



OSHA 30/30[®]

A thirty minute update on OSHA law every thirty days

with **Manesh Rath**



THE FUTURE OF OSHA ENFORCEMENT UNDER A NEW ADMINISTRATION

May 24, 2017

1001 G Street NW, Ste. 500 W,
Washington, D.C.



www.khlaw.com

Presented by:

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MANESH K. RATH

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- Comparative analysis of prior administrations' enforcement patterns
- Recent enforcement activities
- Increased penalties
- Acosta's stated position on enforcement
- What employers should do



ENFORCEMENT UNDER PRIOR ADMINISTRATIONS

■ Clinton Administration (1993-2001)

- FY 1996: 24, 024 inspections
- FY 1997: 34, 264 inspections
- FY 2000: 36, 394 inspections
- Administration criticized by Public Citizen: fewer inspections and fewer violations compared to prior administrations
 - Between 1994-5, 51% decrease in SWR violations
- OSHA administrator Jeffress: workplaces are safer, job related injuries and fatalities are down, and penalty rates per inspection are higher than other administrations

ENFORCEMENT UNDER PRIOR ADMINISTRATIONS

- **Bush Administration (2001-2009)**
 - FY 2003: 39,798 inspections
 - FY 2007: 39,324 inspections



ENFORCEMENT UNDER PRIOR ADMINISTRATIONS

■ Obama administration

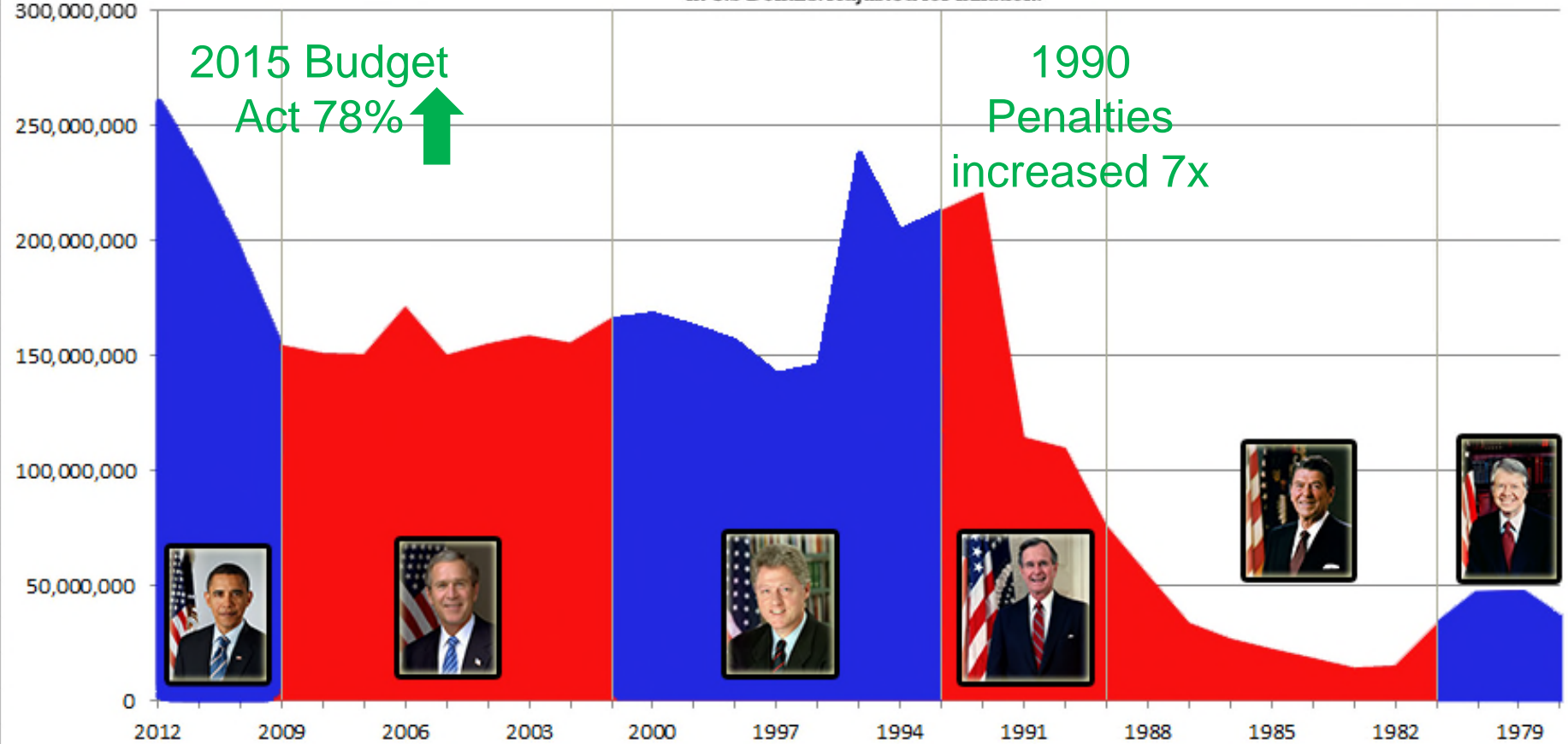
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- 2,100 total CSHO (1,200 state)

OSHA FINES UNDER DIFFERENT ADMINISTRATIONS

■ From: Atlantic Training

Total Fines imposed by OSHA Under U.S Presidents

In U.S Dollars. Adjusted for inflation.



