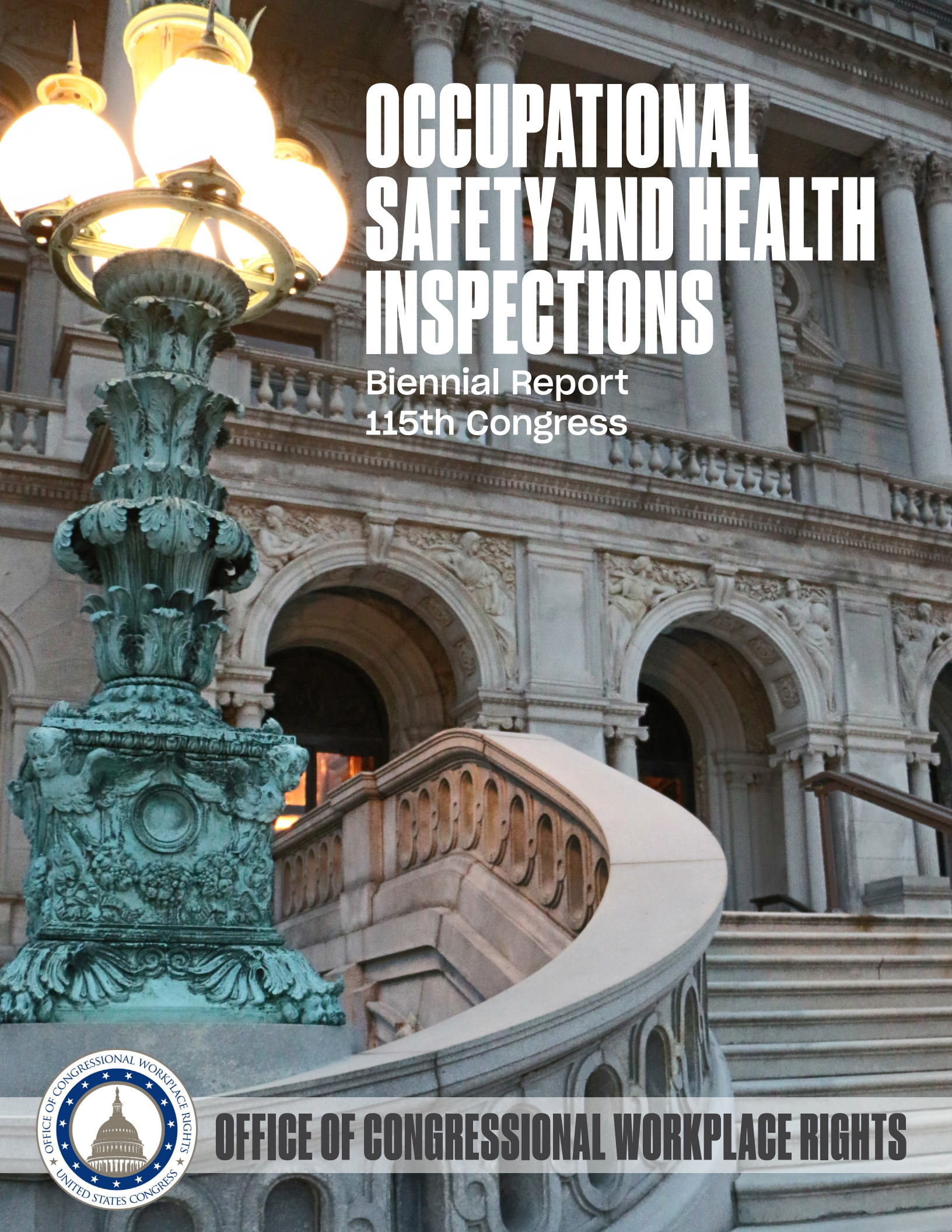

OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

Biennial Report
115th Congress

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

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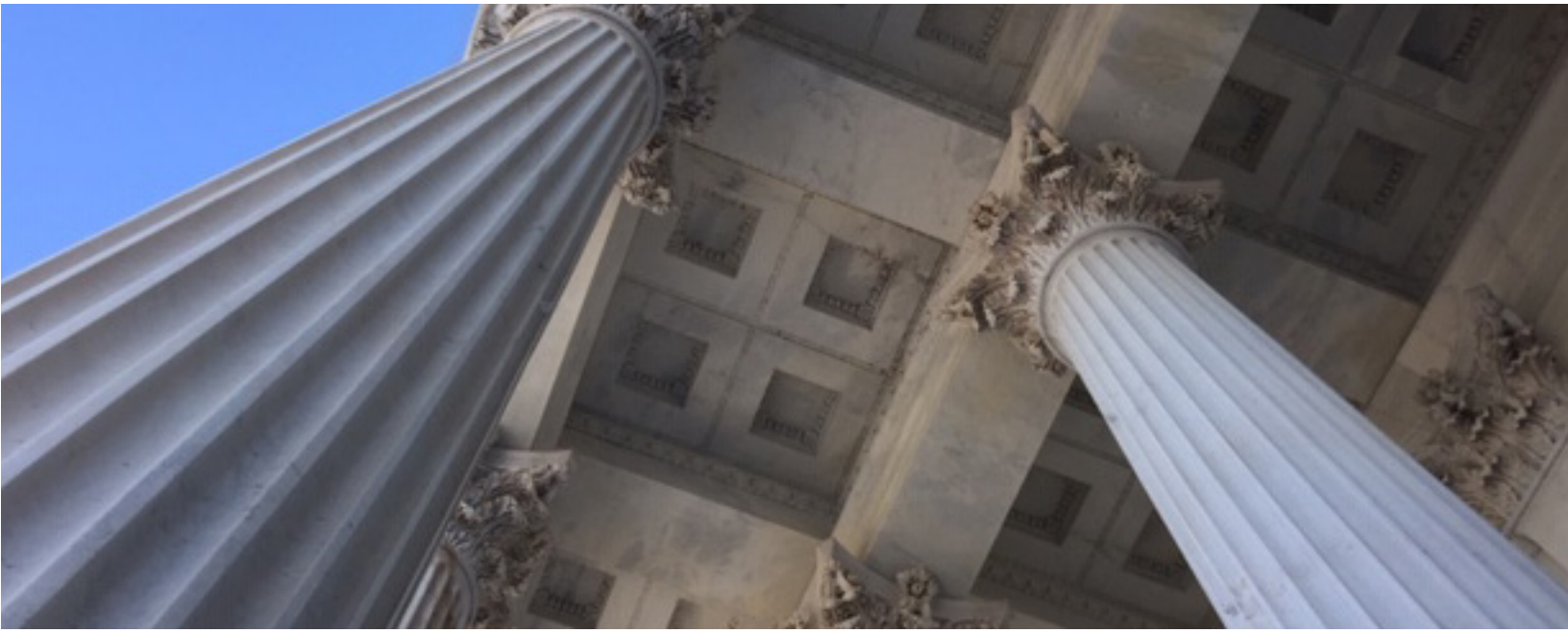


MESSAGE FROM THE GENERAL COUNSEL

The Congressional Accountability Act of 1995 (CAA) applies the Occupational Safety and Health Act of 1970 to the legislative branch, and requires the General Counsel of the Office of Congressional Workplace Rights (OCWR) to conduct occupational safety and health (OSH) inspections of legislative branch facilities and report the results of these inspections to Congress. The General Counsel is also required to conduct inspections and investigations in response to occupational safety and health concerns raised by employees and employing offices. I am pleased to submit this report summarizing the results of the OSH inspections and investigations conducted during the 115th Congress. These inspections and investigations covered over 80 facilities on and around Capitol Hill, with a focus on the higher-hazard areas of each facility, as well as areas of special interest such as those designated for children and those identified in inspection requests.

