

Long-Term Industry-Wide Effect of OSHA Special Emphasis Programs Questioned

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PRACTICES Labor and Employment, OSHA

According to the Department of Labor’s Office of Inspector General (“OIG”), OSHA has no way of demonstrating whether its Special Emphasis Programs (“SEP”) are effective long-term. SEPs—both National Emphasis Programs (“NEP”) and Local Emphasis Programs (“LEP”)—are used to direct enforcement resources toward high-hazard industries or occupations that pose greater risks of severe injuries or death.

The OIG conducted an audit to determine whether OSHA can demonstrate the effectiveness of SEPs in improving safety and health conditions for workers in high-hazard industries and occupations.¹ In concluding that OSHA cannot demonstrate the effectiveness of these programs, the OIG pointed out that OSHA does not have performance measurement strategies in place to gauge whether the SEPs reduce injuries, illnesses and fatalities, decrease levels of health exposure or reduce the frequency of catastrophic events. Instead, OSHA’s output statistics from SEP reviews reflect one-time corrections of hazards instead of long-term impact. Moreover, the OIG found that OSHA does not have a documented way of assessing risks in order to ensure that NEPs proactively and consistently focus on high-hazard industries and occupations. The OIG’s analysis revealed that NEPs included more low-injury and illness rate industries than high-rate industries. Moreover, eight high-rate industries were completely excluded from the list of NEPs and OSHA had no documentation to support the exclusion.

In response to the inspector general’s report, OSHA’s Dr. David Michaels stated that previous research and a “substantial body of evidence” have established that OSHA inspections have a causal effect on reducing injuries.

¹ [*OSHA Does Not Know If Special Emphasis Programs Have Long-Term Industrywide Effect*](#), U.S. DEPARTMENT OF LABOR, OFFICE OF INSPECTOR GENERAL—OFFICE OF AUDITS, Report No. 02-16-201-10-105 (Sept. 28, 2016).