

114TH CONGRESS

# OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

BIENNIAL REPORT



OFFICE OF  
CONGRESSIONAL  
WORKPLACE RIGHTS

114TH CONGRESS

# BIENNIAL REPORT

OCCUPATIONAL SAFETY AND HEALTH

July 2019

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# MESSAGE FROM THE GENERAL COUNSEL

Under the Congressional Accountability Act of 1995, the General Counsel of the Office of Congressional Workplace Rights (OCWR) is required to conduct occupational safety and health inspections of legislative branch facilities and report the results of these inspections to Congress. I am pleased to submit this report containing the results of the occupational safety and health inspections conducted by the Office of General Counsel during the 114th Congress. Like the inspections conducted during the 112th and 113th Congresses, the occupational safety and health inspections conducted during the 114th Congress were once again focused on the higher-hazard areas of each facility and on other areas of special concern such as child care facilities and the Senate Page dormitory and school.

In addition, during the 114th Congress we were able to reinstate inspections of all Member offices and recognize those offices that were found to be hazard-free. When we first presented these awards in 2006, only seven offices qualified for the award. In the 114th Congress, 157 offices qualified for the award. In the 109th Congress, our inspectors identified 13,000 hazards during their inspections; in the 114th Congress, we identified approximately 2,700 hazards.

During the 114th Congress, our inspectors conducted inspections in a manner consistent with the OCWR's education and outreach goals. During the opening conferences, the inspections themselves, and the closing conferences, our inspectors explained what the standards require, answered questions, and explained what must be done to abate the hazards that have been identified.

The written findings provided to each office at the closing conference identified the hazards that were found and the specific OSHA standards that had been violated. After the closing conference, the inspectors frequently answered follow-up questions regarding findings and how to abate them. I congratulate the OCWR safety professionals for using their wealth of knowledge and experience to conduct thorough inspections that are more educational than punitive.



The cooperation that we receive from the employing offices continues to improve with each successive Congress. At the beginning of the 114th Congress, we produced a calendar setting forth the proposed date of each inspection and published it on our website. For any office that had a conflict with the proposed date, we successfully worked with the office to reschedule the inspection for a more convenient date. We successfully completed all of the inspections scheduled during the two years of the 114th Congress.

I would also like to thank the safety professionals and other representatives of the employing offices who facilitated and participated in these inspections, worked to abate the identified hazards, and continue to improve their offices' safety practices on an ongoing basis. Special thanks are due to the staff of the Office of the Architect of the Capitol, in particular the retired Director of Safety, Fire and Environmental Programs, Susan Adams, and her successor, Patricia Williams, for their efforts.

John D. Uelmen  
General Counsel



## Introduction

# STATUTORY REQUIREMENTS

Congress passed the Occupational Safety and Health Act (OSHAct) in 1970 “[t]o ensure safe and healthful working conditions for working men and women[.]”

29 U.S.C. § 651, OSHAct Section 1. In what has come to be known as the “General Duty Clause,” the OSHAct requires employers to furnish each employee “employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious harm to employees.” 29 U.S.C. § 654(a)(1), OSHAct Section 5(a)(1). The OSHAct also requires employers and employees to comply with occupational safety and health (OSH) standards issued pursuant to the statute. 29 U.S.C. § 654(a)(2), (b), OSHAct Sections 5(a)(2), 5(b).

The Congressional Accountability Act (CAA) expressly requires employing offices and employees in the legislative branch to “comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970.” 2 U.S.C. § 1341(a)(1). Employing offices thus are subject to the General Duty Clause, and both employing offices and employees are required to comply with OSH standards issued pursuant to the OSHAct.

Section 215(e)(1) of the CAA requires the General Counsel (GC) of the Office of Congressional Workplace Rights (OCWR) – formerly the Office of Compliance (OOC)<sup>1</sup> – to inspect legislative branch facilities for compliance with the General Duty Clause and OSH standards under the OSHAct at least once each Congress. 2 U.S.C. § 1341(e)(1).



Thereafter, the GC is required to report the results to the Speaker of the House of Representatives, President pro tempore of the Senate, and offices responsible for correcting violations, including the Congressional Budget Office, Government Accountability Office, Library of Congress, Office of the Architect of the Capitol (AOC), Office of the Attending Physician, OCWR, Office of Congressional Accessibility Services, and the United States Capitol Police (USCP). 2 U.S.C. § 1341(e)(2).

<sup>1</sup> The Office of Compliance was renamed the Office of Congressional Workplace Rights as of December 21, 2018.

## HISTORY OF BIENNIAL INSPECTIONS



The CAA was passed in January 1995, and the OOC opened its doors in January 1996. For the first ten years after the legislative branch became subject to the OSHAct, the OOC lacked the resources to conduct the large-scale inspections contemplated by the CAA, and instead focused on particular areas of concern such as emergency preparedness and fire safety. In that first decade the OOC issued dozens of citations for serious OSHAct violations, of which six are still open. In 2004 the OOC GC determined that a complete baseline assessment of existing health and safety conditions in the legislative branch was needed, and initiated a more comprehensive inspection regimen. However, the scope of that inspection was limited by a combination of insufficient resources and an expanding number of facilities, so the baseline assessment had to wait until the following year.

Beginning with the 109th Congress in 2005-06, and continuing through the 111th Congress in 2009-10, the OOC conducted three comprehensive inspections of legislative branch facilities in the Washington, D.C. metropolitan area. These “wall-to-wall” inspections focused mostly on hazardous structural conditions in



each facility, including electrical, fire, life safety, boilers, heaters, machine guarding, and fall protection hazards, among others. The inspections served as our principal tool for compiling a thorough inventory of serious safety and health hazards, assessing their risks to employees, and determining whether employing offices had abated the hazards. Over the course of those three Congresses, hazard findings dropped by almost 60% even as the size of the area inspected rose by about 12%, a noteworthy downward trend that we attribute principally to the cooperation between OOC staff and the employing offices.

For the 112th Congress in 2011-12, after consulting with staff from our Congressional oversight Committees and Appropriations Subcommittees, and soliciting feedback from every employing office in the legislative branch, the OOC adopted a “risk-based” approach to the biennial inspection. This program is designed to inspect and assure the abatement of higher-risk hazards that pose the greatest threat of fatalities and injuries to employees and building occupants. We targeted high-hazard workplaces and work operations, including high-voltage areas, machine shops, and boiler rooms, among others, as well as worksites with repeat RAC 1 and 2 findings.<sup>2</sup>

The risk-based approach also involves inspections of buildings with specialized safety concerns implicated by their occupants, such as child care centers and the National Library for the Blind and Physically Handicapped, and thorough evaluations of certain written programs that employing offices are required to maintain under applicable OSH standards.

Our risk-based inspection approach continues to the present day. These inspections have differed significantly in scope and method from the earlier “wall-to-wall” inspections, and because of these differences, the number of hazard findings from the 112th Congress onward cannot be compared directly to hazard numbers from the 109th through 111th Congresses. We have also continued to refine and improve our inspection procedures, which include opening and closing conferences with employing office representatives, daily briefings on findings, and electronic sharing of data and reports. Our OSH team maintains good working relationships with safety personnel at the AOC and other employing offices, and we remain in contact with their representatives after the completion of each inspection in order to monitor the abatement of hazards and to review and discuss any contested findings.

<sup>2</sup> The OCWR uses a Risk Assessment Code (RAC) system to classify hazards. RACs are classified in descending order of severity and likelihood of occurrence, with RAC 1 representing the potential for death or extremely serious injury and/or a very high likelihood of occurrence, and RAC 4 indicating the potential for less serious injury and/or a lower likelihood of occurrence. As used in the text, “higher-risk” refers to hazards rated RAC 1 and RAC 2. For further explanation of the RAC system, please see Appendix C of this report.

## 114th Congress

# BIENNIAL INSPECTION

The biennial inspection for the 114th Congress, conducted in 2015-16, continued to focus on higher-hazard areas and operations, as well as facilities involving special considerations such as areas designated for children. As with the previous two biennial inspections, we reviewed the employing offices' safety and health programs. We also inspected for the first time the Thomas P. O'Neill, Jr. Federal Building, a former laboratory for the Food and Drug Administration that was remodeled for use by House personnel and others.