The OCWR continued to inspect all Member offices in both the House and Senate, and we expanded our Safety Recognition Awards program to encompass not only Member offices but also those trade shops that were found to be hazard-free. As part of our effort to improve outreach to Members' district and state offices, we added a requirement that in order to qualify for a Safety Recognition Award, in addition to their Capitol Hill offices being hazard-free during the biennial inspection, Members also would have to certify that their remote offices had conducted self-inspections for fire and electrical safety hazards.

Two significant concerns arose out of the biennial inspection for the 115th Congress. First, the overall number of hazard findings increased by 56% from the 114th Congress. Although it is impossible to identify the exact reasons for this change, those numbers clearly represent a move in the wrong direction. Second, a significant number of the findings from the 115th Congress were either repeat findings or new instances of common hazards that are identified during every inspection, despite assurances from the employing offices that those hazards have been abated and that processes have been put in place to prevent recurrences. More effort is unquestionably needed.

However, there have been positive developments since the conclusion of the biennial inspection for the 115th Congress. The Office of the Architect of the Capitol (AOC) recently instituted organizational changes, including consolidating several operations into the Office of Safety and Code Compliance. As the employing office responsible for abating the bulk of hazards identified in our biennial inspections, the AOC plays a vital role in improving and promoting employee safety and health in the legislative branch, and these changes should help the AOC proactively identify, correct, and prevent those common and repeat findings. Other employing offices have also improved their safety operations, adding safety professionals and directing more resources to compliance with the requirements of the CAA.

The OCWR has improved our OSH inspection process as well. We have upgraded our database; improved our communication with the employing offices before, during, and after their inspections, including how we report findings; provided additional training for our safety professionals; and enhanced our education and outreach efforts in the legislative branch community.

Ultimately, improving worker health and safety depends upon the skills and commitment of the dedicated safety professionals both within the OCWR and across Capitol Hill. I congratulate our OSH Program Manager and OSH Specialists on their excellent work, and I thank the representatives of the employing offices who not only assist in the planning and conducting of the inspections, but devote themselves daily to creating a safer and healthier workplace for their colleagues. We appreciate their efforts and we look forward to continuing to work together in the next Congress and beyond.

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. Id. at §§ 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") 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 House and Senate offices, the Congressional Budget Office, Government Accountability Office, Library of Congress, Office of the Architect of the Capitol ("AOC"), Office of Attending Physician, OCWR, Office of Congressional Accessibility Services, and the United States Capitol Police ("USCP"). 2 U.S.C. § 1341(e)(2).

History of Biennial Inspections

The CAA was passed in January 1995, and the Office of Compliance ("OOC")[1] 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.

[1]The Office of Compliance was renamed the Office of Congressional Workplace Rights in December 2018 pursuant to the Congressional Accountability Act of 1995 Reform Act, Pub. L. No. 115-397 (2018).

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.[2] 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 Service for the Blind and Print Disabled, 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.

115th Congress Biennial Inspection

The biennial inspection for the 115th Congress, conducted in 2017-18, continued to focus on higher-hazard areas and operations, as well as facilities involving special considerations, such as areas designated for children. We also continued our practice of reviewing the employing offices' safety and health programs. During the 115th Congress we inspected for the first time the Library of Congress's Module 5 at Meade.

In keeping with our practice of conducting several targeted inspections each Congress, during the 115th Congress we inspected hearing and meeting rooms accommodating 40 or more people, as well as areas in which previous Requests for Safety and Health Inspection had raised safety concerns.

For the second consecutive Congress, we inspected all Members' offices in both the Senate and the House of Representatives. During the 115th Congress we expanded that effort to include not only in-person inspections of the Member offices on Capitol Hill, but also an online safety certification process for district and state offices nationwide. We continued 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 in-person inspection and whose remote offices conducted safety self-inspections. At a ceremony on July 22, 2019, we presented awards to the offices of 19 Senators and 40 Representatives.

[2]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.

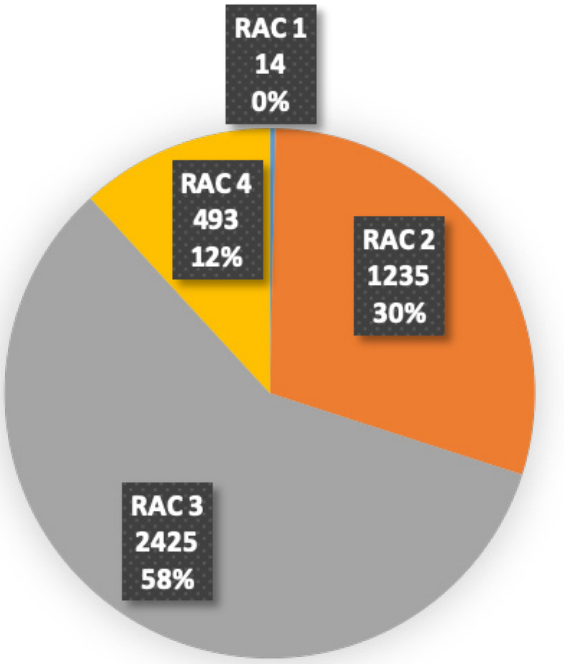
RESULTS OF INSPECTION

115th Congress Inspection Results

During the 115th Congress, our inspectors identified 4,167 total hazards. This represents a 56% increase over the number of findings during the 114th Congress biennial inspection, and although there are several possible explanations for this large increase, there is no doubt that both the number of hazards and the increase over the previous inspection are of great concern. A more detailed comparison of the results of the last two biennial inspections is presented in the next section.

The distribution of all identified hazards by RAC is depicted in Figure 1. Approximately 30% of all hazards were deemed to be higher-risk hazards (RAC 1 and RAC 2).

