

OSHA'S RESPONSE

U.S. Department of Labor

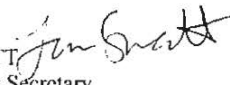
Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the attention of:

AUG 31 2017

MEMORANDUM FOR: ELLIOT P. LEWIS
Assistant Inspector General for Audit

FROM: LOREN SWEATT 
Deputy Assistant Secretary

SUBJECT: Response to OIG's Report No. 02-17-202-10-105, "OSHA's
Voluntary Protection Programs Require Better Information to
Identify Participants with Contract-Worker Fatalities and
Catastrophes"

This memorandum is in response to the Office of the Inspector General (OIG) draft Audit Report No. 02-17-202-10-105, "OSHA's Voluntary Protection Programs Require Better Information to Identify Participants with Contract-Worker Fatalities and Catastrophes" (the Report). The Occupational Safety and Health Administration (OSHA) appreciates this opportunity to provide comments on the audit findings and recommendations outlined in the report.

OSHA is pleased that the OIG did not find merit in the hotline complaint alleging improper agency response to a contract-worker fatality occurring in the Philadelphia area, within OSHA's Region III. In addition, OSHA is pleased that the OIG did not identify any instances of failure to follow Voluntary Protection Programs (VPP) policies and procedures for responding to contract-worker fatalities at VPP facilities nationwide.

However, OSHA recognizes that the current procedures can be strengthened, and is committed to implementing enhanced processes and technology improvements to better enable the agency to identify and track enforcement activities, including contract-worker fatalities, at VPP sites. These improvements will result in a more systematic and comprehensive approach to determining whether a participant should be allowed to remain in VPP following enforcement activity.

Recommendation 1: Establish a system to collect and disseminate VPP contractor information to OSHA staff that monitor lists of its inspections, employer fatality, and severe injury reports.

Response: OSHA is currently enhancing the capabilities of the VPP Automated Data System (VADS), the agency's data management system for tracking and monitoring program information related to VPP participants. In the interim, OSHA is confident that current internal procedures address many of the issues raised in this report. Some examples are described below:

- Collecting and reviewing contractor information for accuracy in advance of the VPP on-site evaluation, and verifying during the on-site work.
- Establishing requirements for notification and communication of worker fatalities and catastrophes occurring at VPP sites (OSHA Policy Memorandum #7).
- Reviewing annual VPP participant self-assessments and verifying accuracy of the information during the reapproval process.

Recommendation 2: Establish controls to ensure VPP participants report complete and reliable contractor information on their annual self-assessment reports.

Response: OSHA requires VPP participants to self-report their contractor information on an annual basis. OSHA anticipates that system improvements to the VADS system will allow for better tracking of contractor data. However, creating and implementing a system that strives for real-time data regarding contractors at VPP sites would require time, resources, and technology at a cost that would exceed the benefits to overall worker safety and health at OSHA's VPP sites. As stated above in the response to Recommendation 1, OSHA has internal procedures to ensure accuracy, and reliability of contractor data.

Recommendation 3: Collect contractor information from site-based construction, and mobile workforce VPP participants.

Response: In accordance with Appendix C of the VPP Policy and Procedures Manual, during the annual self-assessment period, all VPP participants are required to provide information regarding contractors, including site-based construction, and mobile workforce participants. OSHA anticipates the enhanced VADS system will allow improved tracking of all contractor information, including site-based construction, and mobile workforce VPP participants.