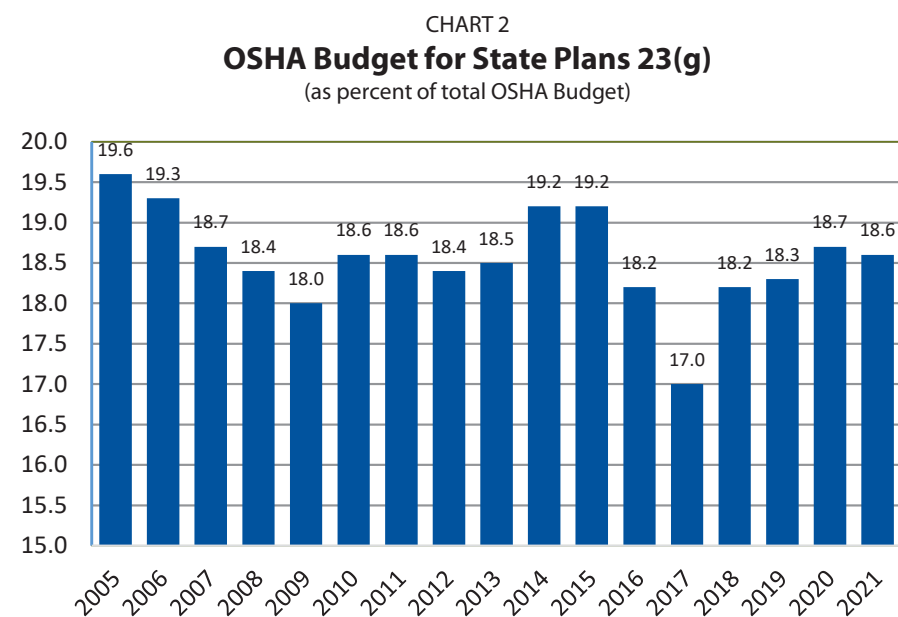
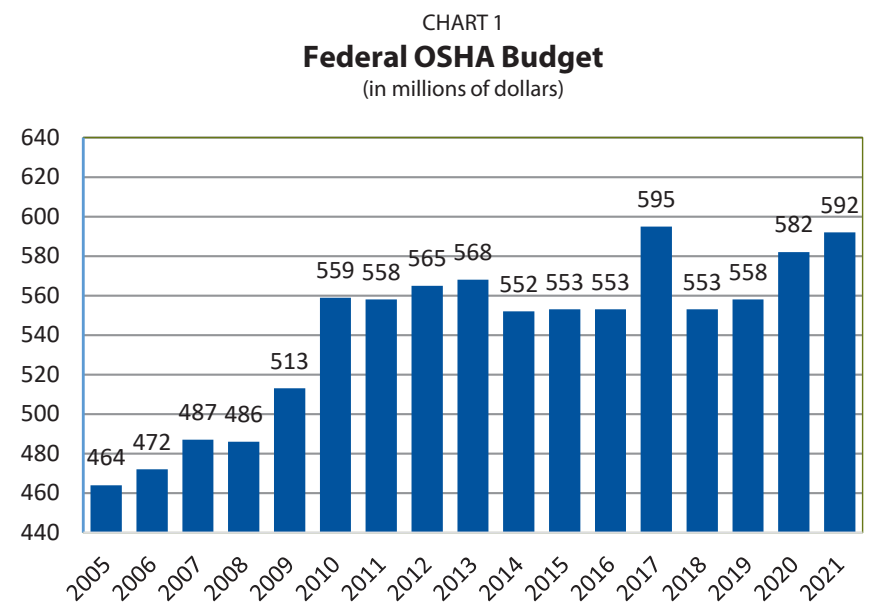


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2021 SPECIAL REPORT: Impact and Funding of State Occupational Safety and Health Programs

Purpose

The purpose of this document is to provide information to Congress and others on the impact and funding of state-operated programs for occupational safety and health. State Plan Programs are highly successful, but have experienced significant funding deficiencies. OSHSPA is working with OSHA to address these deficiencies.



*In FY 2017, federal OSHA "reprogrammed" \$750,000 from the State Plan Program budget for use by federal OSHA.