In keeping with our practice of conducting several targeted inspections each Congress, during the 114th Congress we inspected the AOC's

Construction Division, as well as public assembly areas in legislative branch buildings that hold 40 or more people, because such spaces may pose special concerns related to emergency egress.

A significant change from the previous few Congresses was the expansion of our biennial inspection to include all Members' offices in both the Senate and the House of Representatives. We re-established our Safety Recognition Awards program, presenting awards to those Members of Congress whose offices on Capitol Hill were found to be hazard-free during the OSH inspection. At a ceremony on April 6, 2017 we presented awards to the offices of 69 Senators and 88 Representatives.





# 114TH CONGRESS INSPECTION RESULTS

During the 114th Congress, we found a total of 2,675 hazards. The distribution of these hazards by RAC is depicted in Figure 1. Over one-third of all hazards are higher-risk hazards (RAC 1 and RAC 2). The danger posed to employees by the large number of higher-risk hazards continues to be of concern to us.

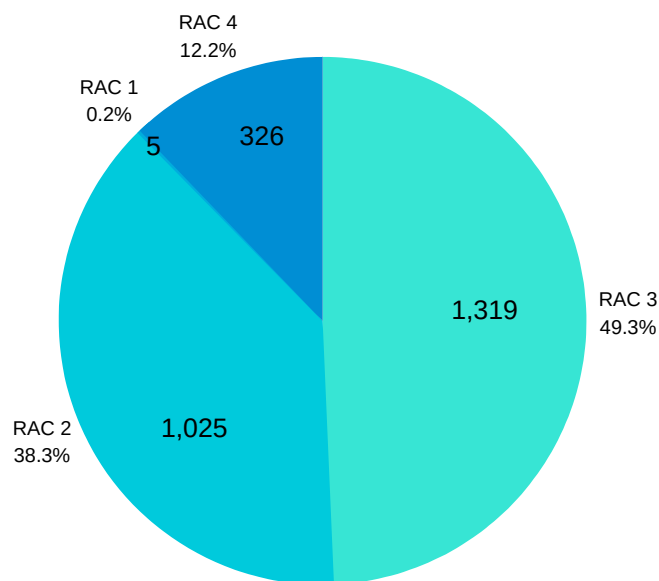


Fig. 1

The inspection revealed five hazards that were categorized as RAC 1 (most severe). Three of those involved insufficient fall protection, one involved an inadequate emergency alarm system, and one involved improper drainage near electrical panels.

The majority of RAC 2 hazards involved means of egress (47%) or electrical hazards (36%). The other most common RAC 2 hazards involved machine guarding, walking-working surfaces, and general environmental control issues. The breakdown of RAC 2 hazards by type is depicted in Figure 2.

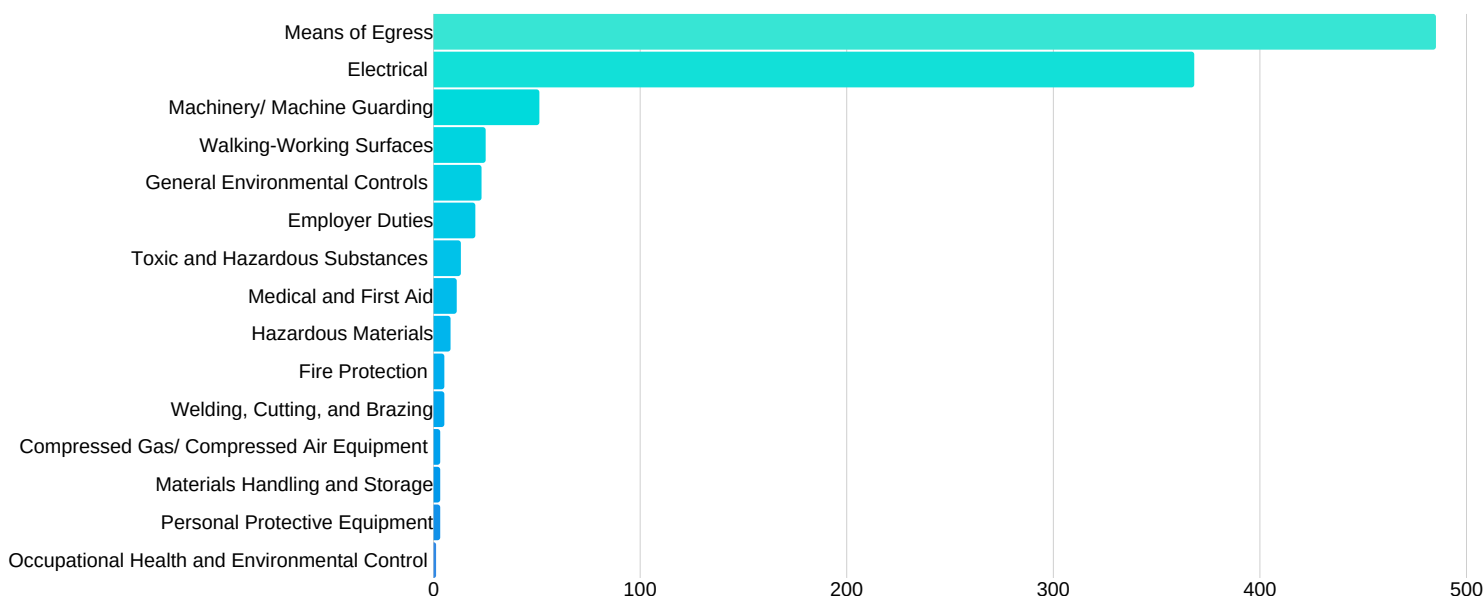


Fig. 2

For all hazards, the distribution of hazards by type is depicted in Figure 3. More than 60% of all hazards are electrical. Electrical hazards include such deficiencies as problems with panels, boxes, outlets, or covers (about 31% of all electrical findings); improper use of surge protectors, power strips, or extension cords, including the use of “daisy chains” (about 25% of all electrical findings); unlabeled or poorly labeled circuits and breakers (about 12% of all electrical findings); problems with light bulbs, tubes, and fixtures (about 8% of all electrical findings); and issues involving exposed wires or other energized components (about 8% of all electrical findings).

Almost 25% of the hazards relate to means of egress. Most of these hazards involve obstructed exit routes, incomplete implementation of emergency action plans, issues with annunciators, missing or inoperable emergency lighting or exit signage, or unprotected penetrations in fire barriers.

