

BIPARTISAN OSHA REPORT



**116th Congress
Occupational Safety
and Health Inspections**





TABLE OF CONTENTS

Message from the General Counsel	5
Introduction	6
Statutory Requirements	6
High-Hazard Focus	6
116th Congress Biennial Inspection	6
Results of Inspection	8
116th Congress Inspection Results	8
Comparison of Inspections from the 115th and 116th Congresses	12
Fire and Life Safety Issues	14
Citation 16 – U.S. Capitol Building	14
Citation 18 – Cannon House Office Building	14
Citation 19 – Russell Senate Office Building	14
Citations 29-1 and 31-2 – Library of Congress	15
Closed Citations	15
Requestor-Initiated Inspections and Incident Investigations	16
Education and Outreach	17
Preview of the 117th Congress Inspection Report	17
Acknowledgements	18
Appendix A - Findings by Facility/Area	
Appendix B - Comments from the Architect of the Capitol	
Appendix C - Risk Assessment Code Guidelines	



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 OSH 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 116th Congress. These inspections and investigations covered over 70 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.

This biennial inspection was like no other in the history of the OCWR. The COVID-19 pandemic created unprecedented challenges for our OSH staff, requiring us to reschedule several inspections, cancel some others, and modify our inspection process for the safety of our staff and other employing offices' personnel. I commend our OSH Program Manager and our OSH Specialists for rising to the occasion and adapting to those challenges to complete as many inspections as possible in the second half of the 116th Congress.

Because of these pandemic-related changes, a comparison of the results of the biennial inspection numbers from the 115th and 116th Congresses is less straightforward than in past reports. We have endeavored to present the data in as meaningful a way as possible, so as to examine the trends from one inspection to the next. Our analysis shows that the relative numbers of findings were similar in the 115th and 116th inspections, and that the most common types of findings were consistent as well, led by electrical hazards and hazards associated with exit routes and emergency planning. Now that operations are essentially back to normal, we urge the employing offices not only to abate their remaining open findings, but to commit to improving their safety operations and self-inspection processes, to ensure that the numbers of findings will continue to decline.

I congratulate the OSH staff both at the OCWR and throughout the legislative branch on their professionalism and dedication to promoting occupational safety and health for covered employees. Ushering the legislative branch workforce through a global pandemic was not in any of your job descriptions, but you have done it, and your efforts to keep workers as safe and healthy as possible have been unwavering. For this you deserve recognition and gratitude, and we look forward to working closely together to continue this important work.

John D. Uelmen
General Counsel

INTRODUCTION

Statutory Requirements

Congress passed the Occupational Safety and Health Act (OSHAct) in 1970 “[t]o assure safe and healthful working conditions for working men and women[.]” Pub. L. 91-596 (Dec. 29, 1970). In what has come to be known as the General Duty Clause, the OSHAct requires employers to furnish to each of their employees “employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to [their] employees.” OSHAct Section 5(a)(1), 29 U.S.C. § 654(a)(1). The OSHAct also requires employers and employees to comply with occupational safety and health (OSH) standards issued pursuant to the statute. OSHAct Sections 5(a)(2), (5)(b), 29 U.S.C. §§ 654(a)(2), (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 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), among others. 2 U.S.C. § 1341(e)(2).

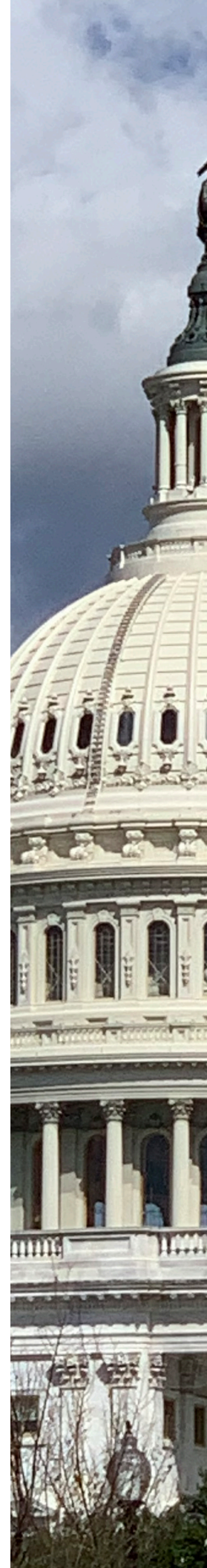
High-Hazard Focus

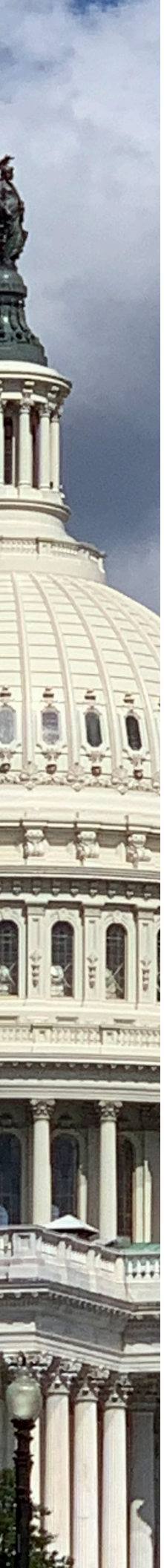
Beginning with the 112th Congress in 2011-2012 – and after consulting with staff from our Congressional oversight Committees and Appropriations Subcommittees, and soliciting feedback from every employing office in the legislative branch – the OCWR has conducted our biennial OSH inspections using a “risk-based” approach, with a focus on inspecting and abating higher-risk hazards that pose the greatest threat of fatalities and injuries to employees and building occupants. We target 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.¹ The risk-based approach also involves inspections of buildings with specialized safety concerns implicated by their occupants, such as childcare 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.

116th Congress Biennial Inspection

In keeping with our usual practice, we scheduled all of the inspections for the 116th Congress ahead of time, and shared the inspection calendar with all employing

¹ 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.





offices. These inspections maintained our focus on higher-risk hazards and areas of special interest, as well as hearing rooms of 40 or more people, and areas or operations that had been the subject of Requests for Safety and Health Inspections. During the 116th Congress we inspected the U.S. China Economic and Security Review Commission, the Congressional-Executive Commission on China, the Commission on Security and Cooperation in Europe (the Helsinki Commission), and the Stennis Center for Public Service for the first time, as well as a newly relocated childcare facility.

The inspections proceeded as planned from March 2019 until March 2020, when the OCWR – like many other employing offices in the legislative branch and beyond – was forced to suspend all in-person operations due to the onset of the COVID-19 pandemic. We resumed in-person inspections in August 2020, with modified procedures to ensure the safety of our OSH staff and other employing offices' personnel. Notably, in addition to such precautions as requiring the wearing of face masks and screening for symptoms, we restricted the number of inspectors onsite at any given time to allow for more social distancing. Although necessary to safeguard against the spread of the novel coronavirus, the downside of this precaution was that we were unable to cover as much ground as we would have with a full inspection team. Therefore, in addition to those inspections that had to be canceled completely because of the pandemic-related shutdown, we also conducted some inspections with a more limited scope than usual.