Occupational Safety and Health Administration (OSHA)

In establishing OSHA, Congress specifically encouraged states to develop their own safety and health plans, which would provide enforcement and compliance assistance activities. Section 18 of the Occupational Safety and Health Act, signed into law on December 29, 1970, authorized states to administer a state-operated program for occupational safety and health, provided the programs are "at least as effective" as federal OSHA.

Congress envisioned a comprehensive national program that would provide safety and health protection in all U.S. states and territories. Prior to the creation of OSHA, many states were already operating programs to protect their workers. Today, there are 28 states and territories that operate a State Plan Program for workplace safety and health, and work together through the Occupational Safety and Health State Plan Association (OSHSPA).

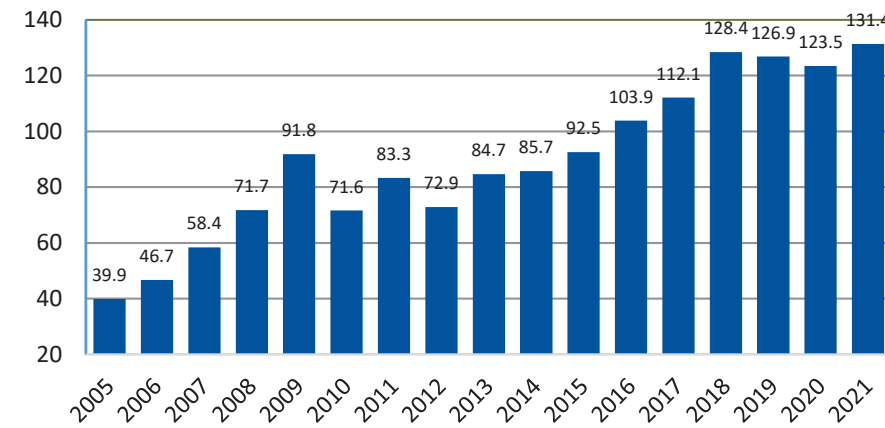
State Plan OSHA Funding

States choosing to operate a State Plan Program contribute a significant amount toward funding the program. Congress established a 50 percent funding level to encourage states to operate their own programs and to develop innovative approaches to workplace safety and health issues. Because states must provide at least a 50 percent match, every federal dollar is doubled – which multiplies OSHSPA state plan efforts.

While Congress envisioned that the partnership between federal OSHA and the state plans would include federal funding of 50 percent of the costs – the federal portion for State Plan Programs has diminished significantly over the years. Some key issues:

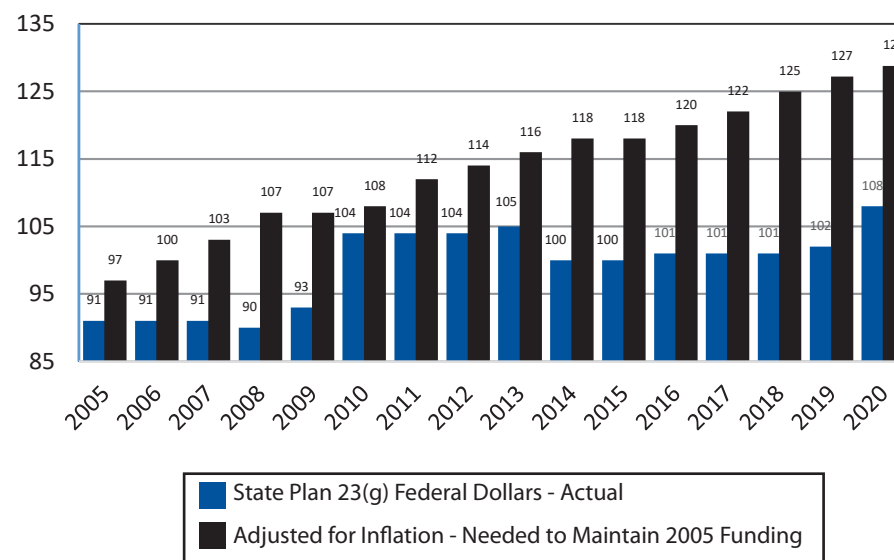
- During the past 16 years, federal OSHA funding has increased more than 27.6 percent – while state plan funding has increased less than 18.7 percent. (Charts 1 & 4)
- States received 18.6 percent of the overall federal OSHA budget in FY 2021, compared to 19.6 percent in FY 2005. (Chart 2)

**CHART 3
"Overmatch" Contributions by State Plans**
(in millions of dollars beyond required matching funds)



- States are required to match federal funds. In addition, state plans have consistently contributed "overmatch" funds. (Chart 3)
- The "real dollars" available to states have significantly decreased when considering inflation. In 2005, state plans were funded at \$91 million. To fund state plan states at the same level in 2021, a budget of \$129 million would be needed. (Chart 4)
- Initially, federal OSHA was typically able to fund states at a level of 50 percent of the program costs. As program demands have increased, the states have not been provided the necessary federal OSHA financial resources to "keep up."