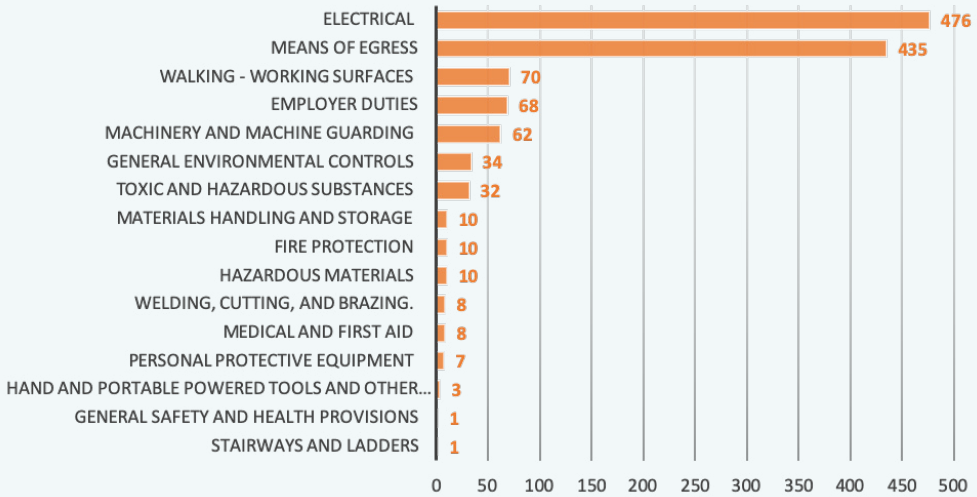
The inspection revealed 14 hazards that were identified as RAC 1 (most severe). Of those, most involved either fall protection (6) or exit routes (5), and the rest involved machine guarding (1), fire protection (1), and struck-by hazards (1).



Findings by RAC
Figure 1

As shown in Figure 2, the majority of the 1,235 hazards categorized as RAC 2 involved electrical hazards (39%) and means of egress (35%). The other most common RAC 2 hazards involved walking-working surfaces (6%), general employer duties[3] (6%), and machinery and machine guarding (5%).

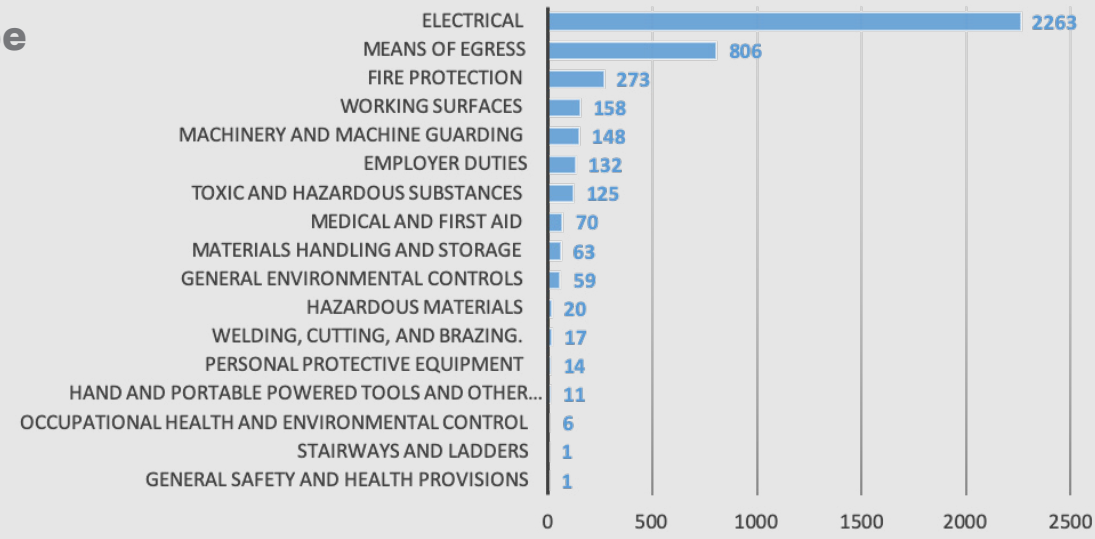
RAC 2 Findings By Hazard Type
Figure 2



[3] "General employer duties" is the designation given to findings of violations of the General Duty Clause, section 5(a)(1) of the OSHAct, 29 U.S.C. § 654(a)(1).

All Findings By Hazard Type

Figure 3



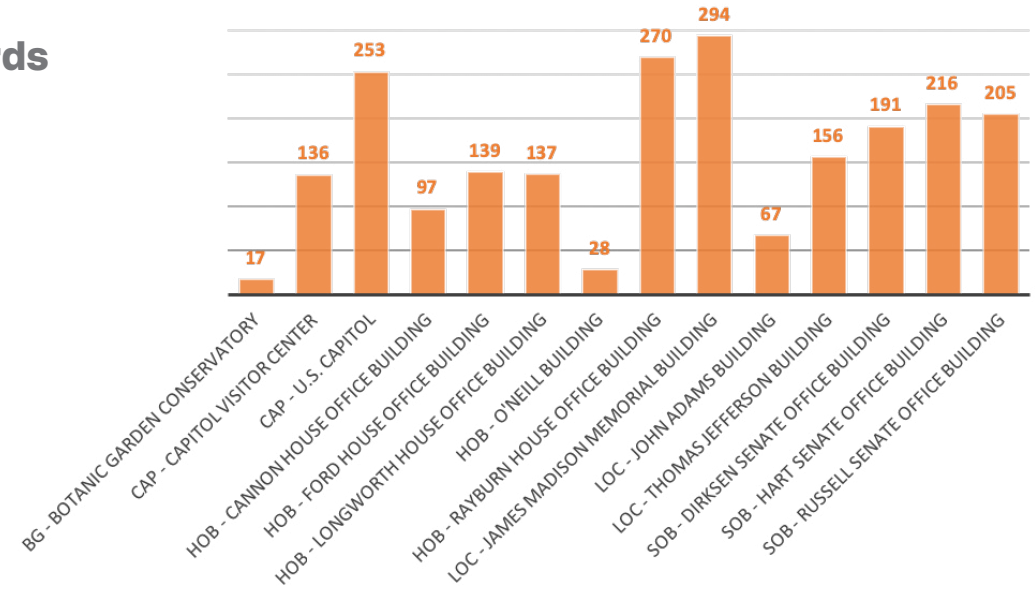
The distribution of all hazards by type is shown in Figure 3. More than half of all findings (54%) were electrical. Electrical hazards include such deficiencies as problems with panels, boxes, outlets, or covers (about 36% of all electrical findings); unlabeled or poorly labeled circuits and breakers (about 24% of all electrical findings); improper use of surge protectors, power strips, or extension cords, including the use of "daisy chains" (about 16% of all electrical findings); problems with light bulbs, tubes, and fixtures (about 9% of all electrical findings); and issues involving exposed wires or other energized components (about 5% of all electrical findings).