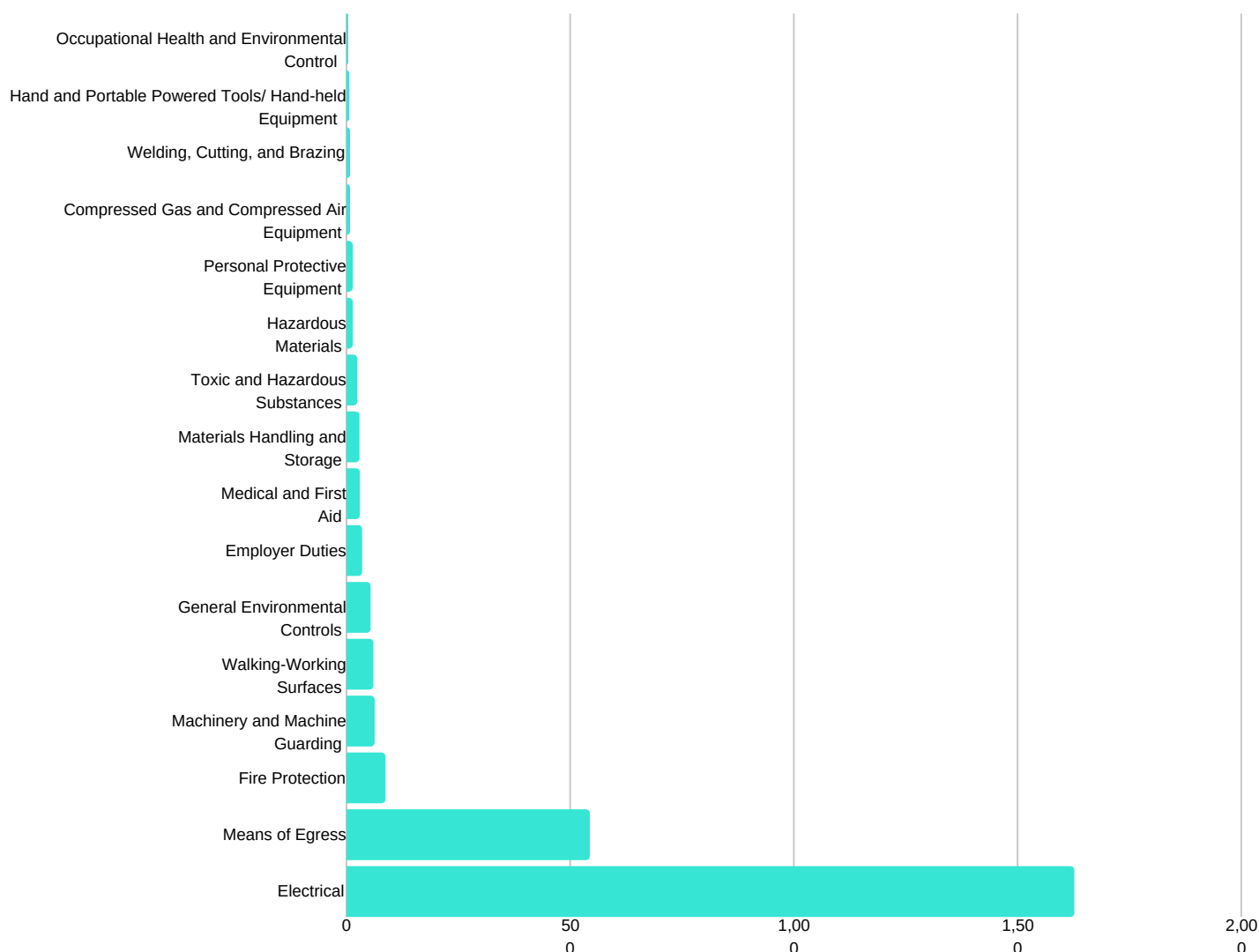


Fig. 3

Although the 114th Congress inspection was limited to examination of higher-hazard areas, all facilities where legislative branch employees were working in the Washington D.C. area underwent an inspection from our team. During the 114th Congress, a total of 63 facilities received a higher-hazard inspection. The total amount of space used by legislative branch offices is approximately 18 million square feet. The distribution of hazards among the principal buildings on Capitol Hill, not including Members' office space, is depicted in Figure 4.<sup>3</sup> The distribution of hazards among the Members' offices in the Senate and House Office Buildings is depicted in Figure 5.

TOTAL NO. OF HAZARDS BY BUILDING (NOT INCLUDING MEMBERS' OFFICES)

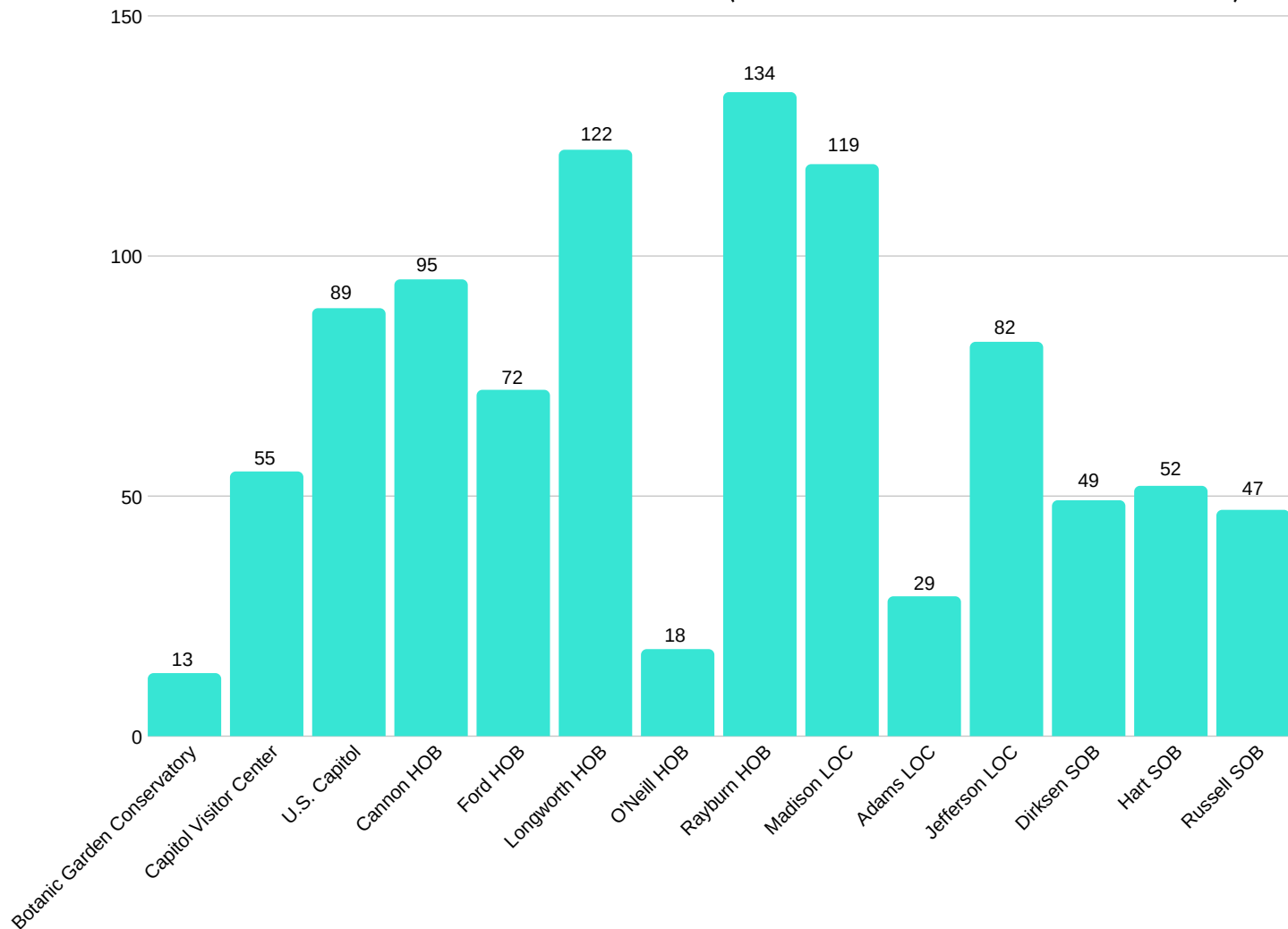


Fig. 4

TOTAL NO. OF HAZARDS IN MEMBERS' OFFICES BY BUILDING

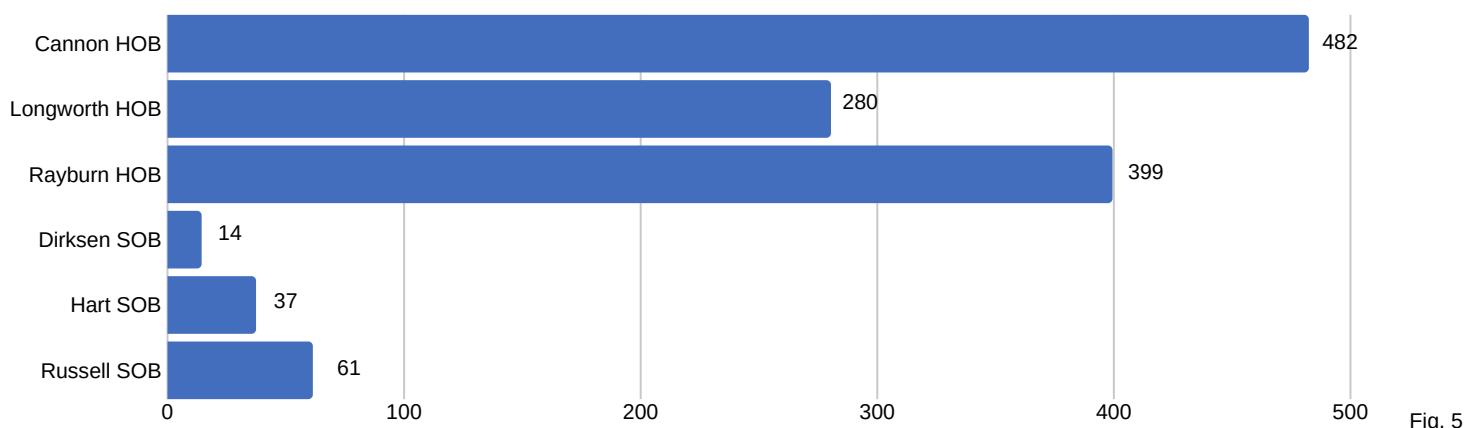


Fig. 5

<sup>3</sup> Findings in Members' offices may be the responsibility of either the Member's office or the AOC. Findings that are the responsibility of the Members' offices are assigned to the Senate Chief Counsel for Employment or the Office of House Employment Counsel for abatement.