As a result of these pandemic-induced changes, the biennial inspection for the 116th Congress encompassed fewer employing offices and worksites than during the previous several Congresses. Most notably, although we successfully rescheduled some of the missed inspections later in the Congress, we were unable to conduct full high-hazard assessments of the U.S. Capitol or the Capitol Visitor Center (CVC),² the Capitol Power Plant or utility tunnels, the Senate Members' offices, the Government Accountability Office, or the areas of the James Madison Building of the Library of Congress that are under the control of the AOC. Those assessments accounted for over 1,100 findings during the 115th Congress biennial inspection – representing approximately 27% of the overall number of findings from that inspection – so our inability to conduct them during the 116th Congress was significant.

However, once we removed those findings from the results of the 115th Congress biennial inspection, we were able to make a more meaningful comparison. The total number of findings for those assessments conducted during both the 115th and 116th Congresses is very similar: 3,005 for the 115th compared to 2,884 for the 116th, or a decrease of 121 findings, roughly 4% of the total from these assessments during the 115th Congress.³

In spite of the pandemic-related challenges, during the 116th Congress we successfully conducted inspections of 73 facilities. Since the beginning of the pandemic we have held our opening and closing conferences with employing office representatives via videoconference, and we plan to continue doing so, to accommodate the many people from both the OCWR and other employing offices who telework for at least part of each week. We also continue to share data and reports electronically. As in the past, our OSH team has maintained 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.

² Appendix A contains findings from the U.S. Capitol and the CVC that were identified during inspections of certain employing offices with space in these two buildings, including the United States Capitol Police, Office of Attending Physician, Senate Sergeant at Arms, and Chief Administrative Officer of the House of Representatives; however, full inspections of those buildings were not conducted during the 116th Congress.

³ The total number of findings from the 115th inspection, including those assessments not conducted during the 116th, was 4,167.

RESULTS OF INSPECTION

116th Congress Inspection Results

During the 116th Congress, our inspectors identified 2,884 total hazards. This represents a 4% decrease from the number of findings identified in those same facilities during the 115th Congress biennial inspection. Not only were the total numbers of findings consistent between the two Congresses, but the distribution of findings by category was also similar, as discussed in the next section. Although it is encouraging that the numbers did not go up from the 115th to the 116th – indicating that efforts to protect workers from the spread of COVID-19 did not cause other safety concerns to fall by the wayside – we had hoped to see a more significant decrease in the number of findings, especially in categories such as electrical and means of egress hazards, which we emphasized in our report on the inspections for the 115th Congress.

The distribution of all identified hazards by RAC is depicted in Figure 1. Approximately 22% of all hazards were deemed to be higher-risk hazards (RAC 1 and RAC 2). It is worth noting that, although the total number of findings from the facilities inspected during both the 115th and 116th Congresses is similar, in the 116th Congress a significantly lower percentage of those findings were higher-risk hazards (22% in the 116th compared to approximately 32% in the 115th). This decrease in more severe hazards indicates a move in the right direction.

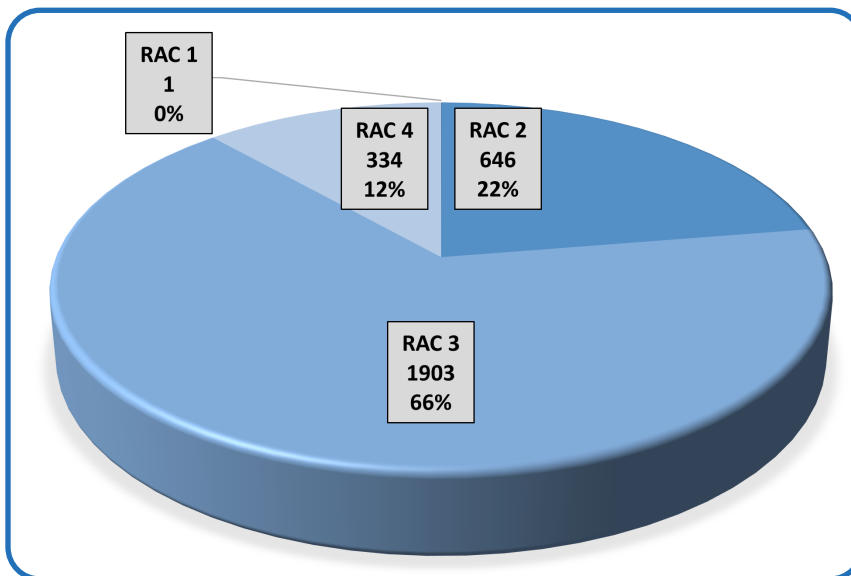


Figure 1 - All Hazards by RAC - 116th Congress

The inspection revealed only one hazard that was identified as RAC 1 (most severe). That hazard related to a guardrail that was significantly lower than the standard requires, which could have resulted in a fall of several stories. That hazard has been abated.

As shown in Figure 2, of the 646 hazards categorized as RAC 2, the vast majority involved electrical hazards (65%), followed by hazards related to exit routes and emergency planning (19%). The other most common RAC 2 hazards involved walking-working surfaces (4%), machinery and machine guarding (3%), and fire protection (3%).

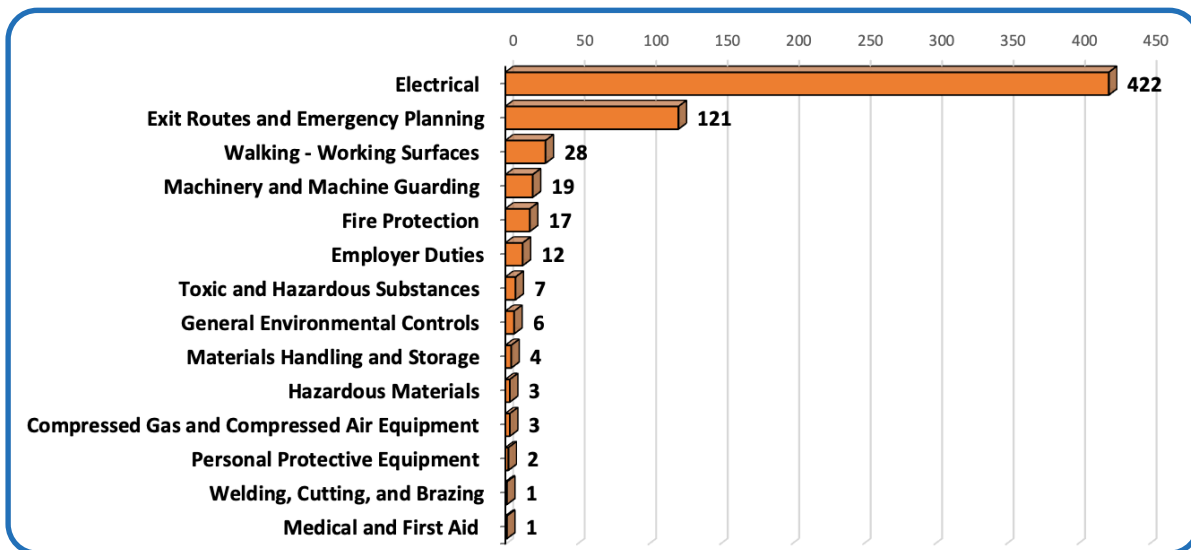


Figure 2 - RAC 2 Hazards by Type - 116th Congress

The distribution of all hazards by type is shown in Figure 3. More than half of all findings (57%) were electrical. Electrical hazards include such deficiencies as problems with panels, boxes, outlets, or covers (about 41% of all electrical findings); improper use of surge protectors, power strips, or extension cords, including the use of “daisy chains” (about 28% of all electrical findings); problems with light bulbs, tubes, and fixtures (about 12% of all electrical findings); unlabeled or poorly labeled circuits and breakers (about 8% of all electrical findings); and issues involving exposed wires or other energized components (about 8% of all electrical findings).