INCREASED PENALTIES 2016

- Increased penalties took effect August 2016
 - Part of Federal Civil Penalties Inflation Adjustment Act Improvements Act
 - Penalties adjusted for inflation

Type of Violation	Current Maximum Penalty	New Maximum Penalty
Serious		
Other-Than-Serious	\$7,000 per violation	\$12,471 per violation
Posting Requirements		
Failure to Abate	\$7,000 per day beyond the abatement date	\$12,471 per day beyond the abatement date
Willful or Repeated	\$70,000 per violation	\$124,709 per violation

INCREASED PENALTIES (AS OF JAN. 2017)

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from [OSHA.gov/penalties](https://www.osha.gov/penalties)

SECRETARY ACOSTA AND ENFORCEMENT

- Background in law enforcement
- March 22 confirmation hearing
 - Stated concerns about further cuts to OSHA inspection staff
 - Responded to concerns about OSHA budget cuts
 - Wants worker safety to be a priority
- Democrats criticized OSHA on silica rule
 - Would not say he would *not* delay compliance dates or “weaken” the rule
 - Enforcement to continue during review process

WHAT EMPLOYERS SHOULD DO

- Trump Administration: proposed budget cut of \$2.5 billion from DOL for FY 2018
- Administration priorities compete
 - Regulatory reform important
 - Enforcement likely rigorous
- Compliance assistance and cooperative programs likely to increase
 - Training programs
 - Consultation services

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Please join us

at 1:00 PM Eastern U.S.

Wednesday, June 28, 2017

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Thank you!

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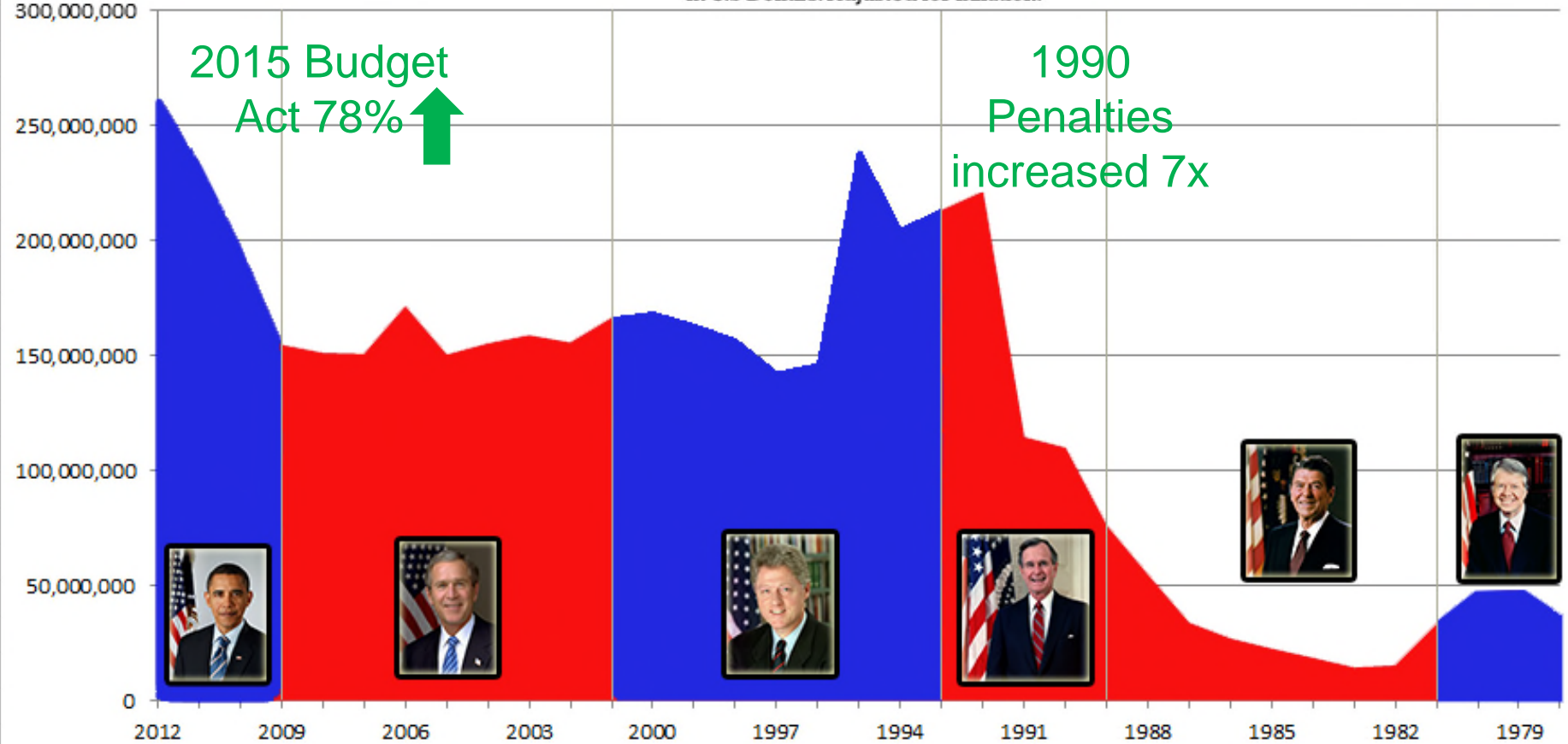
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