BIENNIAL REPORT
112th CONGRESS
113th CONGRESS

OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

Office of Compliance

August 2015

TABLE OF CONTENTS

MESSAGE FROM THE GENERAL COUNSEL 1
INTRODUCTION 1
A. Reasons for a Combined Report 1
B. Statutory Requirements 1
C. 109th through 111th Congresses – Three "Wall-to-Wall" Inspections 2
D. 112th Congress – The First Risk-Based Inspection 3
1. Development of the Plan 3
2. Budget Cuts and Implications for Occupational Safety and Health 4
E. 113th Congress – The Second Risk-Based Inspection 5
RESULTS OF INSPECTIONS 5
A. 112th Congress Inspection Results 5
B. 113th Congress Inspection Results 9
C. Comparison of Inspections from the 112th and 113th Congresses. 12
D. Plans for the 114th Congress Inspection. 13
[redacted] 14
FIRE AND LIFE SAFETY ISSUES 15
A. Closed [redacted] 15
B. Approval of Abatement Plan for [redacted] 16
C. Continued Efforts on [redacted] 17
D. Other Fire & Life Safety Citations 17
REQUESTOR-INITIATED INSPECTIONS 18
CHALLENGES FOR THE FUTURE 19
ACKNOWLEDGEMENTS 20
APPENDIX A: NUMBER OF FINDINGS IN INSPECTED FACILITIES 112th CONGRESS
APPENDIX B: NUMBER OF FINDINGS IN INSPECTED FACILITIES 113th CONGRESS
APPENDIX C: COMMENTS FROM THE ARCHITECT OF THE CAPITOL
APPENDIX D: OOC GUIDELINES FOR RISK ASSESSMENT CODES (RACs)

MESSAGE FROM GENERAL COUNSEL

To fulfill my statutory responsibilities under Section 215(e)(2) of the Congressional Accountability Act, I am submitting this report to Congress on the results of the occupational safety and health inspections conducted by the Office of Compliance during the 112th and 113th Congresses. The United States Capitol Police Board has made a number of redactions to the report that may be released to the public and that will be posted on our web site at www.compliance.gov. Legislative Branch officials will receive the copy without redactions for their use, as they have in the past, as well as the copy with redactions, which they may share with the public.

I would like to thank the staff of the Office of the Architect of the Capitol and the other employing offices for their support with our biennial inspections and our investigations of requests for inspection. I wish to thank Sue Adams, Director, Safety, Fire and Environmental Programs, Architect of the Capitol, in particular, for her efforts to ensure there are processes in place to address issues and for fostering resolution and abatement of workplace safety hazards.

We value the high level of cooperation we receive from the employing offices – not only does it enable us to carry out our statutory mandate to inspect all Congressional facilities at least once each Congress without undue complications or litigation, but it has contributed significantly to reducing the workplace hazards on Capitol Hill.

August 2015

Amy Dunning
General Counsel

INTRODUCTION

A. Reasons for a Combined Report

This report contains the results of the biennial occupational health and safety ("OSH") inspections conducted by the Office of Compliance's Office of General Counsel ("OGC") during the 112th and 113th Congresses. Due to funding reductions, the OGC was unable to assemble and finalize the results of the 112th Congress until the end of the 113th Congress. Rather than issue a separate report for each inspection, as has been done in the past, the results for both inspections are contained in one report.

B. 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." Id. at § 654(a)(1), OSHAct Section 5(a)(1). The Act also requires employers and employees to comply with occupational safety and health (OSH) standards issued pursuant to the statute. Id. at §§ 654(a)(2), 5(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 OSHAct 2 U.S.C. § 1341(a). 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. Id.

Section 215(e)(1) of the CAA requires the General Counsel ("GC") of the Office of Compliance ("OOC") to inspect Legislative Branch facilities for compliance with the General Duty Clause and OSH standards under the OSHAct at least once each Congress. Thereafter, the GC is required to report the results to the Speaker of the House of Representatives, President pro tempore of the Senate, and offices responsible for correcting violations, including the Congressional Budget Office, Government Accountability Office, Library of Congress, Office of the Architect of the Capitol ("AOC"), Office of the Attending Physician, OOC, Office of Congressional Accessibility Services, and the United States Capitol Police. CAA Section 215(e)(2).