Approximately 25% of the hazards relate to exit routes and emergency planning.⁴ Of those hazards, more than a third involved issues with annunciators. Most of the other findings in this category involved obstructed exit routes, incomplete implementation of emergency action plans, and missing or inoperable emergency lighting or exit signage. As in the past, a significant number of the hazards related to exit routes and emergency planning concerned unprotected penetrations in fire barriers, which compromise fire safety by allowing the migration of fire and smoke.

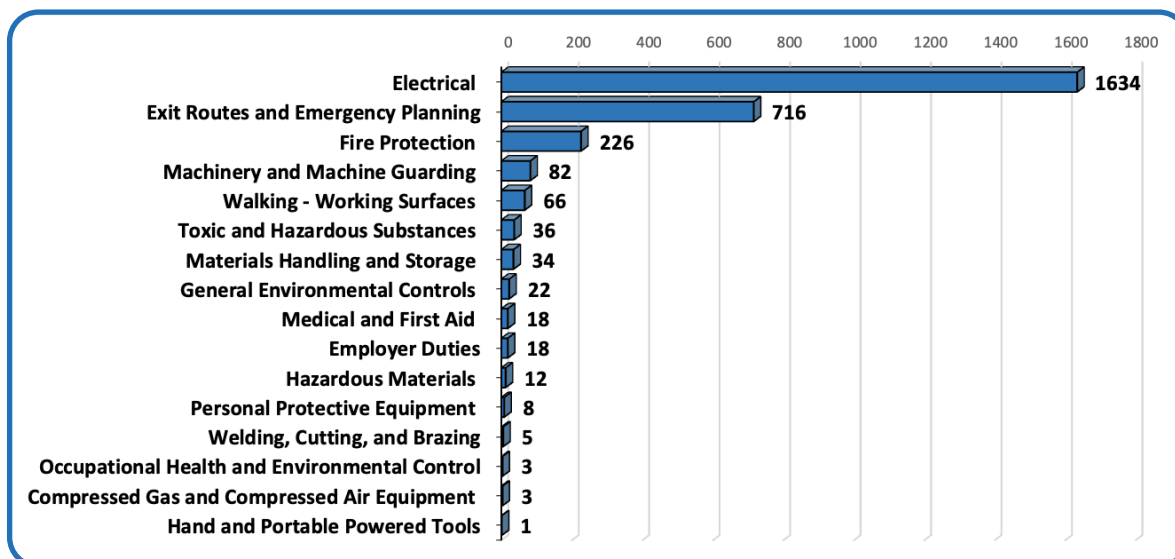


Figure 3 - All Hazards by Type - 116th Congress

⁴ In previous reports this category was referred to as “means of egress.” The name of the category has been updated in our database and reports to reflect that these hazards constitute violations of Subpart E of 29 C.F.R. Part 1910, which is entitled Exit Routes and Emergency Planning.

Although our biennial inspections focus primarily on higher-hazard areas, during each Congress we inspect all facilities where legislative branch employees work in the Washington, D.C. area. As explained above, several inspections could not be conducted during the 116th Congress because of the COVID-19 pandemic. During the 116th Congress we inspected a total of 73 facilities, as compared to 81 facilities during the 115th Congress; those assessments we could not conduct in 2020 had accounted for approximately 27% of our findings from the previous Congress. The distribution of hazards among the principal buildings on Capitol Hill that we were able to inspect during the 116th Congress, not including Members' offices, is depicted in Figure 4.

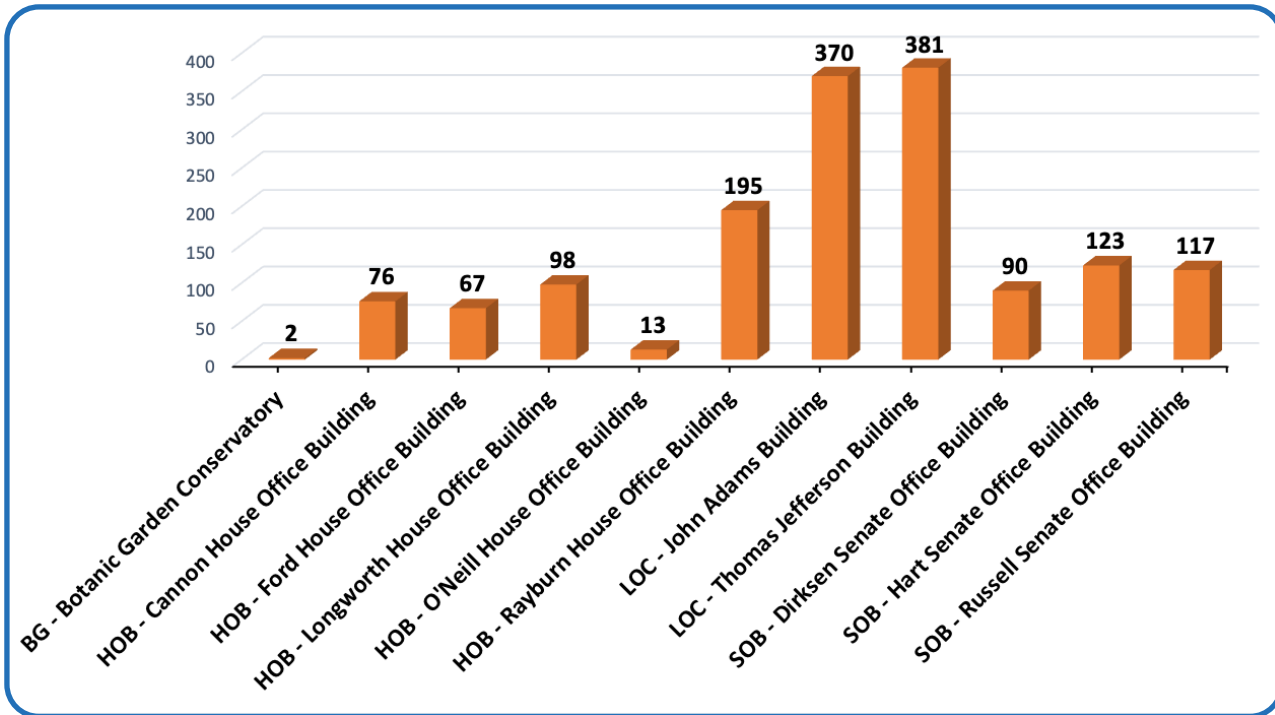


Figure 4 - Hazard Distribution by Building (not including Members' office space) - 116th Congress

Notably, the chart above does not include the U.S. Capitol, the CVC,⁵ or the James Madison Building of the Library of Congress.⁶

The distribution of hazards among the Members' offices in the House Office Buildings is depicted in Figure 5.⁷ In a typical biennial inspection we inspect the House Members' offices during the first half of the Congress and the Senate Members' offices during the second half of the Congress; during the 116th Congress the inspection of the House Members' offices proceeded as planned, but the inspections of the Senate Members' offices, which were scheduled for the summer of 2020, were canceled due to the COVID-19 pandemic.