**CHART 4
OSHA Funding for State Plans 23(g)
and Impact of Inflation**
(in millions of dollars)



Proposed Funding Solution

A process must be established to accurately and fairly address the budgetary requirements of State Plan Programs. Funding for state plans is a separate line in the OSHA budget and must be specifically addressed.

OSHSPA states are a Congressional success story, and are effective and efficient users of state and federal tax dollars. The strong partnership with OSHA has placed State Plan Programs in a perfect position to develop successful grassroots solutions.

At a minimum, State Plan Programs should be currently funded at an amount that would be in place had state plan funding kept pace with federal OSHA funding over the last decade.

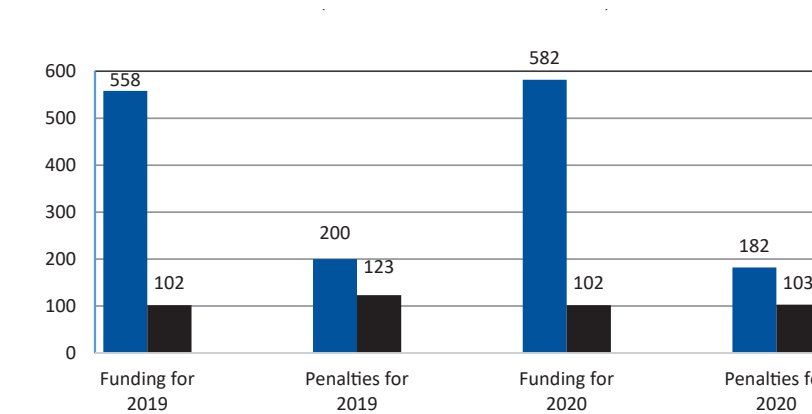
Federal agency budgets contain automatic cost-of-living adjustments (COLAs), including federal OSHA. State Plan Programs perform the same functions as federal OSHA, and should receive the same budget adjustments.

Based on the original intent of Congress and the output of the state plans, the long-term goal should be to reach full 50 percent funding.

Impact of State Plan Programs

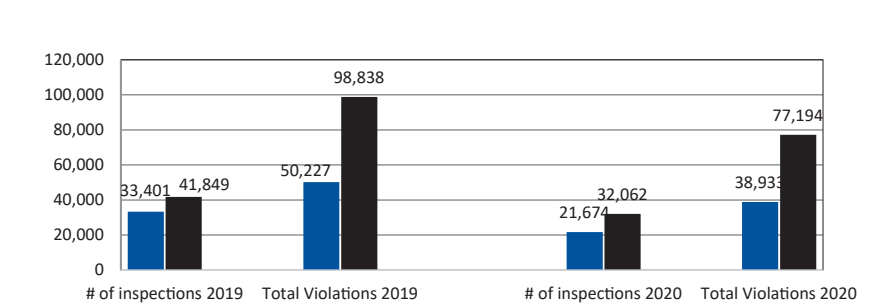
State Plan Programs cover about 40 percent of private-sector workers nationally. In addition, they cover more than 11 million workers in the public sector, which includes state and local governments, municipalities, colleges and universities. In all, it's estimated the OSHSPA states cover more than 3 million workplaces and 58 million workers. In FY 2020, state plans conducted more than 41,800 inspections, identified over 98,800 hazards and assessed nearly \$123 million in penalties. (Charts 5 and 6)

**CHART 5
Program Funding & Penalties Assessed**
(in millions of dollars for FY 19 & FY 20)



Federal OSHA State Plan States

**CHART 6
Program Inspections & Violations**
(for FY 19 & FY 20)



of inspections 2019 Total Violations 2019 # of inspections 2020 Total Violations 2020