

OSHA Targets Texas Construction Sites Amid Overall Enforcement Crackdown

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PRACTICES Litigation

Employers should expect more rigid and more robust involvement from the Occupational Safety and Health Administration, as United States Labor Secretary Hilda Solis has signaled that under her leadership, "the U.S. Department of Labor is back in the enforcement business."

The agency has received an infusion of funding for enforcement and personnel. In particular, starting this month enforcement efforts will concentrate on Texas construction site safety. OSHA is funneling compliance officers to Texas, where more construction deaths occur than in any other state. The agency has enabled inspectors who observe safety hazards to launch immediate investigations.

But Texas construction site safety is just one part of OSHA's overall enforcement escalation. Emphasizing that the Department of Labor is serious about workplace safety across the nation, Solis says she will "go after anyone who negligently puts workers' lives at risk." However, she says the Labor Department and OSHA want to work with employers as partners to improve workplace safety. The Labor Department also seeks the involvement and input of safety and health professionals, according to Acting Assistant Secretary of Labor for OSHA, Jordan Barab.

Barab has outlined a number of OSHA initiatives to beef up enforcement, including a Severe Violators Program, which will replace the unsuccessful Enhanced Enforcement Program; National Emphasis Programs for the chemical industry and for problems with recordkeeping and reporting; and a Site-Specific Targeting Plan, which takes aim at workplaces of forty or more employees with the greatest injury and illness rates. OSHA also will re-evaluate its Voluntary Protection Program ("VPP"), under which OSHA removes worksites with exemplary safety programs from its programmed inspection lists and does not issue citations for promptly corrected violations. OSHA's review of the VPP will include its documentation policies for workplace responses to serious injuries and deaths as a result of a Government Accounting Office report that found these policies lacking.

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