⁵ As explained earlier in this report, the OCWR OSH staff conducted limited inspections in the U.S. Capitol and the CVC as part of assessments of employing offices that occupy some spaces in those facilities, but we were unable to conduct comprehensive high-hazard inspections of the Capitol or the CVC because of the pandemic. To avoid confusion when comparing these statistics to those from other biennial inspections, we have not included the limited number of findings from those facilities in this chart.

⁶ The OCWR was able to inspect those areas of the James Madison Building for which the Library of Congress is primarily responsible, but not those areas over which the AOC has primary responsibility. To avoid confusion when comparing these statistics to those from other biennial inspections, we have not included the findings from the partial James Madison Building inspection in this chart.

⁷ Findings in Members' offices may be the responsibility of either the Member's office or the AOC. Findings that are the responsibility of the House Members' offices are assigned to the Office of House Employment Counsel for abatement.

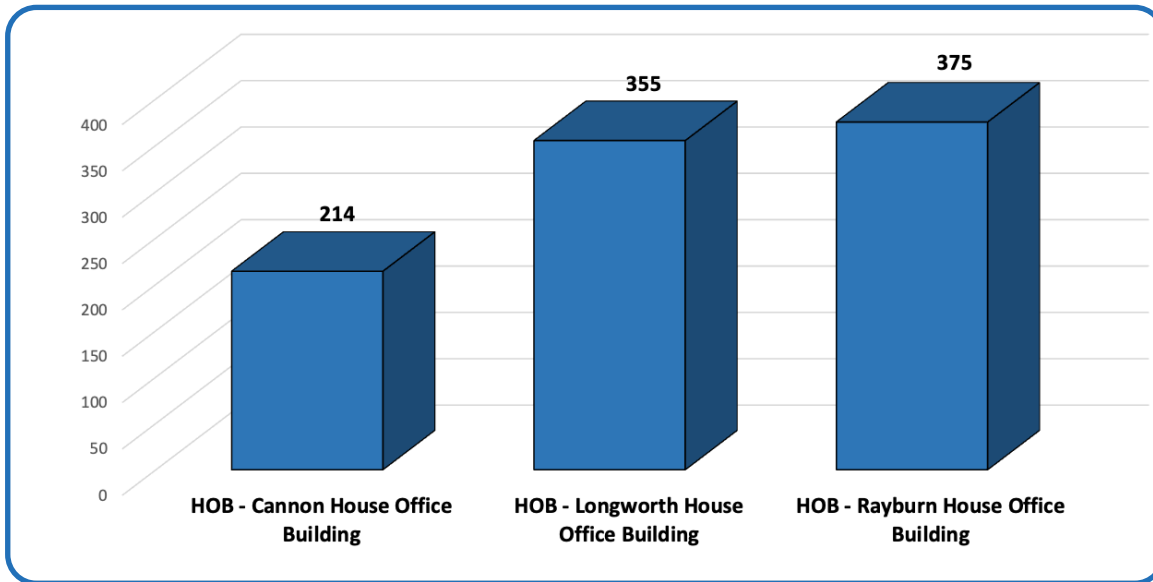


Figure 5 - Member Office Hazard Distribution by Building (House only) - 116th Congress

Appendix A contains a listing of all facilities and areas inspected during the 116th Congress with a breakdown of the number of hazards found by the employing office responsible for abatement. At each location, the 116th 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 116th Congress inspection involved emergency action plans, fire protection (especially findings related to fire extinguishers), and HAZCOM programs, including the need to update or obtain safety data sheets.

As of December 2022, approximately 56% of the hazards identified during the 116th Congress inspection had been reported as abated by the employing offices.⁸ 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).

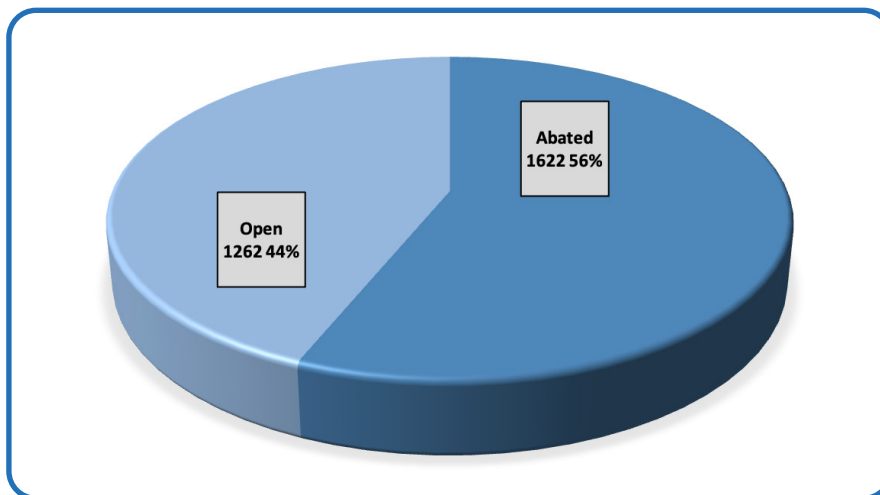


Figure 6 - Abatement Status as of December 2022 - 116th Congress

⁸ Based upon information received from the AOC in response to the draft of this report, the percentage of hazards identified during the 116th Congress that have been abated may now be higher. See Appendix B.

Comparison of Inspections from the 115th and 116th Congresses

As noted throughout this report, comparisons between the biennial inspections conducted during the 115th and 116th Congresses are a bit of an “apples to oranges” exercise because of the COVID-19 pandemic, which required the cancellation of several extensive inspections in the spring and summer of 2020. Unfortunately, those inspections could not be rescheduled due to the large amount of time, personnel, and resources required from both the OCWR and the responsible employing offices.

In order to create more of an “apples to apples” comparison, we have subtracted those findings from the 115th Congress that were associated with the assessments we did not conduct during the 116th Congress, which leaves us with 3,005 total hazards. Comparing those remaining findings with the total from the 116th Congress, we are left with a similar number: 2,884 total hazards were found during the 116th Congress biennial inspection, representing a 4% decrease from the previous Congress.