C. 109th through 111th Congresses – Three "Wall-to-Wall" Inspections

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.

Our inspections documented significant progress in reducing hazards. We identified over 13,000 hazards in the 109th Congress and 5,400 in the 111th Congress – even as the total space we inspected increased from roughly 16 million square feet to nearly 18 million square feet. That is, hazard findings dropped by almost 60% although the area inspected rose by about 12%. Although the number of higher-risk hazards was still not acceptable, the downward trend was noteworthy and commendable.

We attribute this improvement principally to the cooperative efforts of OOC staff and employing offices. Our role was to identify the hazards that we found and advise Congressional leadership and the employing offices of our findings. The employing offices, in turn, used those findings as a catalyst to eliminate hazards and make workplaces safer for employees. The AOC's Superintendents and safety personnel, along with staff in other employing offices, can and should be proud of their achievements in this regard.

D. 112th Congress – The First Risk-Based Inspection

1. Development of the Plan

In the 112th Congress, the OOC took a different approach to the biennial inspection. Our "risk-based" OSH program was 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. As detailed within, this approach differed significantly from the "wall-to-wall" structural emphasis of the three previous biennial inspections. The OOC inspected work operations and workplaces that we had never inspected before; due largely to budget cuts, we did not inspect a number of office and administrative spaces that had been part of the three previous inspections. Because of these significant differences in inspection scope and method, the number of hazard findings from the 112th Congress cannot be compared directly to hazard numbers from the 109th through 111th Congress.

A key element of developing our new approach consisted of consulting with staff from our Congressional oversight Committees and Appropriations Subcommittees. We also reached out to every employing office in the Legislative Branch to obtain their views about the structure and emphases of the risk-based approach.

Nearly twelve months before the 112th Congress convened, we met with AOC executive leadership, safety staff and Superintendents from every AOC jurisdiction, presented our draft plan, solicited written comments, and then revised the plan to reflect those comments. Staff from the OOC's oversight Committees and Appropriations Subcommittees, from both the Senate and the House of Representatives, attended and participated during this discussion.

After completing this process, we finalized our plans for the first risk-based occupational safety and health inspection in the Legislative Branch. 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.[1] The OOC team inspected new facilities such as Book Modules 3 and 4 at Fort Meade, which the Library of Congress had opened after we had completed the 111th Congress inspection. We inspected employee operations on all shifts for the first time. With the cooperation of the AOC's Capitol Grounds Division, we conducted the first-ever occupation-specific inspection in the Legislative Branch, which concentrated on landscaping operations. The team inspected buildings with specialized safety concerns implicated by their occupants, including the Senate Child Care Center and the National Library for the Blind and Physically Handicapped. In addition, we performed more thorough evaluations of two written safety and health procedures that OSHA standards require in most workplaces: Hazard Communication (the Employee Right-To-Know Standard, also referred to as

[1] The OOC 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 D of this report.

"HAZCOM") and Personal Protective Equipment ("PPE"). And we inspected certain of the most serious barriers to access for people with disabilities.[2]

We also implemented better procedures for our work. For example, before beginning inspections in each jurisdiction, we conducted an opening conference with relevant employing office leadership, safety and health staff, and officials from any unions representing employees in that jurisdiction. At the end of each inspection day, we briefed employing office staff about our findings. We also offered a closing conference to all parties after completing inspections in each jurisdiction. This ongoing communication helped improve the accuracy and consistency of our findings, as well as enhance our stakeholders' understanding of the nature and importance of our work.