Approximately 19% 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, and missing or inoperable emergency lighting or exit signage. A significant number of the "means of egress" hazards concern unprotected penetrations in fire barriers, which compromise fire safety by allowing the migration of fire and smoke.

As in the previous Congress, although the 115th 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 115th Congress, a total of 81 facilities received a higher-hazard inspection. The total amount of space used by legislative branch workplaces 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.

Total No. of Hazards by Building (Not Including Member Offices)

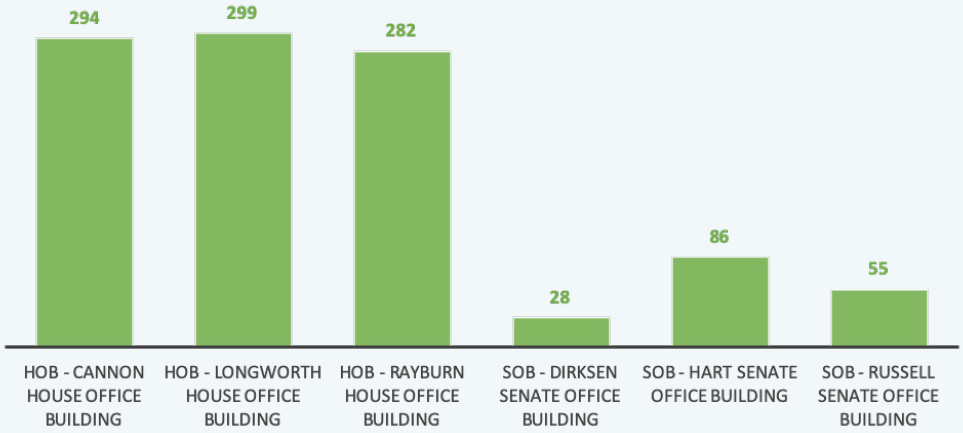
Figure 4



The distribution of hazards among the Members' offices in the Senate and House Office Buildings is depicted in Figure 5.[4] It is worth noting that approximately 20% of the findings in Members' offices related to annunciators. The existing annunciator system in the House Office Buildings is outdated, and other emergency alert methods are already in use across Capitol Hill, which may lead some employees to view the annunciators as redundant. Plans are in place to phase out the annunciators and replace them with other forms of communication. However, as long as the annunciators are still present in the Members' offices and relied upon to disseminate information that may be important to the health and safety of those offices' occupants, those annunciators must be kept in good working condition. It is imperative for Member office staff to be trained on how to use the annunciators; to understand why the annunciator system is important; and to know what to do if the units are not working, including whom to contact with any problems. Until the system is phased out, if the annunciators are not functional during the biennial inspection, the OCWR's OSH Specialists will issue findings on that basis.

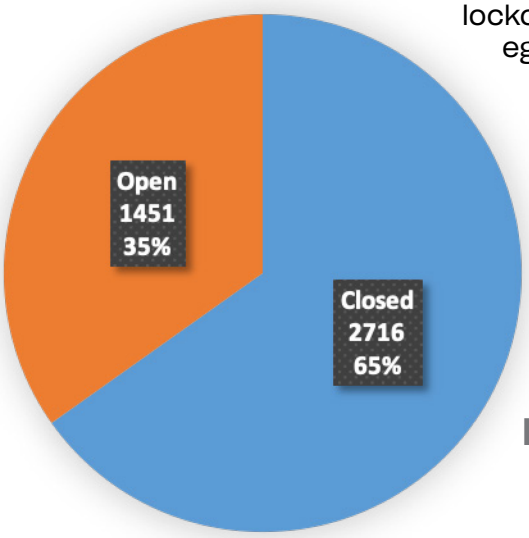
Total No. of Hazards in Members' Offices by Building

Figure 5



Appendix A contains a listing of all facilities and areas inspected during the 115th Congress with a breakdown of the number of hazards found by the employing office responsible for abatement. At each location, the 115th 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, the largest numbers of program-related findings during the 115th Congress inspection involved toxic and hazardous substances (especially the need to update or obtain safety data sheets), lockout/tagout, permit-required confined spaces, and means of egress (particularly the need to update Emergency Action Plans or train employees on them).

As of October 2020, approximately 65% of the hazards identified during the 115th Congress inspection had been reported as abated by the employing offices.[5] 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).



Findings by Status (as of October 2020)

Figure 6

[4] 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.

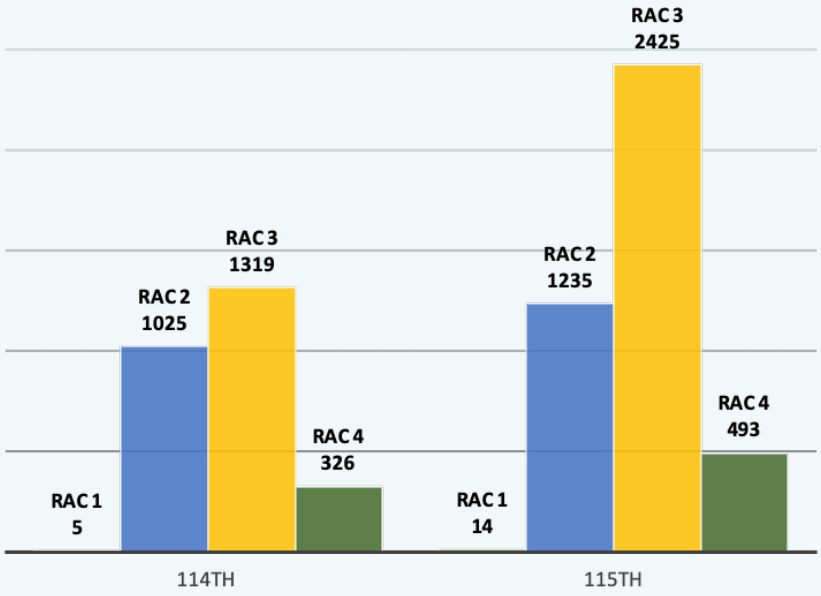
[5] Based upon information received from the Architect of the Capitol in response to the draft of this report, the percentage of hazards identified during the 115th Congress that have been abated may now be in excess of 83%. See Appendix B.

Comparison of Inspections from the 114th and 115th Congresses

The inspections for both the 114th and 115th Congresses focused on higher-hazard areas within legislative branch facilities. The total number of findings increased from 2,675 in the 114th Congress to 4,167 in the 115th Congress, representing an increase of 56%. We find this increase very concerning.