Appendix A contains a listing of all facilities inspected during the 114th Congress with a breakdown of the number of hazards found by the employing office responsible for abatement.

At each location, the 114th Congress inspection also included a review of written programs required by the OSHA standards, including those related to hazard communication (HAZCOM), personal protective equipment (PPE), respiratory protection, confined spaces and permit-required confined spaces, control of hazardous energy (lockout/tagout), emergency action plans, hearing conservation, and general environmental controls, among others. Generally, issues involving means of egress (especially annunciator training), general environmental controls, and PPE accounted for the largest numbers of program-related findings.

As of the date of this report, approximately 60% of the hazards identified during the 114th Congress inspection have been reported as abated by the employing offices.<sup>4</sup> Figure 6 shows the breakdown between open and closed hazard findings (a hazard finding is closed when the employing office reports that the identified hazard has been abated).

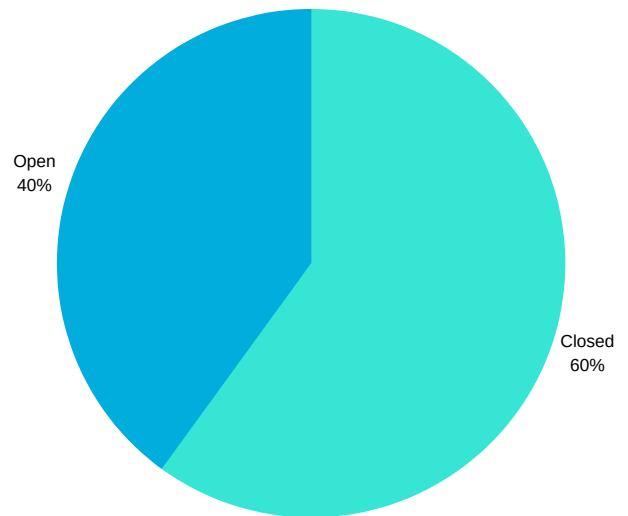


Fig. 6



<sup>4</sup> Based upon information received from the Architect of the Capitol in response to the draft of this report, the percentage of hazards identified during the 114th Congress that have been abated may now be in excess of 72%. See Appendix B.

# COMPARISON OF INSPECTIONS FROM THE 113TH AND 114TH CONGRESSES

The inspections for both the 113th Congress and the 114th Congress involved an examination of higher-hazard areas. The number of hazards found by our inspectors decreased from 2,879 hazards during the 113th Congress to 2,675 during the 114th Congress, representing a decrease of approximately 7%. A comparison of the two inspections by the total number of findings in each RAC category is depicted in Figure 7. Although the rosters of facilities inspected during the two Congresses are not identical, it is worth noting that the 114th Congress inspection encompassed all Member offices, which the 113th Congress inspection did not.

COMPARISON OF NO. OF HAZARDS FOUND DURING 113TH AND 114TH CONGRESS BY RAC

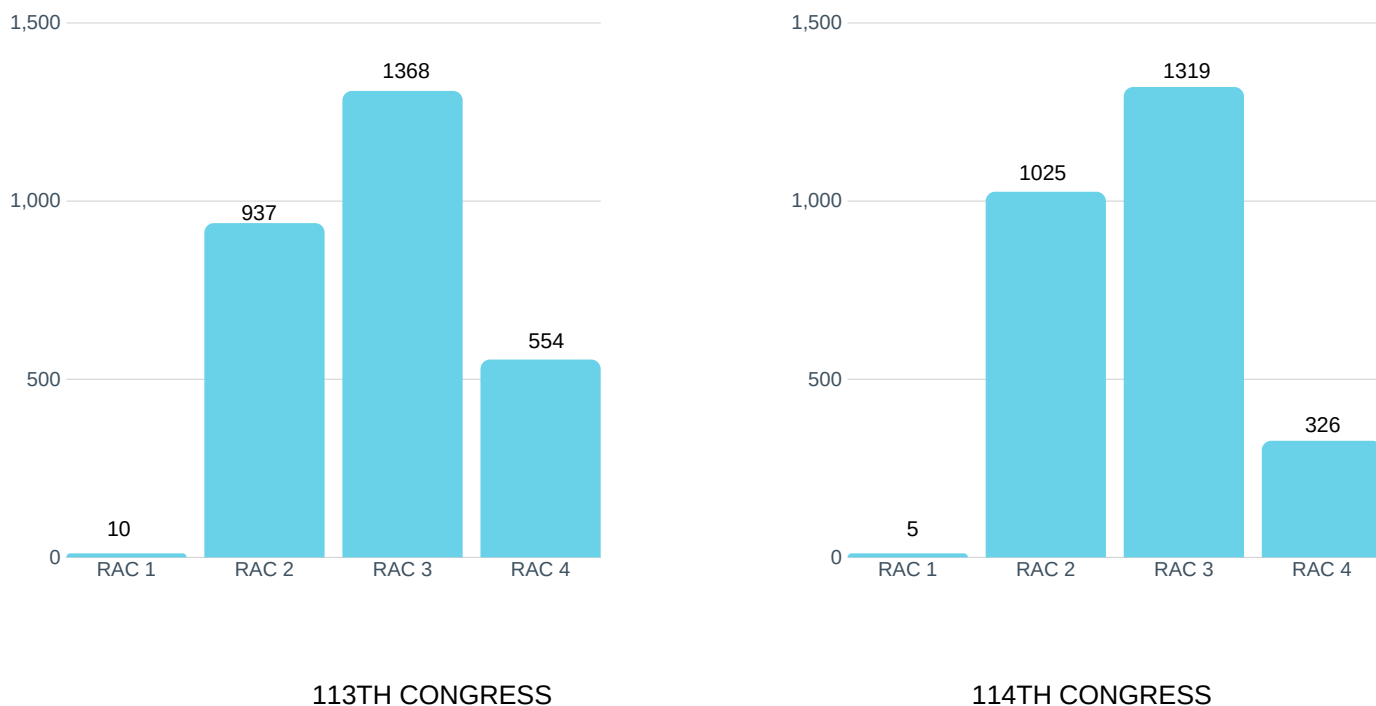


Fig. 7



Despite this decrease in the total number of hazards identified, the recurring nature of many of the hazards continues to be troubling. Also concerning is the fact that the decrease occurred in the less serious RAC 3 and RAC 4 categories, while the number of more serious RAC 2 hazards increased by almost 10%. Employing offices have advance notice of all of our biennial inspections and may accompany us on the inspections. Many of the most common hazard findings, such as broken latches or missing doors on circuit breaker boxes, missing machine guards, obstructed exits, daisy-chained surge protectors and extension cords, and failure to wear PPE, involve hazards that should be readily apparent to the supervisors and employees working with these devices or working in these areas.

That these types of hazards are found with a high degree of frequency in our biennial inspections and from one biennial inspection to the next suggests that our inspections are being treated as part of some employing offices' regular ongoing maintenance, as opposed to a means for Congress to oversee and enforce compliance with the OSHAct. We continue to encourage employing offices to conduct their own self-inspections and correct deficiencies on an ongoing basis, rather than waiting for the OCWR inspectors to arrive once every two years. Improved internal safety education and training programs will aid in this effort, as will prioritizing preventive maintenance to the extent possible given budget constraints.

We also encourage employees to be more proactive about reporting deficiencies, and we urge employing offices to foster a safety culture in which employees feel that their concerns will be taken seriously and do not fear retribution for raising those concerns.<sup>5</sup>

<sup>5</sup> We have recommended amending the CAA to grant the GC the authority to pursue a retaliation complaint before the OCWR using the processes in the CAA. See the OOC's FY 2013 Annual Report, p. 37.

