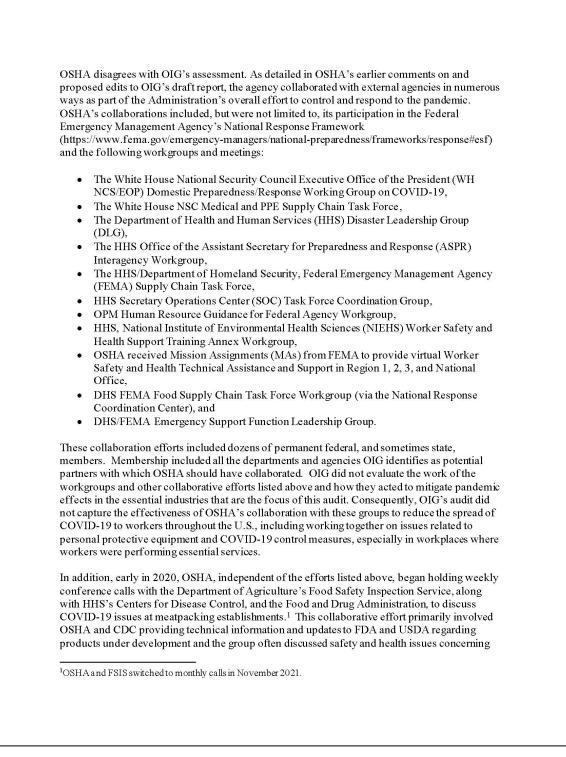
APPENDIX B: AGENCY'S RESPONSE TO THE REPORT

	Assistant Secretary for Occupational Safety and Health Washington, D.C. 20210
March 29, 2022	
MEMORANDOM FOR:	CAROLYN R. HANTZ Assistant Inspector General for Audit
FROM:	DOUGLASL PARKER Dog IP
SUBJECT:	Response to the Office of the Inspector General's Draft Report, COVID-19: To Protect Mission Critical Workers, OSHA Could Leverage Inspection Collaboration Opportunities with External Federal Agencies
General's (OIG) Draft Rep Leverage Inspection Collar	ponse to your March 10, 2022, transmittal, Office of Inspector ort COVID-19: To Protect Mission Critical Workers, OSHA Could boration Opportunities with External Federal Agencies. OSHA to provide a response to the draft report.
	esses OIG's characterization of OSHA's inspection efforts and rts with federal agencies and their occupational safety and health
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OSHA's collaboration efforesponsibilities. Characterizing OSHA's I Although on-site inspection valid complaint and referra For each valid complaint of employer to ensure that CC OSHA's engagement with	nts with federal agencies and their occupational safety and health Inspection Efforts Ins decreased during the pan demic, OSHA worked to ensure that every d received attention in accordance with the Field Operations Manual. rreferral, if OSHA did not inspect, the agency engaged with the DVID-related hazards were addressed and abated. OIG failed to credit employers in ensuring worker health and safety during this dynamic
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OSHA's collaboration efforesponsibilities. Characterizing OSHA's I Although on-site inspection valid complaint and referra For each valid complaint of employer to ensure that CC OSHA's engagement with crisis. Characterizing OSHA's C OIG asserts that: "OSHA had not col	nts with federal agencies and their occupational safety and health Inspection Efforts Ins decreased during the pan demic, OSHA worked to ensure that every d received attention in accordance with the Field Operations Manual. rreferral, if OSHA did not inspect, the agency engaged with the DVID-related hazards were addressed and abated. OIG failed to credit employers in ensuring worker health and safety during this dynamic



meatpacking and other food processing facilities to ensure the health of meat and food workers and the federal inspectors nested at those facilities. OSHA enforcement staff, as well as other technical experts, attended the meetings to ensure that accurate information was shared. OSHA judged this effort to be far more fruitful than attempting to reach individual FSIS inspectors. OIG did not evaluate the efficacy of this effort and instead focused solely on OSHA's alleged lack of direct interaction with individual FSIS inspectors.

In addition to the collaboration between OSHA, CDC, FDA and USDA, OSHA conducted 383 inspections in meatpacking establishments between March 1, 2020 and March 15, 2022—157 of which were COVID-19-related. In nearly all cases, OSHA interviewed FSIS inspectors regarding COVID-19-related hazards and exposure or other workplace hazards. Nearly all inspections in meatpacking establishments were initiated due to worker complaints, fatalities, employer-reported referrals, and referrals. Although FSIS inspectors were not the sources of the complaints or referrals, OSHA interviewed them as part of the inspection when appropriate. OIG did not show how referrals or complaints from individual FSIS inspectors would have improved this process.

Moreover, in addition to overlooking OSHA's many collaborative efforts or showing how alternative methods of collaboration would have improved OSHA's COVID-19-related enforcement work, OIG's statement that OSHA "could have created MOUs with federal agencies that oversee high-risk industries; and updated its existing MOUs with external agencies to ensure they are current and include accountability characteristics" fails to acknowledge the labor and time resources necessary to create and update such MOUs. (Report p. 3). Although OSHA agrees that MOUs can be valuable tools, developing or revising MOUs during the pandemic would have required the reallocation of resources from OSHA's other activities in developing employer guidance, enforcement policy, and management, at a time when those other activities were crucial in protecting workers from the hazards posed by COVID-19. The agency did not have any resources to spare.

Characterizing Other Agencies' Occupational Safety and Health Responsibilities

As stated in the report, "OSHA's mission and work is not within" the scope of other federal agencies and these agencies "do not want to increase their staff's workload or overstep their authority." (Report p. 6). Yet federal agencies have significant occupational safety and health responsibilities and authority for their own employees under 29 U.S.C. 668, 29 CFR 1960, and EO 12196. Under 29 CFR 1960.26 federal agencies must conduct inspections of the worksites where their employees are located, identify the hazards they find, and post Notices of Unsafe or Unhealthful Working Conditions, referencing the standard or other requirement and including the time for the hazard to be abated.

The OIG reports that federal agencies "emphasized they do not have authority to enforce OSHA standards." (Report, p. 6.) However, when federal agencies' employees face the same hazards as other workers or people in a shared space, as is the case with COVID-19, these agencies are responsible for taking appropriate action and have the authority to take that action. Specifically, under 29 CFR 1960 subpart H, agencies have the responsibility to train all their employees on occupational safety and health, including training employees to conduct inspections and refer