Comparison of No. of Hazards Found During 114th and 115th Congresses by RAC

Figure 7



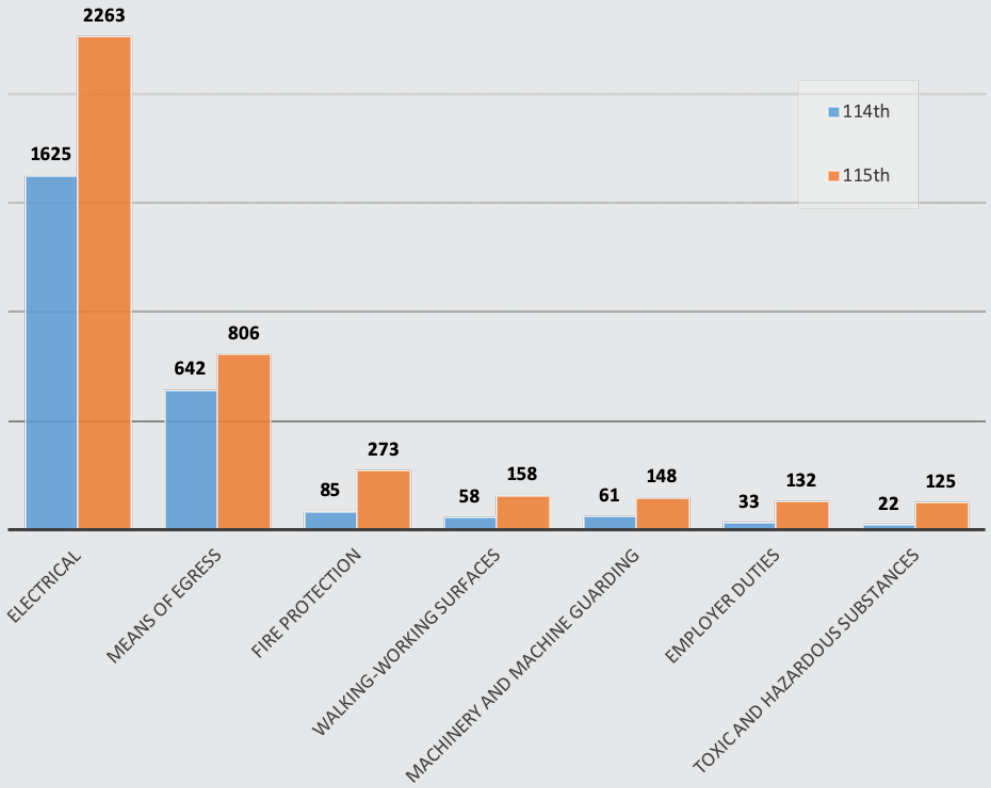
Several factors could contribute to fluctuations in the number of findings from one biennial inspection to the next. For example, due to personnel changes, the OCWR inspection teams for the two most recent biennial inspections were comprised of different OSH Specialists; although our inspectors rely on the same OSHA standards and strive for consistency in their findings, individual methods can vary slightly. However, those slight variations cannot account for a 56% increase in total findings. Differences in the number of findings in the Member offices could be attributed in part to the fact that each Congress some Members move to different offices and new Members move in for the first time, and with all of those moves come new office setups and the potential for the creation of new hazards, including common issues like blocked fire doors, improper use of extension cords and daisy chains, and failure to maintain annunciators in operative condition. Other employing offices also move employees around to different work areas and alter their utilization of certain workspaces, which could also account for differences in the number of findings, along with the fact that the list of facilities inspected each Congress is subject to change. Even taking all of those factors into account, however, an increase of 56% in the total number of findings gives rise to the inevitable conclusion that from 2015-16 to 2017-18 the overall safety and health of Capitol Hill facilities moved in the wrong direction.

All levels of severity saw an increase from the 114th Congress to the 115th Congress. RAC 1 hazards nearly tripled, from 5 total to 14 total; RAC 2 hazards were up by 20%; RAC 3 hazards were up by 84%; and RAC 4 hazards were up by 51%. A comparison of the number of findings by RAC is depicted in Figure 7.

The most common types of findings remained constant from the 114th Congress to the 115th Congress, as shown in Figure 8.

Comparison of No. of Most Common Hazards by Type

Figure 8



COMMON AND REPEAT FINDINGS

Over the past several Congresses we have become increasingly concerned by the number of electrical safety and means of egress hazards that are identified by our inspectors during every biennial inspection. Many of these findings during the 115th Congress were similar or identical to findings during the 114th Congress, including many in the exact same locations. Each Congress we notify the employing offices of our findings, and each Congress the employing offices report that they have abated the hazards, yet the next time our OSH Specialists visit, they discover that the same types of hazards still exist. Whether the employing offices have failed to abate the hazards during the two years between inspections, or whether they have abated the hazards but failed to take adequate measures to prevent them from recurring, this is a problem that must be addressed.

This trend of common and repeat findings is disturbing and frustrating for two primary reasons: First, because the employing offices are on notice regarding the existence of these hazards but are not being proactive about preventing or abating them; and second, because the majority of the hazards are so easily prevented or abated. For example, every biennial inspection includes dozens of findings across campus for missing knockouts in electrical boxes, even though it should be obvious to the employing offices' electrical and safety professionals that the knockouts are missing, and even though replacements are inexpensive and only take a few seconds to install. Perhaps even more concerning is the prevalence of blocked exits – it should be a matter of common sense, not only to safety professionals but to all employees, that exit doors must be unobstructed so that they can be used to evacuate in an emergency. There simply is no excuse for these common and repeat findings.

The significance of these types of issues should not be underestimated, even if each finding standing alone might merit only a RAC 3 or RAC 4 rating. Knockouts prevent moisture and combustible materials from entering into electrical equipment; if knockouts are missing, not only can moisture and combustible materials enter, causing corrosion and creating fire hazards, but vermin can gnaw on exposed wires, and the likelihood of accidental contact with live parts increases. Daisy chains – in which surge protectors, power strips, and/or extension cords are plugged into one another rather than directly into the wall – can cause an electrical current overload, which can cause devices to overheat and can lead to fires. Exposed wires and other energized components increase the likelihood of fires and electrical shocks, especially if they are located in areas where they can come into accidental contact with body parts or combustible materials. Even if the chance of any one daisy chain, missing knockout, or other such hazard leading to a serious injury or death is relatively small, the fact that these hazards are so widespread is cause for concern.

We urge all of the employing offices to examine their safety processes and training to determine what they can do to eliminate these types of hazards and prevent them from recurring. This is especially important for the AOC, given its role as facility manager. The AOC has recently implemented several organizational changes that should lead to improvements in this area, including enhanced safety training for its staff and a Building Official Program to enforce code compliance across campus. These and other initiatives are described in Appendix B. We will be monitoring the AOC's progress in implementing these changes.

FIRE AND LIFE SAFETY ISSUES

The OCWR is currently monitoring the abatement status of 6 open citations related to fire and life safety on Capitol Hill, issued in 2000 (Citations 16, 18, and 19) and 2001 (Citations 29, 30, and 31).