# PREVIEW OF THE 115TH CONGRESS INSPECTION REPORT

The 115th Congress biennial inspection was similar to the inspection we conducted during the 114th Congress, with a higher-hazard focus. During the 115th Congress we continued to build upon the higher-hazard focus implemented during the 112th Congress, including fire safety concerns and areas of special interest.

During the 115th Congress inspection, we also verified the abatement status of the most serious hazards identified during the 114th Congress biennial inspection – i.e., those categorized as RAC 1 and RAC 2 findings. In opening conferences conducted with employing offices, we provided a list of all open findings identified in our Facility Management Assessment (FMA) database, and we enlisted the assistance of employing offices to provide updated abatement status for all findings that were shown as open. We also continued to inspect newly occupied or renovated facilities, and we once again inspected all Members' offices. In the summer of 2019 we presented Safety Recognition Awards to those Members whose offices were found to be hazard-free, and whose State and District offices were certified as having conducted safety self-inspections.

The following describes our priorities in conducting the 115th Congress Inspection:

**Priority 1:** We conducted baseline inspections of all new facilities used by employing offices covered by the CAA, including newly occupied, completed or construction/renovated areas such as the Library of Congress' Cabin Branch storage facility and Module 5 facility at Ft. Meade.

**Priority 2:** We conducted inspections of the higher-hazard areas or the most dangerous areas of existing facilities. Because injuries or accidents are more likely to occur in these areas when employees are working, we continued to request that our inspections occur while employees were performing their usual tasks. We also focused on areas or operations that have been the subject of requestor-initiated inspections, or that have been identified as especially concerning based on trending data. A review of applicable written program documents was completed before or at the outset of the inspection of each office to determine if the program elements were being implemented as a part of the overall safety program.



Priority 3: We inspected areas of special interest such as areas designated for children.

Priority 4: We continued to inspect all assembly areas holding 40 or more people.

Priority 5: We once again inspected all Member offices in both the Senate and House during the 115th Congress. Member offices with no safety or health hazards identified during the biennial inspection were eligible for Safety Recognition Awards. For the 115th Congress, we also considered District and State offices' safety self-certifications in determining which Members were eligible for awards. The awards presentation took place in July 2019. Two Safety Advocate awards also were presented.

Priority 6: We continued to identify and inspect serious barriers to people with disabilities. ADA inspections were conducted separately from the biennial OSH inspection, and focused on the interiors of the Library of Congress buildings. Public areas of Members' offices were also inspected for accessibility, along with any other spaces that are designated for Members to meet with constituents. Additionally, any serious ADA barriers observed during the OSH inspection were brought to the attention of the OCWR GC for follow-up.

Our findings from the ADA inspections are detailed in "ADA Accessibility in the 114th Congress: Biennial Report on Americans With Disabilities Act Inspections Relating to Public Services and Accommodations."



# FIRE AND LIFE SAFETY ISSUES

In 2000 and 2001, the OOC issued a series of citations because of life-threatening hazards in buildings across the legislative branch, including the Capitol, the three House Office Buildings, the Russell Senate Office Building, and the Adams and Jefferson buildings of the Library of Congress. During the 114th Congress the AOC continued to make real progress on abating these hazards.

## A. Citation 18 – Cannon Building

We continue to monitor the progress being made in the Cannon House Office Building toward final abatement of the citation issued in 2000 (Citation 18), which is proceeding in accordance with the Request for Modification of Abatement (RFMA) approved by the OOC in April 2014. Requirements to abate Citation 18 are addressed via the phased construction schedule of the Cannon Renewal Project. In addition to fire rated enclosure of stairs that the AOC completed in 2009, the AOC is in the process of dividing the building into fire zones using fire barriers between each zone. These fire barriers, and the space within the adjacent zone, will serve as horizontal exits to allow for protected egress from the building. Two fire zones were completed during the first phase of the Cannon Renewal Project. A third fire zone was completed in 2019, which completed the enclosure of the last remaining monumental stair.

## B. Citation 19 – Russell Building

In March 2000, the GC issued Citation 19 to the AOC because life-threatening fire and emergency evacuation hazards were present in the Russell Senate Office Building. The Citation required the Architect to submit an abatement plan to the OOC by January 30, 2001 and complete design and installation by June 2002. The AOC submitted a plan in September 2006 that the General Counsel rejected because it lacked sufficient detail and failed to justify completion of abatement until 2019 – nineteen years after the citation had been issued. In February 2008 the Architect submitted a detailed plan to abate the hazards without compromising the building's architectural integrity. The GC accepted this plan in March 2008, and the AOC sought funding for its implementation. Thereafter the Senate Rules Committee asked the AOC to suspend work on the plan and to appoint a Blue Ribbon Panel to assess the fire and life safety hazards as well as the historic features of the Russell Building. The Blue Ribbon Panel issued its final report in August 2010. The Senate Legislative Branch Appropriations Subcommittee then instructed the AOC to implement an abatement method identified by the Blue Ribbon Panel that was substantially less costly and less protective than the plan the GC had approved in 2008. The Subcommittee concluded that its plan "eliminates all high risk fire scenarios in the Russell Building while minimizing impact to its historic integrity, most effectively utilizing limited resources." Leg. Branch Approps. Subcomm. Report on H.R. 2551 (September 15, 2011).

Because differences remained among stakeholders concerning the abatement of all fire and life safety hazards in the Russell Building, in August 2012 we issued an Amended Citation 19, providing additional details regarding those hazards. The abatement plan that the AOC submitted and the OOC approved in early 2008 in response to the original Citation included measures to remedy all fire and life safety hazards in Russell in a manner that fully preserved its historically significant features.

During the course of the abatement plan negotiation, the AOC implemented significant fire safety improvements, such as installing automatic fire sprinklers in over 95% of the building, installing smoke detection throughout the building, moving higher hazard shops out of the basement, providing smoke protection around openings between the attic and the rest of the building, implementing an AOC fire inspection program to identify and abate hazards, installing a second accessible means of egress from the building, providing emergency power systems and elevators with emergency operation capability, installing improved kitchen hood fire suppression, improving exit signage to better direct occupants in an emergency, and beginning the installation of second egress doors from large conference rooms.

In May 2013 the AOC submitted an Amended Citation 19 Abatement Plan. The OOC, AOC, and Senate Rules Committee continued to hold technical meetings regarding interim and long-term measures to improve fire and life safety conditions in the Russell Building. A third-party review was conducted by Jensen Hughes in 2015, and in 2016 the AOC submitted a draft RFMA. After further meetings and revisions, in February 2018 the AOC submitted – and the OOC GC approved – a final RFMA for Amended Citation 19. Among other updates, the RFMA confirms that future construction and renovation work in the Russell Building, including the building renewal, will be in accordance with applicable fire and life safety codes in effect at the time of construction.



### C. Other Fire & Life Safety Citations

#### *Citations 29-1, 30-2, and 31-2.*

These citations were originally issued in March 2001 and involve fire and life safety hazards in the Jefferson and Adams Buildings of the Library of Congress, as well as in the old book conveyor system that served all three Library buildings on Capitol Hill. During the 114th Congress, the AOC continued to make progress in accordance with the RFMA that was approved by the OOC in December 2014.

For Citation 29-1, which pertains to the book conveyor system, the AOC has completed the removal of the book conveyor system in one of the buildings, along with the required infrastructure repairs. Funding was approved in FY19 for the removal of the book conveyor system in another building.

The AOC has made significant progress toward abating the hazards identified in Citations 30-2 and 31-2, concerning exit stairways and pathways: it has completed certain exit stair updates and other egress improvements, including re-swinging certain egress doors, replacing ornate wood fire doors, installing new exits, extending a stairway to serve the cellar floor, and adding handrails; modified the HVAC system; renovated bathrooms to achieve ADA compliance; and made various other improvements. Only one project remains in Adams, and funding has already been identified for

that work, which is estimated to wrap up in 2020. The AOC has received funding for one of the remaining projects in Jefferson, and will continue to request funding for other abatement efforts.