Although not a significant overall decrease, the numbers are encouraging for several reasons. First, as discussed above, a significantly smaller percentage of those total findings is made up of higher-risk hazards (RAC 1 and 2) – approximately 22%, down from 32% in the same facilities during the previous Congress – which means that the more recent findings represent less of a threat to the health and safety of employees. Employing offices should still strive to eliminate all hazards, regardless of RAC, but this is a step in the right direction. Second, to the extent that our inspectors were able to complete some inspections after the start of the pandemic, the fact that the overall numbers did not increase suggests that the health and safety of employees (beyond the precautions instituted to prevent the spread of the virus) remained as much of a priority for employing offices as it had been before.

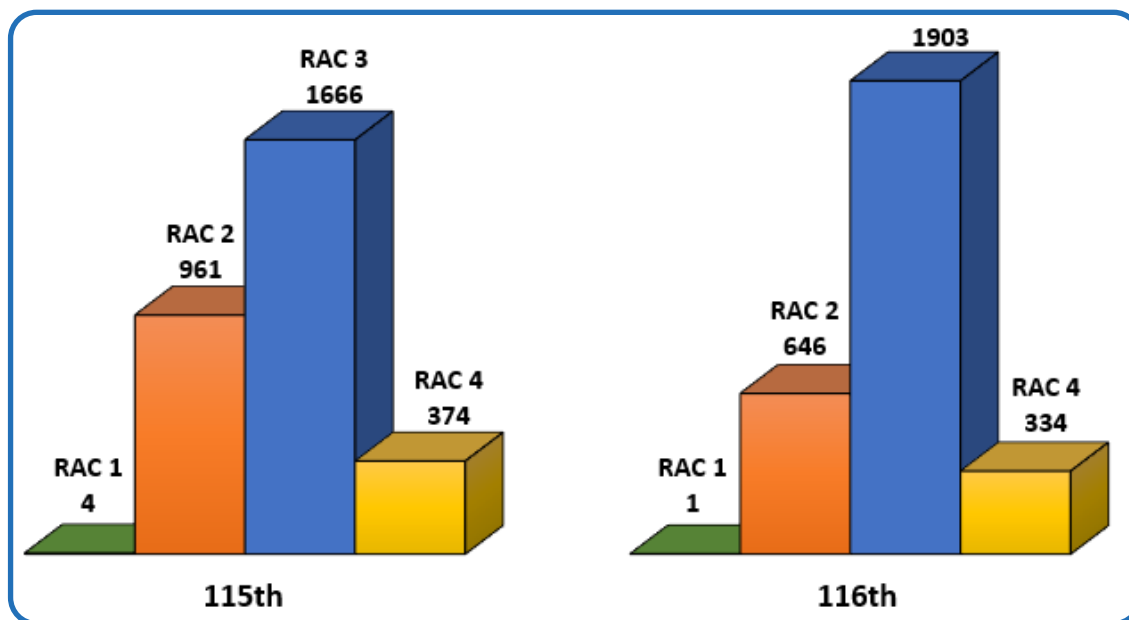


Figure 7 - Comparison of No. of Hazards by RAC

Another similarity between the two sets of findings is that the most common types of findings were consistent, as shown in Figure 8. During the 115th Congress, in those facilities that were also inspected during the 116th, findings associated with electrical hazards made up approximately 54% of the total number of findings, with exit routes and emergency planning hazards coming in second at around 21%. During the 116th Congress, electrical hazards constituted about 57% of the total number of findings, with exit routes and emergency planning hazards making up almost 25% of the total.

The fact that nearly identical numbers of electrical hazards were found during the assessments conducted during the 115th and 116th Congresses (1,632 and 1,634, respectively) – and that the number of hazards associated with exit routes and emergency planning actually increased from the 115th to the 116th (from 623 to 716) – is a discouraging result. In our report on the biennial inspections during the 115th Congress we discussed our concern over the trend of common and repeat findings identified by our OSH Specialists each time they visit these facilities, and urged the employing offices to focus their efforts on abating and preventing the recurrence of such hazards, which can lead to fires and make it difficult for building occupants to evacuate if fires do occur. We now renew our call to the AOC and other 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. We also encourage the employing offices to take advantage of the OCWR’s technical expertise to help with this effort.