Citation 16

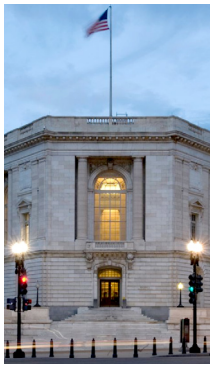
U.S. Capitol Building

Citation 16 addressed safety hazards related to exit stairwells in the U.S. Capitol Building. The AOC has completed several short-term measures to improve means of egress throughout the building, and has installed a new smoke control system in the Grand Staircase. In March 2020 the OCWR GC approved the AOC's Request for Modification of Abatement (RFMA) regarding this citation, which calls for certain infrastructure changes allowing for compartmentalization of the building to enhance fire safety. The AOC estimates that the project design will be completed in 2021, with construction to be completed in 2025.

Citation 18

Cannon House Office Building

Citation 18 pertains to fire safety issues in the Cannon House Office Building. This citation is being abated as part of the ongoing Cannon Renewal Project, as provided in the RFMA approved in April 2014. The AOC has already made certain fire safety improvements, such as upgraded sprinkler protection and the installation of fire-rated doors and other hardware. The current abatement efforts involve dividing the building into fire zones using fire barriers between each zone, which will allow for greater protected egress from the building in the event of a fire. Each 2-year phase of the Cannon Renewal Project includes the installation of one or more of these fire barriers, with an estimated completion date in 2025.



Citation 19

Russell Senate Office Building

Citation 19 addressed numerous life-threatening fire and emergency evacuation hazards in the Russell Senate Office Building. After years of disagreements among stakeholders over the AOC's abatement plan, the appointment of a Blue Ribbon Panel, and the issuance of an Amended Citation 19 in 2012, the AOC submitted and received approval of a final RFMA in February 2018. Abatement work is progressing in accordance with that RFMA, and currently includes 12 open action items, which are in various stages of completion: some are still in the design phase, while others are nearly finished, and most are somewhere in between. These action items include upgrades to the sprinkler and smoke detection systems, installation of fire barriers, the construction of additional exits, and the addition of signage and handrails to assist with emergency egress, among other improvements.

Citations 29-1, 30-2, and 31-2

Library of Congress

These three citations addressed fire and life safety hazards in the John Adams and Thomas Jefferson Buildings of the Library of Congress (Citations 30-2 and 31-2, respectively), as well as in the old book conveyor system that served all three Library buildings on Capitol Hill (Citation 29-1). The AOC continues to make progress on these three citations in accordance with the RFMA that was approved by the OOC in December 2014.

The book conveyor issues have been resolved in two of the three buildings, and work on the third building is underway, with estimated completion in late 2022. With regard to the Adams Building citation, all but one of the abatement projects have been completed, and the AOC expects to submit a Notice of Corrective Action for that citation in the near future. The Jefferson Building abatement work will take longer; some projects are already completed, whereas others have not yet received funding. The final abatement of the entire citation is currently estimated to be completed in the year 2029.

Other Citations

One other citation was open as of the end of the 115th Congress, and is currently nearing resolution. Citation 64 was issued to the Library of Congress in 2006 and amended in 2007, and concerned potential employee exposure to lead-based paint in the Library's Thomas Jefferson Building. The Library brought in the AOC to abate the identified hazard. A Notice of Corrective Action has been submitted and is currently under review; if the General Counsel finds the AOC's abatement satisfactory, the citation will be closed.

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 OSHAct. 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 115th Congress, the OCWR opened 14 investigations into potential safety and health hazards based on requests and/or reports of incidents. As in the past, the requests that we received during the 115th 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 the requests are filed by employees of other employing offices; during the 115th Congress the AOC was involved in 10 cases. Other employing offices involved in OSH investigations included the Library of Congress (4), the United States Capitol Police (2), and the OCWR, then known as the Office of Compliance (1). Among the issues investigated were floor loading and egress concerns, respiratory protection, vermin, bloodborne pathogens, unsafe walking-working surfaces, potential exposures to lead and other hazardous chemicals, and a small fire in a Senate office building. The OCWR investigated the alleged hazards identified by requests for inspection and issued reports with the findings of those investigations.

The most intensive investigation undertaken by the OCWR during the 115th Congress arose out of an April 2017 incident in which an AOC employee was struck and killed by a falling codominant trunk of an elm tree near the Cannon House Office Building. That investigation led to an overhaul of the AOC Capitol Grounds jurisdiction's urban tree management program, including the hiring of additional technical experts, the implementation of a comprehensive online inventory system, and significant improvements to the AOC's processes for tree inspection, tree care, and risk mitigation.

An investigation regarding potential lead exposure in USCP workspaces in the Government Publishing Office (GPO) building led to the issuance of Citation 68, described earlier in this report. Although the investigation did not result in any findings of unsafe levels of lead exposure, it did reveal that the USCP was out of compliance with applicable standards governing employee access to exposure records. The citation has resulted in the USCP's agreement to adopt a policy that will bring it into compliance with those standards.

Of the 14 cases opened during the 115th Congress, 12 are closed and 2 remain open as of the date of this report. The OCWR will continue to investigate potential hazards that come to our attention through the filing of requests for inspection, news media coverage, self-reporting by employing offices, or other means, to continue promoting safe and hazard-free workplaces in the legislative branch.

EDUCATION AND OUTREACH

An important part of the OCWR's mandate is education and outreach to the legislative branch community, to ensure that covered employees and employing offices understand their rights and obligations under the CAA and the available methods for raising and addressing concerns. This is as true for occupational safety and health issues as it is for other areas of labor and employment law. Accordingly, during the 115th Congress the OCWR expanded and enhanced its OSH-related education and outreach efforts.

In June 2017 our contract Certified Industrial Hygienist, Don Kennedy, conducted a seminar on preventing heat stress, and in January 2018 he conducted a seminar on preventing cold stress. These are issues of particular relevance to legislative branch employees who work outdoors, including United States Capitol Police officers, AOC grounds workers, and others. Both seminars were well-attended by safety professionals, union representatives, and legal counsel from numerous employing offices.

We also expanded our library of educational materials available to the legislative branch community. We added a variety of Fast Facts documents to our website, covering topics such as keeping workplaces pest-free and working safely in hot and cold weather conditions. We also created and distributed a packet of information to help employing offices prevent common office safety hazards, as well as a flier addressing the most frequently asked questions about our biennial OSH inspections.

Our informal educational efforts were ongoing during the 115th Congress, including providing technical assistance to employing offices upon request and in the field during biennial inspections. We continued to support the employing offices' own training efforts, both through our evaluation of programs as part of the biennial inspection and through hazard abatement and recommended best practices as part of investigations into incidents or Requests for Inspection.