#### *Closed Citation 31-3.*

In November 2016 the AOC submitted a Notice of Corrective Action regarding the hazards identified in Citation 31-3. That section of the Citation concerned non-historical fire doors in the Jefferson Building that did not close properly, giving rise to the potential hazard of smoke and toxic gases spreading rapidly and endangering building occupants in the event of a fire. The AOC inspected all fire doors and made repairs or replacements to deficient parts as needed. The AOC also completed a fire barrier analysis to document any unprotected penetrations and make the necessary corrections. On January 23, 2017 the OOC General Counsel approved the Notice of Corrective Action and closed Citation 31-3.

#### *Citation 16.*

The OOC issued Citation 16 in March 2000 to address unprotected exit stairwells in the U.S. Capitol Building. The AOC has completed several short-term measures to improve means of egress. The AOC is currently developing design options for additional abatement measures and is expected to submit an RFMA for review by the OCWR during the next Congress.



#### *D. Citation 64 – Lead-Based Paint*

Citation 64 was issued in December 2006 and amended in June 2007, and concerned potential employee exposure to lead-based paint in the Jefferson Building of the Library of Congress. The AOC has informed the OCWR that the hazards identified in the Citation have been abated and processes are in place to prevent future occurrences, and a Notice of Corrective Action is being prepared for review by the OCWR General Counsel.



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## REQUESTOR-INITIATED INSPECTIONS

Under the CAA, covered employees, employing offices, and bargaining unit representatives of covered employees may ask the OCWR GC to inspect and investigate places of employment under the jurisdiction of employing offices to determine whether there are violations of the OSHA Act. 2 U.S.C. § 1341(c)(1). Upon receipt of such requests, the OCWR investigates the allegations, and when hazards are found to exist, the GC issues a report to all involved parties and directs that appropriate abatement be made by the employing office responsible for correction of the violation. The GC also may make recommendations based upon best practices used in the private sector that, while not mandatory, would enhance the level of safety and health in legislative branch facilities. Once the employing office has informed the OCWR that it has abated the hazard, and the OCWR has confirmed that abatement is complete, we close our investigation. Apart from biennial inspections, these requests are the single most important source of information to the OCWR concerning health and safety violations, since they are most often filed by employees who are exposed to, or familiar with, hazardous conditions in the legislative branch.

During the 114th Congress, the OOC opened 24 investigations of potential safety and health hazards based on requests and/or reports of incidents. As in the past, the requests that we received during the 114th Congress occasionally named more than one employing office. As the office responsible for maintaining facilities for the majority of legislative branch offices, the AOC is frequently designated as the entity responsible for abating hazards even in cases where requests are filed by employees of other employing offices; during the 114th Congress the AOC was involved in 19 cases. The United States Capitol Police was named in 6 requests; the Library of Congress was named in 5 requests; 2 requests involved the OOC; and 1 involved an employing

office of the House of Representatives. Requestors raised a broad range of concerns, including: potential exposures to asbestos, lead, and excessive noise; fire safety and emergency egress; vermin such as mice and cockroaches; fall hazards; unsafe walking-working surfaces; and cold stress. The OCWR has investigated the alleged hazards identified by requests for inspection and issued reports with the findings of those investigations.

A noteworthy requestor-initiated inspection during the 114th Congress involved safety concerns raised by USCP officers in February 2016 about the newly-opened firing range in the Rayburn House Office Building. Those concerns included potentially ricocheting bullets; noise levels; ventilation; an improperly functioning audio system; and safety issues posed by narrow lanes, insufficient barriers, and obstructed views. During the OOC's site inspection we identified additional potential hazards related to electrical safety, signage, exit obstructions, and safety data sheets. The OOC facilitated the coordination of efforts by the USCP and the AOC to promptly address all of these issues, and we reviewed the USCP's revised Standard Operating Procedures to ensure that the range would be operated in compliance with applicable safety and health standards when it reopened. We issued our investigative report in September 2016 and closed the case in November 2016.

Of the 24 cases opened during the 114th Congress, 22 are closed and 2 remain open. The OCWR will continue to investigate and address issues identified in such requests as we receive them, to ensure that legislative branch employees' workplaces are safe and free from hazards.



# ACCOMPLISHMENTS, CHALLENGES, AND FUTURE PLANS



During the 114th Congress the OOC increased the number of facilities inspected, conducted inspections of all Member offices, and revived our Safety Recognition Awards program to recognize those Senators and Representatives whose offices were found to be hazard-free. Another significant accomplishment during the 114th Congress was the expansion of our OSH education efforts, including updating numerous Fast Facts and other safety-related publications on our website, providing technical assistance to employing offices upon request, and emphasizing training both in the field during biennial inspections and as part of abatement in requestor-initiated OSH cases.

In recent years we have been increasingly focused on outreach and education, and this is no less true with respect to the OSHAct than it is for other statutes applied by the CAA. During the 115th Congress our OSH team conducted webinars, sponsored seminars on heat stress and cold stress, presented during the OOC's Union Forum, and developed safety resources for Members' State and District offices. We plan to continue and improve upon these training and outreach efforts moving forward.



We still lack sufficient funding and other resources, and the scope of our inspections is therefore not as broad as we would like. Another obstacle we face is the OCWR's lack of statutory authority to inspect the employing offices' injury/illness/near-miss data. At the outset of the 115th Congress biennial inspection we requested that the employing offices provide this information voluntarily to assist us in identifying the areas most likely to present hazards to the health and safety of covered employees, but the employing offices were generally non-responsive to this request.

Despite these challenges, we remain dedicated to conducting thorough and efficient biennial inspections and investigations of covered employee requests for inspection, producing timely and high-quality reports, and maintaining cooperative and productive relationships with employing offices, labor organizations, and others who work to ensure occupational safety and health in the legislative branch.



## ACKNOWLEDGEMENTS

Under the CAA, management of the OSH program is the responsibility of the OCWR GC. The 114th Congress biennial inspection began under the leadership of Amy V. Dunning, who served as OOC GC for two years until her retirement in October 2015. In December 2015, the OOC Board of Directors appointed John D. Uelmen to succeed Ms. Dunning as OOC GC. Mr. Uelmen had overall management responsibility for the OSH program during most of the 114th Congress.

Terry Wigfall, C.S.P. served as OSH Program Manager during the 114th Congress biennial inspection. In that capacity she managed the inspection team and acted as liaison to the AOC and other employing offices, which included overseeing the scheduling of inspections and conferences, processing abatement data, and addressing contested findings.

The inspection team for the 114th Congress was comprised of Senior OSH Specialist Shonda Perkins and OSH Specialists Brent Dittman,

Sara Hoover, Christina Bailey, and Roger Kager, along with Thomas H. Seymour, a part-time consultant to the General Counsel since 1999 and a registered Professional Engineer and Fire Protection Engineer. During the 114th Congress, requestor-initiated inspections were conducted principally by Ms. Wigfall, Mr. Seymour, and Senior Attorney Hillary Benson, with the participation of the OSH Specialists. Don Kennedy, C.I.H., J.D., and Mark McGowan, C.I.H., C.S.P., also provided part-time industrial hygiene consulting services.

This report was authored principally by Ms. Benson, who is now Associate General Counsel, with substantial contributions from Ms. Perkins, who is now OSH Inspection Coordinator. Paralegal Tarik Lott and Director of Communications Laura Cech helped produce and distribute the Report.