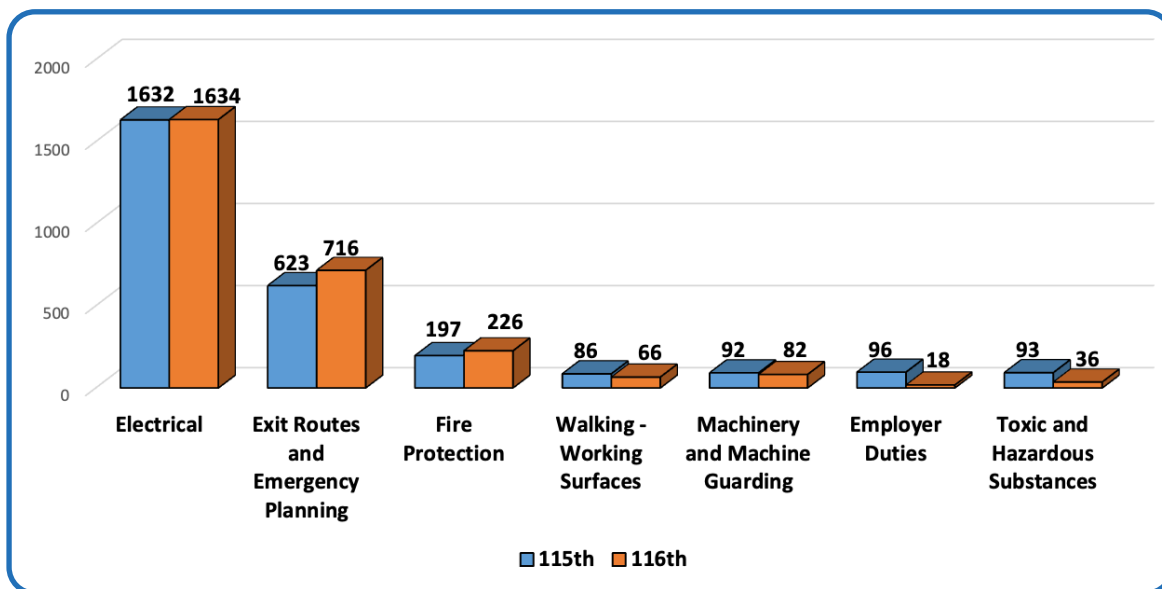


Figure 8 - Comparison of No. of Most Common Hazards by Type

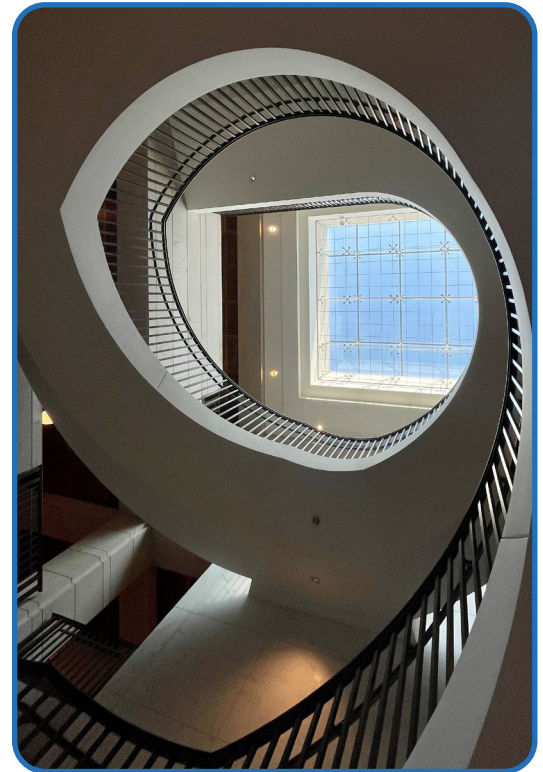
FIRE AND LIFE SAFETY ISSUES

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 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 measures to improve means of egress throughout the building, including expanding sprinkler coverage, abating the majority of open stairwells, and installing new smoke control systems for the grand stairs. Additional efforts to abate the hazards in the stairwells are ongoing.

In March 2020 the OCWR GC approved the AOC's Request for Modification of Abatement (RFMA) regarding this citation, which called for certain infrastructure changes allowing for compartmentalization of the building to enhance fire safety. However, the events of January 6, 2021 at the U.S. Capitol have led the AOC to reassess its plans for this project, in consultation with law enforcement and other experts to ensure that the new design accounts for both safety and security. A new RFMA will need to be submitted for the OCWR GC's approval, which will include a timeline for completion of the design and construction phases of the project. The OCWR will continue to work with the AOC to ensure that the hazards identified in Citation 16 are completely and effectively abated.



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. This project, known as the House Alternate Life Safety Analysis (HALSA), is nearing completion, and the work will be evaluated by the OCWR to determine whether the hazards identified in Citation 18 have been abated.

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 10 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 and 31-2 – Library of Congress

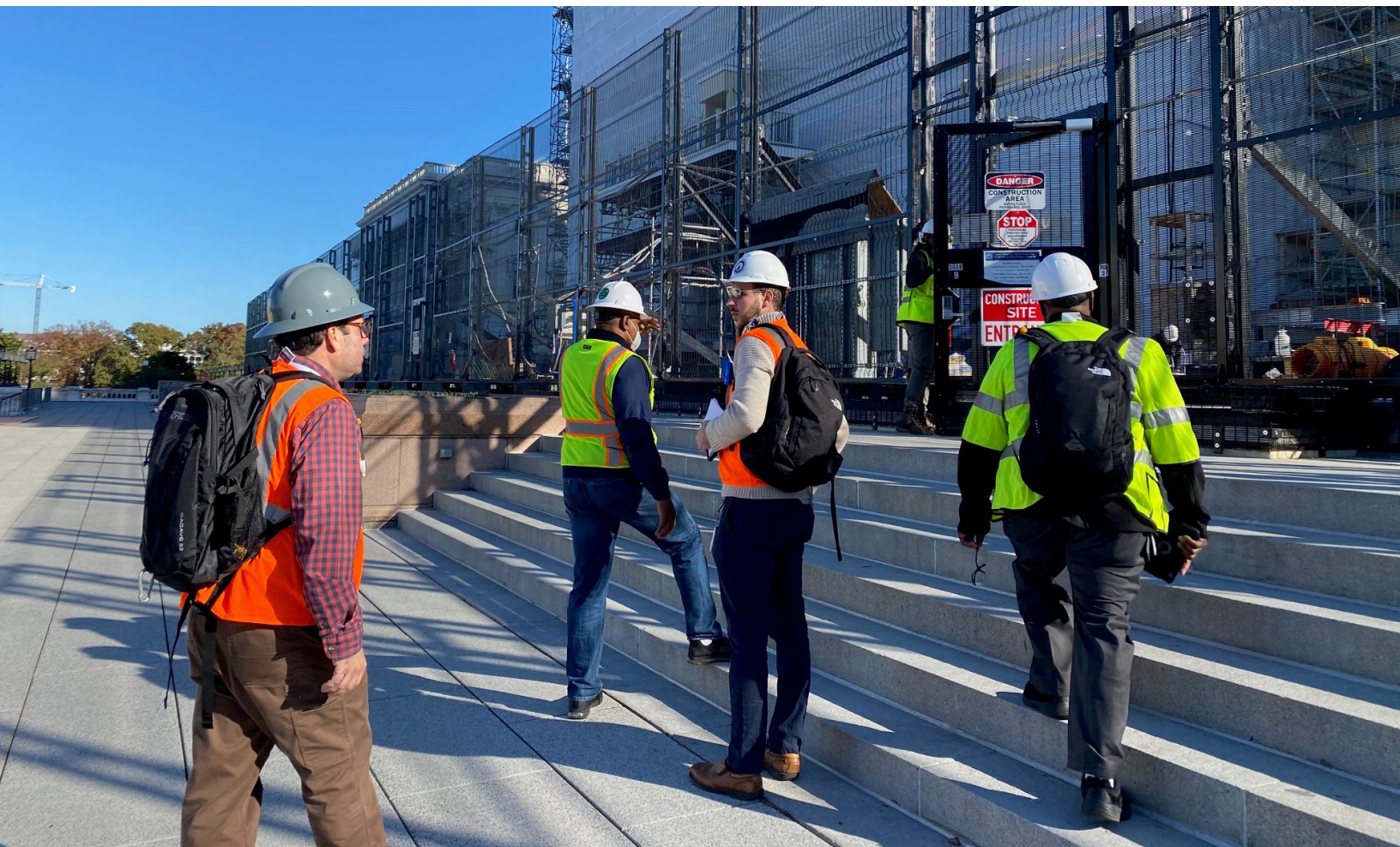
These citations addressed fire and life safety hazards in the Thomas Jefferson Building of the Library of Congress (Citation 31-2) and in the old book conveyor system that served all three main Library buildings on Capitol Hill (Citation 29-1). The AOC continues to make progress on these citations in accordance with the RFMA that was approved by the Office of Compliance in December 2014. The book conveyor system issues have been resolved in two of the three buildings, and work on the third building is nearing completion. The Thomas 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.

Closed Citations

In October 2021 the OCWR GC closed Citation 68, which had been issued to the United States Capitol Police (USCP) for failure to comply with the standards governing the ability of employees and their designated representatives to access the employees' exposure records. The USCP has implemented a policy for responding to requests for employee exposure records that complies with the requirements of the applicable standard.

In May 2023 the OCWR GC closed Citation 64, which was issued to the Library of Congress in 2006 and amended in 2007, and which 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, and the OCWR GC reviewed and accepted the Notice of Corrective Action submitted by the AOC.