PREVIEW OF THE 116TH CONGRESS INSPECTION REPORT

The OCWR's biennial inspections for the 116th Congress began in March 2019, and resembled the previous several biennial inspections, with a team of OSH Specialists visiting facilities across Capitol Hill, focusing on higher-hazard areas and reviewing employing offices' safety and health programs. However, in March 2020 the OCWR was forced to suspend our in-person inspections due to the COVID-19 pandemic. Public health and safety concerns prevented both the OCWR staff and most of the employing offices' personnel from working on-site, and as a result the inspections that were scheduled to take place in the spring and summer of 2020 had to be either rescheduled or converted into remote inspections, which consisted primarily of written program reviews. Limited in-person inspections resumed in August 2020, with two OSH Specialists wearing appropriate personal protective equipment and maintaining social distancing to the greatest extent possible.

In accordance with our statutory mandate, we will issue a report on our findings from the 116th biennial inspection. However, because of the pandemic-related disruption, comparisons between that inspection and the ones preceding it will be less useful than they would have been otherwise.

ACKNOWLEDGEMENTS

Under the CAA, management of the OSH program is the responsibility of the OCWR GC. John D. Uelmen has been the GC of the OCWR since December 2015, and had overall management of the 115th Congress biennial inspections.

The inspections for the 115th Congress began under the coordination of former OSH Program Manager Terry Wigfall, C.S.P. Shonda Perkins, OSH Inspection Coordinator, took over primary responsibility for coordinating the inspections after Ms. Wigfall's retirement in September 2017. Ms. Perkins 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 115th Congress was comprised of Senior OSH Specialist Christopher Robinson and OSH Specialists Mark Nester, James Peterson, Crystal Barber, Sara Hoover, and Christina Bailey, 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 115th Congress, requestor-initiated inspections were conducted principally by Associate General Counsel Hillary Benson in coordination with Ms. Perkins and 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 Deputy General Counsel, with substantial contributions from Ms. Perkins, who is now OSH Program Manager.

October 2021

John D. Uelmen
General Counsel

APPENDICES

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
Offsite Facility	**11**
Office of the Architect of the Capitol	10
Senate Sergeant at Arms	1
B Utility Tunnel	**2**
Office of the Architect of the Capitol	2
BG – Botanic Garden Administration Building	**5**
Office of the Architect of the Capitol	4
United States Capitol Police	1
BG – Botanic Garden Bartholdi Park	**4**
Office of the Architect of the Capitol	4
BG – Botanic Garden Cold Frames	**1**
Office of the Architect of the Capitol	1
BG – Botanic Garden Conservatory	**17**
Office of the Architect of the Capitol	17
BG – Botanic Garden Greenhouse	**6**
Office of the Architect of the Capitol	6
BG – Botanic Garden Headhouse	**22**
Office of the Architect of the Capitol	22
BG – Botanic Garden Pesticide Storage	**1**
Office of the Architect of the Capitol	1
BG – Botanic Garden Safety Programs	**1**
Office of the Architect of the Capitol	1
BGM – Manhole	**3**
Office of the Architect of the Capitol	3
Cabin Branch Warehouse	**3**
Office of the Architect of the Capitol	3
CAP – Capitol Grounds	**8**
Office of the Architect of the Capitol	8
CAP – Capitol Visitor Center	**136**
Office of the Architect of the Capitol	130
Chief Administrative Officer	5
Senate Sergeant at Arms	1

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
CAP – U.S. Capitol	**253**
Office of the Architect of the Capitol	247
Office of Attending Physician	1
Chief Administrative Officer	2
Senate Sergeant at Arms	2
United States Capitol Police	1
CPP – Garage	**7**
Office of the Architect of the Capitol	7
CPP – Ash Silo	**4**
Office of the Architect of the Capitol	4
CPP – Bag House	**8**
Office of the Architect of the Capitol	8
CPP – Blue Building (Butler Building)	**13**
Office of the Architect of the Capitol	13
CPP – Boiler Building (Boiler Power House)	**34**
Office of the Architect of the Capitol	34
CPP – Fuel Pump Station (Bulk Fuel Pump Area)	**6**
Office of the Architect of the Capitol	6
CPP – Generator Building	**16**
Office of the Architect of the Capitol	16
CPP – Power Plant Administration (Admin. Building)	**16**
Office of the Architect of the Capitol	16
CPP – Safety Programs	**2**
Office of the Architect of the Capitol	2
CPP – South Coal Yard	**2**
Office of the Architect of the Capitol	2
CPP – West Refrigeration (West Plant)	**42**
Office of the Architect of the Capitol	42
G – Utility Tunnel	**2**
Office of the Architect of the Capitol	2
GAO – Government Accountability Office	**198**
Government Accountability Office	198
GFAC – Blue Plains	**15**
Office of the Architect of the Capitol	15

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
GPO – Government Publishing Office	**5**
Office of the Architect of the Capitol	3
United States Capitol Police	2
GPO – GPO Warehouse	**21**
Office of the Architect of the Capitol	17
Senate Sergeant at Arms	4
HOB – Garage	**15**
Office of the Architect of the Capitol	15
HOB – Cannon House Office Building	**391**
Office of the Architect of the Capitol	165
Chief Administrative Officer	8
Office of House Employment Counsel	215
United States Capitol Police	3
HOB – East House Underground Garage	**9**
Office of the Architect of the Capitol	9
HOB – Ford House Office Building	**139**
Office of the Architect of the Capitol	123
Office of Attending Physician	1
Chief Administrative Officer	15
HOB – Longworth House Office Building	**436**
Office of the Architect of the Capitol	171
Office of Attending Physician	1
Chief Administrative Officer	15
Office of House Employment Counsel	245
United States Capitol Police	4
HOB – O'Neill Building	**28**
Office of the Architect of the Capitol	26
Office of Attending Physician	1
United States Capitol Police	1
HOB – Rayburn House Office Building	**552**
Office of the Architect of the Capitol	310
Office of Attending Physician	1
Chief Administrative Officer	41
Office of House Employment Counsel	196
United States Capitol Police	4
HOB – Safety Programs	**3**
Office of the Architect of the Capitol	3

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
HOB – West House Underground Garage	**84**
Office of the Architect of the Capitol	76
Chief Administrative Officer	8
LOC – Book Module 2	**1**
Office of the Architect of the Capitol	1
LOC – Book Module 3	**1**
Office of the Architect of the Capitol	1
LOC – Book Module 4	**1**
Office of the Architect of the Capitol	1
LOC – Book Module 5	**13**
Office of the Architect of the Capitol	13
LOC – Book Module Facility	**10**
Office of the Architect of the Capitol	7
Library of Congress	3
LOC – Cabin Branch	**3**
Office of the Architect of the Capitol	2
Library of Congress	1
LOC – Fort Meade General	**1**
Office of the Architect of the Capitol	1
LOC – Fort Meade Safety Programs	**4**
Office of the Architect of the Capitol	3
Library of Congress	1
LOC – James Madison Memorial Building	**294**
Office of the Architect of the Capitol	249
Library of Congress	44
United States Capitol Police	1
LOC – John Adams Building	**67**
Office of the Architect of the Capitol	61
Library of Congress	5
United States Capitol Police	1
LOC – Landover Center Annex (Warehouse)	**12**
Library of Congress	12
LOC – Nat'l Library Service for the Blind and Print Disabled	**43**
Library of Congress	43
LOC – Special Facility	**4**
Office of the Architect of the Capitol	2
Library of Congress	2