John D. Uelmen  
General Counsel



## APPENDIX A

<b>FACILITY NAME</b>	<b>NO. OF FINDINGS</b>
<b>ACF - ACF</b>	<b>7</b>
Office of the Architect of the Capitol	5
Chief Administrative Officer	1
United States Capitol Police	1
<b>B Utility Tunnel</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>BG - Botanic Garden</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>BG - Botanic Garden Conservatory</b>	<b>13</b>
Office of the Architect of the Capitol	12
United States Capitol Police	1
<b>BG - Botanic Garden GreenHouse</b>	<b>2</b>
Office of the Architect of the Capitol	2
<b>BG - Botanic Garden HeadHouse</b>	<b>10</b>
Office of the Architect of the Capitol	10
<b>BG - Botanic Garden National Garden</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>BG - Botanic Garden National Garden Service Yard</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>BGM - Manhole</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>CAP - Capitol Grounds</b>	<b>13</b>
Office of the Architect of the Capitol	13
<b>CAP - Capitol Visitor Center</b>	<b>55</b>
Office of the Architect of the Capitol	46
Chief Administrative Officer	4
Office of House Employment Counsel	1
Senate Sergeant at Arms	4
<b>CAP - U.S. Capitol</b>	<b>89</b>
Office of the Architect of the Capitol	77
Chief Administrative Officer	7
Office of House Employment Counsel	4
United States Capitol Police	1
<b>CPP - Garage</b>	<b>5</b>
Office of the Architect of the Capitol	5
<b>CPP - Bag House</b>	<b>10</b>
Office of the Architect of the Capitol	10
<b>CPP - Blue Building (aka Butler Building)</b>	<b>2</b>
Office of the Architect of the Capitol	2
<b>CPP - Boiler Building</b>	<b>12</b>
Office of the Architect of the Capitol	12

<b>FACILITY NAME</b>	<b>NO. OF FINDINGS</b>
<b>CPP - Capitol power plant</b>	<b>6</b>
Office of the Architect of the Capitol	6
<b>CPP - Exterior Grounds</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>CPP - Generator Building</b>	<b>6</b>
Office of the Architect of the Capitol	6
<b>CPP - South Coal Yard</b>	<b>2</b>
Office of the Architect of the Capitol	2
<b>CPP - West Refrigeration</b>	<b>8</b>
Office of the Architect of the Capitol	8
<b>G Utility Tunnel</b>	<b>2</b>
Office of the Architect of the Capitol	2
<b>GAO - Government Accountability Office</b>	<b>74</b>
U.S. Government Accountability Office	74
<b>GFAC - Blue Plains</b>	<b>7</b>
Office of the Architect of the Capitol	7
<b>GPO - Government Printing Office</b>	<b>4</b>
Office of the Architect of the Capitol	2
United States Capitol Police	2
<b>GPO - GPO Warehouse</b>	<b>12</b>
Office of the Architect of the Capitol	4
Senate Sergeant at Arms	8
<b>HOB - Garage</b>	<b>3</b>
Office of the Architect of the Capitol	3
<b>HOB - Cannon House Office Building</b>	<b>577</b>
Office of the Architect of the Capitol	146
Chief Administrative Officer	6
Office of House Employment Counsel	425
<b>HOB - Ford House Office Building</b>	<b>72</b>
Office of the Architect of the Capitol	62
Congressional Budget Office	1
Chief Administrative Officer	9
<b>HOB - Longworth House Office Building</b>	<b>402</b>
Office of the Architect of the Capitol	161
Chief Administrative Officer	34
Office of House Employment Counsel	204
United States Capitol Police	3
<b>HOB - O'Neill Building</b>	<b>18</b>
Office of the Architect of the Capitol	7
Chief Administrative Officer	1
Office of House Employment Counsel	10

<b>FACILITY NAME</b>	<b>NO. OF FINDINGS</b>
<b>HOB - Rayburn House Office Building</b>	<b>533</b>
Office of the Architect of the Capitol	201
Chief Administrative Officer	77
Office of House Employment Counsel	254
United States Capitol Police	1
<b>HOB - West House Underground Garage</b>	<b>38</b>
Office of the Architect of the Capitol	25
Chief Administrative Officer	12
Office of House Employment Counsel	1
<b>LOC - Book Module Facility</b>	<b>4</b>
Office of the Architect of the Capitol	3
Library of Congress	1
<b>LOC - James Madison Memorial Building</b>	<b>119</b>
Office of the Architect of the Capitol	92
Library of Congress	27
<b>LOC - John Adams Building</b>	<b>29</b>
Office of the Architect of the Capitol	27
Library of Congress	2
<b>LOC - Landover Center Annex (Warehouse)</b>	<b>15</b>
Library of Congress	15
<b>LOC - Natl Lib for Blind &amp; Physcially Handicapped</b>	<b>11</b>
Library of Congress	11
<b>LOC - Special Facility</b>	<b>7</b>
Office of the Architect of the Capitol	6
Library of Congress	1
<b>LOC - Thomas Jefferson Building</b>	<b>82</b>
Office of the Architect of the Capitol	79
Library of Congress	3
<b>LOC NAVCC - Central Plant</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>LOC NAVCC - Conservation Building and Vaults</b>	<b>32</b>
Office of the Architect of the Capitol	22
Library of Congress	10
<b>LOC NAVCC - Emergency Generator Building</b>	<b>2</b>
Office of the Architect of the Capitol	2
<b>MISC - FT MEADE WAREHOUSE</b>	<b>4</b>
Office of the Architect of the Capitol	4
<b>O Utility Tunnel</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>SC - Supreme Court</b>	<b>28</b>
Office of the Architect of the Capitol	28

FACILITY NAME	NO. OF FINDINGS
<b>SOB - Daniel Webster Hall</b>	<b>4</b>
Office of the Architect of the Capitol	3
Senate Sergeant at Arms	1
<b>SOB - Dirksen Senate Office Building</b>	<b>63</b>
Office of the Architect of the Capitol	45
Senate Chief Counsel for Employment	13
Senate Sergeant at Arms	1
United States Capitol Police	4
<b>SOB - Hart Senate Office Building</b>	<b>89</b>
Office of the Architect of the Capitol	75
Senate Chief Counsel for Employment	13
United States Capitol Police	1
<b>SOB - Senate Mail Facility</b>	<b>5</b>
Office of the Architect of the Capitol	4
Senate Sergeant at Arms	1
<b>SOB - Senate Printing Facility</b>	<b>14</b>
Office of the Architect of the Capitol	11
Senate Sergeant at Arms	3
<b>SOB - Postal Square</b>	<b>24</b>
Office of the Architect of the Capitol	24
<b>SOB - Russell Senate Office Building</b>	<b>108</b>
Office of the Architect of the Capitol	89
Senate Chief Counsel for Employment	19
<b>SOB - SAA Senate Support Facility</b>	<b>3</b>
Office of the Architect of the Capitol	3
<b>SOB - Senate Employee's Child Care Center</b>	<b>3</b>
Office of the Architect of the Capitol	3
<b>SOB - Senate Underground Garage</b>	<b>13</b>
Office of the Architect of the Capitol	12
Senate Sergeant at Arms	1
<b>SOB - Storage Building (Blue Plains)</b>	<b>4</b>
Office of the Architect of the Capitol	4
<b>USCP - HazMat Storage Area</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>USCP - Truck Inspection Facility</b>	<b>3</b>
Office of the Architect of the Capitol	1
United States Capitol Police	2
<b>USCP - United States Capitol Police HQ</b>	<b>6</b>
Office of the Architect of the Capitol	4
United States Capitol Police	2

## APPENDIX A

<b>FACILITY NAME</b>	<b>NO. OF FINDINGS</b>
<b>USCP - Vehicle Maintenance</b>	<b>5</b>
United States Capitol Police	5
<b>USCP - Verizon</b>	<b>1</b>
Office of the Architect of the Capitol	1
<b>USCP-Cheltenham Bldg 31</b>	<b>4</b>
United States Capitol Police	4
<b>USCP-Cheltenham PAC Bldg</b>	<b>2</b>
United States Capitol Police	2
<b>Grand Total</b>	<b>2675</b>

## APPENDIX B



### Safety, Fire, and Environmental Programs Office

Ford House Office Building, Room H2-571  
Washington, DC 20515

[www.aoc.gov](http://www.aoc.gov)

January 23, 2019

Mr. John Uelmen  
General Counsel  
Office of Congressional Workplace Rights (OCWR)  
110 Second Street, SE  
Room LA-200, John Adams Building  
Washington, D.C. 20540-1999

Subject: Response to the Office of Congressional Workplace Right's (OCWR) Draft Report; Biennial Report, 114th Congress, Occupational Safety and Health Inspections

Dear Mr. Uelmen:

The Architect of the Capitol (AOC) appreciates the opportunity to review and provide a response to the Office of Congressional Workplace Rights (OCWR)'s Draft Report on Occupational Safety and Health Inspections dated December 2018 that covered inspections during the 114th Congress. We are also pleased to provide you with an update of our efforts during this timeframe in the enclosed report, AOC's Significant OSH Accomplishments.

A goal of the AOC is to have a workplace free of accidents/incidents. In pursuit of this goal, AOC implemented several initiatives to enhance our existing safety culture. One of our efforts focused on a behavior based safety program that engages first-line supervisors and employees through work observations and teaches "see something, say something" interactions. This Safety Observations and Reflections (SOAR) program provides training for staff and fosters improvements in communications, teamwork and compliance with procedures. It also serves to recognize good work practices and safe behaviors. Through 2016, the AOC trained over 608 employees on the SOAR program.