Also in May 2023, the OCWR GC closed Citation 30-2, which concerned fire and life safety hazards in the John Adams Building of the Library of Congress, after approving the Notice of Corrective Action submitted by the AOC.



REQUESTOR-INITIATED INSPECTIONS AND INCIDENT INVESTIGATIONS

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 the 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. The OCWR also occasionally opens OSH investigations after learning of safety-related incidents or potentially hazardous conditions via other means, such as news reports, self-reporting by employing offices, or independent observations.

During the 116th Congress, the OCWR opened 9 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 116th 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; indeed, the AOC was involved in some capacity in 8 of the 9 cases opened during the 116th Congress. Other employing offices involved in these OSH investigations included the Library of Congress (3), various offices within the House of Representatives (2), the United States Capitol Police (1), and the Office of Attending Physician (1). Among the issues investigated were indoor air quality concerns, lead exposure, noise exposure, stair safety issues, and the adequacy of protections against the spread of the COVID-19 virus in the workplace. The OCWR investigated the alleged hazards identified by requests for inspection and issued reports with the findings of those investigations.

Investigating concerns related to COVID-19 proved especially challenging because of the lack of an applicable OSHA standard. The attorneys and OSH staff in the OCWR's Office of the General Counsel worked with the responsible employing offices to assess their policies, and provided guidance and recommendations to promote maximum protection for legislative branch employees.

Of the 9 cases opened during the 116th Congress, 8 are closed and 1 remains open as of the date of this report. That open case requires a long-term abatement strategy involving structural improvements to several stairwells in the John Adams Building of the Library of Congress, and the OCWR is monitoring the AOC's efforts to bring the stairwells into compliance with applicable standards.

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.

During the 116th Congress the OCWR continued to emphasize OSH-related education and outreach. Many of our efforts were related to COVID-19: we regularly updated our online guidance for preventing the spread of the virus in the workplace, answered numerous questions from legislative branch employees and employing offices, and devoted two of our virtual Brown Bag educational sessions to COVID-19 safety and other pandemic-related issues, one in April 2020 and the other in May 2021.

Our education and outreach extended to other aspects of health and safety as well. We continued our ongoing efforts to add Fast Facts and other educational documents to our website on a variety of topics; reached out to Member offices regarding common office safety hazards in advance of inspections; and continued our practice of having the OSH Specialists provide informal instruction and technical assistance to employing offices upon request or in the field during biennial inspections. As always, we supported 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 in connection with our investigations into incidents or requests for inspection.

PREVIEW OF THE 117TH CONGRESS INSPECTION REPORT

The OCWR's biennial inspections returned to normal for the 117th Congress, beginning in March 2021. If the comparison between the inspections for the 115th and 116th Congresses is an "apples to oranges" situation, then the comparison between the 116th and 117th will be "oranges to apples." However, as in this report, we will analyze the data to ensure meaningful comparisons and identify trends in our findings of hazards in legislative branch workplaces.



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 116th Congress biennial inspections.

The inspections for the 116th Congress were coordinated by OSH Program Manager Shonda Perkins. 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 116th Congress was comprised of Senior OSH Specialists Mark Nester and Christopher Robinson, OSH Specialist and Data Analyst James Peterson, and OSH Specialists Scott Gable and Crystal Barber, along with the late Thomas H. Seymour, a part-time consultant to the General Counsel since 1999 and a registered Professional Engineer and Fire Protection Engineer. Mr. Seymour passed away in June 2020 and is sorely missed by his colleagues and friends at the OCWR.

During the 116th Congress, requestor-initiated inspections were conducted principally by Deputy General Counsel Hillary Benson in coordination with Ms. Perkins and the OSH Specialists. Don Kennedy, C.I.H., J.D., also provided part-time industrial hygiene consulting services.

This report was authored principally by Ms. Benson, with substantial contributions from Ms. Perkins and Mr. Peterson.

December 2023

**John D. Uelmen
General Counsel**

APPENDICES



APPENDIX A

Findings by Facility/Area 116th Congress Biennial OSH Inspection

Facility / Area	Number of Findings
201 Massachusetts Avenue, N.E.	1
Employing Offices; John C. Stennis Center for Public Service	1
BCDR Warehouse	2
U.S. House of Representatives; Chief Administrative Officer	2
BG – Botanic Garden Conservatory	2
Architect of the Capitol; Office of the Architect of the Capitol	2
BG – Botanic Garden Greenhouse	5
Architect of the Capitol; Office of the Architect of the Capitol	5
BG – Botanic Garden Head House	2
Architect of the Capitol; Office of the Architect of the Capitol	2
BG – Botanic Garden National Garden	1
Architect of the Capitol; Office of the Architect of the Capitol	1
BG – Botanic Garden National Garden Service Yard	1
Architect of the Capitol; Office of the Architect of the Capitol	1
Cabin Branch Warehouse	1
Architect of the Capitol; Office of the Architect of the Capitol	1
CAP – Capitol Visitor Center	11
Architect of the Capitol; Office of the Architect of the Capitol	2
U.S. House of Representatives; Chief Administrative Officer	4
U.S. House of Representatives; Office of House Employment Counsel	2
U.S. Senate; Senate Sergeant at Arms	2
United States Capitol Police	1
CAP – High Voltage Repair Shop	2
Architect of the Capitol; Office of the Architect of the Capitol	2
CAP – U.S. Capitol	36
Architect of the Capitol; Office of the Architect of the Capitol	27
Office of Attending Physician	2
U.S. House of Representatives; Chief Administrative Officer	4
U.S. House of Representatives; Office of House Employment Counsel	2
United States Capitol Police	1
CPP – 42 I “Eye” St. SE Garage (Capitol Grounds and High Voltage Building)	3
Architect of the Capitol; Office of the Architect of the Capitol	3

GFAC - Blue Plains	5
Architect of the Capitol; Office of the Architect of the Capitol	5
GPO - Government Publishing Office	8
Architect of the Capitol; Office of the Architect of the Capitol	1
United States Capitol Police	7
GPO - GPO Warehouse	13
Architect of the Capitol; Office of the Architect of the Capitol	13
HOB - 14 E Street Garage	5
Architect of the Capitol; Office of the Architect of the Capitol	5
HOB - Cannon House Office Building	290
Architect of the Capitol; Office of the Architect of the Capitol	128
Office of Attending Physician	1
U.S. House of Representatives; Chief Administrative Officer	16
U.S. House of Representatives; Office of House Employment Counsel	145
HOB - Ford House Office Building	67
Architect of the Capitol; Office of the Architect of the Capitol	50
Employing Offices; Commission on Security and Cooperation in Europe	2
Employing Offices; Congressional - Executive Commission on China	4
U.S. House of Representatives; Chief Administrative Officer	11
HOB - Longworth House Office Building	453
Architect of the Capitol; Office of the Architect of the Capitol	157
U.S. House of Representatives; Chief Administrative Officer	22
U.S. House of Representatives; Office of House Employment Counsel	271
United States Capitol Police	3
HOB - O'Neill House Office Building	13
Architect of the Capitol; Office of the Architect of the Capitol	13
HOB - Rayburn House Office Building	570
Architect of the Capitol; Office of the Architect of the Capitol	186
Office of Attending Physician	1
U.S. House of Representatives; Chief Administrative Officer	88
U.S. House of Representatives; Office of House Employment Counsel	286
United States Capitol Police	9
HOB - West House Underground Garage	44
Architect of the Capitol; Office of the Architect of the Capitol	34
U.S. House of Representatives; Chief Administrative Officer	8
United States Capitol Police	2