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
LOC – Thomas Jefferson Building	**156**
Office of the Architect of the Capitol	140
Library of Congress	16
LOC NAVCC – Central Plant	**8**
Office of the Architect of the Capitol	8
LOC NAVCC – Conservation Building and Vaults	**33**
Office of the Architect of the Capitol	29
Library of Congress	4
LOC NAVCC – Emergency Generator Building	**2**
Office of the Architect of the Capitol	2
LOC NAVCC – General	**1**
Office of the Architect of the Capitol	1
LOC NAVCC – Nitrate Vaults	**1**
Office of the Architect of the Capitol	1
LOC NAVCC – Water Reservoir	**2**
Office of the Architect of the Capitol	2
LOC NAVCC – Safety Programs	**1**
Office of the Architect of the Capitol	1
MISC – Fort Meade Warehouse	**3**
Office of the Architect of the Capitol	3
OM – Manhole	**7**
Office of the Architect of the Capitol	7
R Utility Tunnel	**12**
Office of the Architect of the Capitol	12
SC – Supreme Court	**40**
Office of the Architect of the Capitol	40
SOB – Congressional Acceptance Site	**2**
Senate Sergeant at Arms	2
SOB – Daniel Webster Hall	**16**
Office of the Architect of the Capitol	14
Senate Sergeant at Arms	2
SOB – Dirksen Senate Office Building	**219**
Office of the Architect of the Capitol	201
Senate Chief Counsel for Employment	13
Senate Sergeant at Arms	3
United States Capitol Police	2

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
SOB – Hart Senate Office Building	**302**
Office of the Architect of the Capitol	261
Office of Attending Physician	1
Senate Chief Counsel for Employment	33
Senate Sergeant at Arms	3
United States Capitol Police	4
SOB – Senate Mail Facility	**11**
Office of the Architect of the Capitol	10
Senate Sergeant at Arms	1
SOB – Senate Printing Facility	**8**
Office of the Architect of the Capitol	3
Senate Sergeant at Arms	5
SOB – Postal Square	**8**
Office of the Architect of the Capitol	5
Senate Sergeant at Arms	3
SOB – Russell Senate Office Building	**260**
Office of the Architect of the Capitol	233
Office of Attending Physician	1
Senate Chief Counsel for Employment	21
United States Capitol Police	5
SOB – SAA Senate Support Facility	**5**
Office of the Architect of the Capitol	4
Senate Sergeant at Arms	1
SOB – Senate AOC Furniture Storage Warehouse	**15**
Office of the Architect of the Capitol	15
SOB – Special Facility	**6**
Office of the Architect of the Capitol	5
Senate Sergeant at Arms	1
SOB – Senate Underground Garage	**10**
Office of the Architect of the Capitol	10
SOB – Storage Building (Blue Plains)	**15**
Office of the Architect of the Capitol	15
USCP – Fairchild Building	**5**
Office of the Architect of the Capitol	4
United States Capitol Police	1
USCP – HazMat Storage Area	**1**
Office of the Architect of the Capitol	1

APPENDIX A

Findings by Facility/Area
115th Congress Biennial OSH Inspection

Facility/Area	No. of Findings
USCP – K9 Kennels	**1**
Office of the Architect of the Capitol	1
USCP – Truck Inspection Facility	**7**
Office of the Architect of the Capitol	5
United States Capitol Police	2
USCP – United States Capitol Police HQ	**11**
Office of the Architect of the Capitol	11
USCP – Vehicle Maintenance	**7**
Office of the Architect of the Capitol	3
United States Capitol Police	4
USCP – Verizon	**4**
Office of the Architect of the Capitol	3
United States Capitol Police	1
USCP – Cheltenham Bldg 31	**5**
United States Capitol Police	5
USCP – Cheltenham PAC Bldg	**4**
United States Capitol Police	4
Y Utility Tunnel	**4**
Office of the Architect of the Capitol	4
Grand Total	**4,167**

APPENDIX B

ARCHITECT OF THE CAPITOL

Architect of the Capitol
U.S. Capitol, Room SB-16
Washington, DC 20515
202.228.1793

www.aoc.gov

December 10, 2020

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

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) Draft Report on Occupational Safety and Health Inspections dated October 27, 2020, which covers inspections during the 115th Congress. We are also pleased to provide you with an update of our efforts during this timeframe in the enclosed report, The Architect of the Capitol's Significant Occupational Safety and Health Accomplishments During the 115th Congress.

The AOC's goal is to have a workplace free of accidents/incidents. In pursuit of this goal, we implemented several initiatives to enhance our existing safety culture. One of our efforts focused on the continued implementation of a behavior-based safety program that engages first-line supervisors and employees through work observations. During Fiscal Year (FY) 2018 the AOC launched a multiyear initiative to implement an Integrated Safety Management System (ISMS) to build and sustain a robust safety culture. In FY 2021, the AOC launched a Building Official Program that will drive a considerable reduction in the number of common and repeated hazards during the 117th Congress. The Building Official Office will issue permits and inspect targeted facility work to verify code compliance, irrespective of who performs the work, to assure that all facility-related work is code compliant.

Also of note, during the 115th Congress, the AOC total injury and illness case rate decreased from 3.18 to 2.33 injuries reported per 100 employees, a 26.7 percent reduction. The AOC lost time injury and illness case rate decreased 7.5 percent over the same period. From FY 2008 to FY 2018, our overall injury and illness case rate has declined more than 42 percent.

Significant effort by the AOC has resulted in the closure of 83 percent of Occupational Safety and Health biennial inspection findings for major congressional office buildings during the 115th Congress. Any 115th 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 occupational safety and health cases. Should you have any further questions or comments, please contact me at 202.226.4701.

Sincerely,

Patricia Williams
Director, Safety and Code Compliance

Enclosure

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.

Table 1. Safety Risk Assessment Code Matrix

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

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

Table 2. Health Risk Assessment Code Matrix

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.

Table 3. Exposure Points (for use in Table 5)

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.

Table 4. Medical Effects Points (for use in Table 5)

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.

Table 5. Health Hazard Severity Category (for use in Table 2)

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

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.

Table 6. Number of Exposed Employees (for use in Table 8)

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

Table 7. Exposure Duration (for use in Table 8)

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

Table 8. Health Hazard Probability Category (for use in Table 2)

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