Also of note, during the 114th Congress (January 6, 2015 through January 3, 2017), the AOC employee total injury and illness case rate decreased by 20 percent (from 3.77 to 3.01 cases per 100 employees). Our lost time case rate also decreased by 33 percent over the same period (from 2.96 to 1.99 cases per 100 employees).

Significant effort by the AOC has resulted in closure of 72 percent of the 1,472 Biennial Inspection Findings for Major Congressional Office Buildings during the 114th Congress. Any 114th Congress Biennial Inspection findings that remain open continue to be prioritized for closure. The AOC looks forward to ongoing cooperation with the OCWR to update, track and pursue abatement and closure of open Citations and OSH Cases.

APPENDIX B

Should you have any further questions or comments, please contact me at 202.226.0630.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Williams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patricia Williams  
Director of Safety, Fire and Environmental Programs

Enclosure: 1) AOC Significant Accomplishments in Occupational Safety and Health –  
114th Congress

**AOC's Significant Occupational Safety and Health (OSH)  
Accomplishments during the 114th Congress**

The Architect of the Capitol (AOC) is pleased to provide a response to the Office of Congressional Workplace Rights (OCWR)'s Draft Report on Occupational Safety and Health Inspections dated December 2018 and covering inspections during the 114th Congress, January 6, 2015 through January 3, 2017. The AOC's commitment to enhancing safety has resulted in substantial progress in this area and has produced many worthy accomplishments.

The AOC's mission is to serve Congress and the Supreme Court, preserve our iconic buildings and historic treasures, as well as to inspire and educate visitors from across the globe. We strive to ensure outstanding stewardship of our nation's assets and to promote a safe, healthy, and secure environment while making efficient use of resources.

A goal of the AOC is to have a workplace free of accidents/incidents. In pursuit of this goal, AOC implemented several initiatives to enhance our existing safety culture. One of our efforts focused on a behavior based safety program that engages first-line supervisors and employees through work observations and teaches "see something, say something" interactions. The Safety Observations and Reflections (SOAR) program provides training for staff and fosters improvements in communications, teamwork and compliance with procedures. It also serves to recognize good work practices and safe behaviors. Through 2016, the AOC trained over 608 employees on the SOAR program.

Additional efforts included adding OSH expertise on routine internal inspections that focused on fire protection systems and maintenance practices. Nearly 40 percent of new potential safety issues identified during these inspections were OSH-related. This new focus was to allow the Agency to be more proactive in managing fire and safety programs to reduce safety risks.

Third, AOC implemented policy updates that expanded the scope of incident investigations to better understand what occurred and capture more consistent data to prevent future incidents.

The AOC also made a focused effort to address OCWR findings, 72 percent of which have been closed to date, and pursued notable life safety improvements through project work as highlighted later in the report.



*Appendix C – Guidelines for Risk Assessment Codes (RACs)*

**Office of Compliance Guidelines  
for Risk Assessment Codes (RACs) – October 20, 2009**

Office of Compliance (OOC) inspectors assign a risk assessment code (RAC) to each hazard encountered during routine inspections. The RAC describes the relative risk of injury, illness or premature death that could result from exposure to a hazard. RACs vary between a RAC 1 for a relatively high risk and a RAC 5 for an insignificant risk. Because the OOC does not identify hazards that have insignificant risks (*de minimis* violations), we do not have RAC 5 findings. A RAC uses a combination of the *probability* that an employee could be hurt and the *severity* of the illness or injury. The tables below outline the definitions of these elements and the process for combining the elements to determine a RAC. We use two methods: one for *safety* hazards, which could result in injuring an employee, and another for *health* hazards, which are conditions that could cause an occupational illness.

Table 1 shows the matrix used to determine RACs for safety hazards. The inspector finds the RAC by selecting the probability category from the first column and the worst-case severity category from the next four columns. The cell where the severity and probability descriptions intersect contains the appropriate RAC.

Probability Categories	Hazard Severity Categories			
	I	II	III	IV
Likely to occur immediately (A)	RAC 1	RAC 1	RAC 2	RAC 3
Probably will occur in time (B)	RAC 1	RAC 2	RAC 3	RAC 4
Possible to occur in time (C)	RAC 2	RAC 3	RAC 4	RAC 5
Unlikely to occur (D)	RAC 3	RAC 4	RAC 5	RAC 5

The OOC has based the structure of the RAC tables (Tables 1 and 2) on information from John Zoldak of The Zoldak Group, Inc., and the definitions of the classifications and categories on the Department of Defense Instruction 6055.1, <http://www.dtic.mil/whs/directives/corres/pd2/i60551p.pdf>. The definitions of the Hazard Severity categories from the DOD Instruction are as follows:

*Severity Category I:* Death or permanent total disability.

*Severity Category II:* Permanent partial or temporary total disability; off work more than 3 months.

*Severity Category III:* Lost-workday or compensable injury.

*Severity Category IV:* First aid or minor supportive medical treatment.

RACs for health hazards require a more complex approach. Health RACs include factors such as exposure conditions, routes of entry, medical effects, exposure duration, and the number of employees exposed. Table 2 below outlines the RAC categories for health hazards and Tables 3

## APPENDIX C

through 8 give the process for calculating the probability and severity categories for Table 2.

Probability Categories	Hazard Severity Categories			
	I	II	III	IV
Likely (A)	RAC 1	RAC 1	RAC 2	RAC 3
Probable (B)	RAC 1	RAC 2	RAC 3	RAC 4
Possible (C)	RAC 2	RAC 3	RAC 4	RAC 5
Unlikely (D)	RAC 3	RAC 4	RAC 5	RAC 5

To determine the Hazard Severity for Table 2, add the factors in Tables 3 and 4; then use Table 5 to select the category.

Is an exposure route other than inhalation possible?	Exposure Conditions			
	< AL	Intermittently > AL, but < PEL	> AL, but < OEL	> PEL
No	0 points	3 points	5 points	7 points
Yes	2 points	4 points	6 points	9 points

“AL” is the action level, which usually requires training, medical monitoring, records, and other measures.  
 “OEL” is the occupational exposure limit that applies to the situation. These limits include OSHA permissible exposure limits (PELs), threshold limit values (TLV®s) from the American Conference of Governmental Industrial Hygienists (ACGIH), and short-term exposure limits (STELs) and ceiling limits from either OSHA or the ACGIH.

Condition	Points
No medical effects (could include nuisance odors)	0
Temporary reversible illness requiring supportive treatment (e.g. eye irritation, sore throat)	1 to 2
Temporary reversible illness with limited period of disability (e.g., metal fume fever)	3 to 4
Permanent illness or loss of capacity (e.g., permanent hearing loss)	5 to 6
Severe disabling and irreversible illness or premature death (e.g., asbestosis)	7 to 8

Note: Be sure to use the correct medical effects for exposure conditions.  
 Use acute effects for exposures > STELs and chronic effects for exposures > time-weighted average PELs.

Health Hazard Severity Category	Total Points from Tables 3 and 4
I	13 to 17 points
II	9 to 12 points

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III	5 to 8 points
IV	1 to 4 points

To determine the Health Hazard Probability for Table 2, add the factors in Tables 6 and 7; then use Table 8 to select the category.

<i>Table 6. Number of Exposed Employees (for use in Table 8)</i>	
Number of Exposed Employees	Points
< 5 exposed employees	1 to 2 points
5 to 9 exposed employees	3 to 4 points
10 to 49 exposed employees	5 to 6 points
> 49 exposed employees	7 to 8 points

<i>Table 7. Exposure Duration (for use in Table 8)</i>			
Exposure Frequency (during the year)	Exposure Duration (during a week)		
	1 to 8 hours/week	> 8 but < 30 hours/week	> 30 hours/week
Irregular, intermittent	1 to 2 points	4 to 6 points	8 points
Regular, periodic	2 to 3 points	5 to 7 points	8 points

<i>Table 8. Health Hazard Probability Category (for use in Table 2)</i>	
Health Hazard Probability Category	Total points from Tables 6 and 7
Likely	14 to 16 points
Probable	10 to 13 points
Possible	5 to 9 points
Unlikely	1 to 4 points