LOC - Book Module 1	2
Architect of the Capitol; Office of the Architect of the Capitol	1
Library of Congress	1
LOC - Book Module 2	3
Architect of the Capitol; Office of the Architect of the Capitol	3
LOC - Book Module Facility	14
Architect of the Capitol; Office of the Architect of the Capitol	11
Library of Congress	3
LOC - Cabin Branch	7
Architect of the Capitol; Office of the Architect of the Capitol	4
Library of Congress	3
LOC - James Madison Building	47
Architect of the Capitol; Office of the Architect of the Capitol	32
Library of Congress	14
United States Capitol Police	1
LOC - John Adams Building	370
Architect of the Capitol; Office of the Architect of the Capitol	329
Library of Congress	38
Multiple	1
United States Capitol Police	2
LOC - Landover Center Annex (Warehouse)	16
Library of Congress	16
LOC - Nat'l Library Service for the Blind and Print Disabled	6
Library of Congress	6
LOC - Special Facility - St. Cecilia's	15
Architect of the Capitol; Office of the Architect of the Capitol	10
Library of Congress	5
LOC - Thomas Jefferson Building	381
Architect of the Capitol; Office of the Architect of the Capitol	336
Library of Congress	40
Multiple	1
United States Capitol Police	4
LOC NAVCC - Central Plant	1
Architect of the Capitol; Office of the Architect of the Capitol	1
LOC NAVCC - Conservation Building and Vaults	8
Architect of the Capitol; Office of the Architect of the Capitol	5
Library of Congress	3

LOC NAVCC - Nitrate Vaults	1
Architect of the Capitol; Office of the Architect of the Capitol	1
LOC NAVCC - Water Reservoir	1
Architect of the Capitol; Office of the Architect of the Capitol	1
Off-Site Facility	37
Architect of the Capitol; Office of the Architect of the Capitol	29
Library of Congress	5
U.S. House of Representatives; Chief Administrative Officer	1
U.S. Senate; Senate Sergeant at Arms	1
United States Capitol Police	1
SC - Supreme Court	7
Architect of the Capitol; Office of the Architect of the Capitol	7
SOB - Daniel Webster Hall	2
Architect of the Capitol; Office of the Architect of the Capitol	2
SOB - Dirksen Senate Office Building	90
Architect of the Capitol; Office of the Architect of the Capitol	84
Multiple	2
U.S. Senate; Senate Sergeant at Arms	1
United States Capitol Police	3
SOB - Hart Senate Office Building	123
Architect of the Capitol; Office of the Architect of the Capitol	116
U.S. Senate; Senate Sergeant at Arms	3
United States Capitol Police	4
SOB - Landover Mail Facility	1
Architect of the Capitol; Office of the Architect of the Capitol	1
SOB - Landover Printing Facility	1
U.S. Senate; Senate Sergeant at Arms	1
SOB - Landover Warehouse	9
Architect of the Capitol; Office of the Architect of the Capitol	9
SOB - Russell Senate Office Building	117
Architect of the Capitol; Office of the Architect of the Capitol	114
United States Capitol Police	3
SOB - Senate Employees' Child Care Center	2
Architect of the Capitol; Office of the Architect of the Capitol	2
SOB - Storage Building (Blue Plains)	14
Architect of the Capitol; Office of the Architect of the Capitol	13
United States Capitol Police	1

USCP - Fairchild Building	15
Architect of the Capitol; Office of the Architect of the Capitol	2
United States Capitol Police	13
USCP - K9 Kennels	2
United States Capitol Police	2
USCP - K9 Training	5
Architect of the Capitol; Office of the Architect of the Capitol	1
United States Capitol Police	4
USCP - Truck Inspection Facility	9
Architect of the Capitol; Office of the Architect of the Capitol	7
United States Capitol Police	2
USCP - United States Capitol Police Headquarters	11
Architect of the Capitol; Office of the Architect of the Capitol	9
United States Capitol Police	2
USCP - Vehicle Maintenance (67 K Street)	11
Architect of the Capitol; Office of the Architect of the Capitol	6
United States Capitol Police	5
USCP - Verizon	5
Architect of the Capitol; Office of the Architect of the Capitol	1
United States Capitol Police	4
USCP - Cheltenham Bldg. 231	4
United States Capitol Police	4
USCP - Cheltenham Bldg. 31	8
Architect of the Capitol; Office of the Architect of the Capitol	1
United States Capitol Police	7
USCP - Cheltenham PAC Bldg.	4
United States Capitol Police	4
Grand Total	2884

APPENDIX B



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

March 29, 2023

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

Subject: Draft Biennial Report on Occupational Safety and Health (OSH) Inspections conducted during the 116th Congress, Office of Congressional Workplace Rights (OCWR) letter dated January 30, 2023; comments from Architect of the Capitol

Dear Mr. Uelmen:

The Architect of the Capitol (AOC) appreciates the opportunity to review and provide a response to the January 2023 draft Biennial Report on the OSH inspections conducted during the 116th Congress. We are also pleased to provide you with an update on the AOC's efforts during this timeframe in the enclosed report, "The AOC's Significant Accomplishments in Occupational Safety and Health During the 116th Congress."

Safety is a core value at the AOC and our goal is to have a workplace free of accidents/incidents and unsafe conditions. In support of this goal, the AOC reinvigorated our self-inspection program in 2021, which is the inflection point noted in the Biennial Report. In pursuit of this goal, we implemented several initiatives to enhance our existing safety culture.

Significant effort by the AOC has resulted in the closure of more than 90 percent of OSH hazards identified by the OCWR during the 116th Congress. Any 116th 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 hazards, open citations and OSH cases. Should you have any questions, please contact Danezza Quintero at 202.674.0260 or me at 202.226.4701.

Sincerely,

Patricia Williams, CSP
Director, Safety and Code Compliance

Enclosure

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.

<i>Table 1. Safety Risk Assessment Code Matrix</i>				
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.

<i>Table 2. Health Risk Assessment Code Matrix</i>				
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.

<i>Table 3. Exposure Points (for use in Table 5)</i>				
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.

<i>Table 4. Medical Effects Points (for use in Table 5)</i>	
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.

<i>Table 5. Health Hazard Severity Category (for use in Table 2)</i>	
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

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

**John Adams Building
110 Second Street SE, Room LA-200
Washington, DC 20540-1999**

**Phone: (202) 724-9250
Fax: (202) 426-1913
E-mail: OSH@ocwr.gov**