2. Budget Cuts and Implications for Occupational Safety and Health

Our plan for the 112th Congress inspection initially included a review of the Senate Sergeant at Arms' Lockout/Tagout ("LOTO") and Electrical LOTO programs. We also intended to continue Member office inspections in order to support the Safe Office Award program that we had cosponsored with the National Safety Council during the 110th and 111th Congresses;[3] not only did this program recognize Members whose personal offices were free from hazards when our inspectors performed their biennial assessment, but it helped to heighten awareness of OSH issues in the Legislative Branch, which the CAA requires the OOC to do. CAA Section 301(h), 2 U.S.C. § 1381(h). And we had planned to work with employing offices to develop and implement self-inspections of lower-risk areas. However, like most of the Legislative Branch, we had to make adjustments to the scope of our work due to a significantly lower budget. The adjustments included halting Member office inspections (with the exception of those located in the Cannon House Office Building which had already been completed), eliminating our planned review of LOTO programs, and shelving out plan to offer technical assistance to employing offices performing self-inspections of lower risk workplaces.

The halting of Member office inspections brought into focus the value of the biennial OSH inspection scheme adopted by Congress in 1995 as part of the CAA. In past Congresses, staff in both the House and the Senate performed voluntary walk-around inspections in Member Offices shortly before the OOC team was scheduled to conduct the formal biennial inspection pursuant to the CAA. These pre-inspections helped reduce hazards, as evidenced by the drop in the number of hazards our team identified between the 109th and 111th Congresses. As noted above, 154 Members achieved hazard-free offices during the 111th Congress, compared with six in the 109th.

---

[2] As the CAA requires, we provided detailed specific findings regarding Americans with Disabilities Act ("ADA") public access issues in the 112th Congress Biennial Report on Americans with Disabilities Act Inspections Relating to Public Services and Accommodations . See CAA Section 210(f), 2 U.S.C. § 1331(f).

[3] During the 111th Congress, 154 Members received Safe Office Awards in recognition of their having achieved hazard-free offices – 64 Senators and 90 Members of the House. In the 110th Congress, 37 Members received the Award; during the 109th Congress, when we established the program, six Members received the Award. *See* 111th Congress Biennial Report on Occupational Safety and Health Inspections (OOC, May 2012) at 28-31; 110th Congress Biennial Report on Occupational Safety and Health Inspections (OOC, June 2009) at 12-13.

Nonetheless, for the 111th Congress, the OOC inspection team identified 381 Member offices with one or more hazards following the staff pre-inspections. More specifically, during the 109th Congress, we found 3,643 hazards in House Member offices and 1,300 hazards in Senate Member offices. During the 110th Congress, after pre-inspections began, we found 408 hazards in Senate Member offices and 1,029 in House Member offices. During the 111th Congress, we found 49 hazards in Senate Member offices and 544 hazards in House Member offices.

Together, the self-inspections and OOC's biennial inspections have reduced workplace hazards. Without the self-inspections, we would find more hazards, but without the trigger of the OOC biennial inspections, there is a high probability even the best intentioned may stop conducting self-inspections.

E. 113th Congress – The Second Risk-Based Inspection

The inspection during the 113th Congress again focused on the higher hazard areas. We were able to field an inspection team that allowed us to conduct a higher hazard inspection of 68 facilities. We continued to inspect the higher hazard areas of existing facilities because injuries and accidents are more likely to occur in these areas. We made a special effort to make our observations while employees were performing their daily tasks in these areas so that we could better ascertain compliance with existing or required safety and health procedures and programs. We also inspected areas of special interest such as child care centers and the Senate Page Dorm and School. As part of our inspection for the 113th Congress, we followed up on our inspection of the two health and safety programs we reviewed during the 112th Congress: HAZCOM and PPE. We re-inspected these two programs to determine if the findings recommended during the 112th Congress inspection had been fully implemented. Finally, during the 113th Congress inspection we conducted baseline inspections of all new facilities covered by the CAA, which included the new Senate/AOC facility in Landover, Maryland, and the U.S. Commission on International Religious Freedom.

RESULTS OF INSPECTIONS

A. 112th Congress Inspection Results

During the 112th Congress, we found a total of 2,741 hazards. The distribution of these hazards by RAC is depicted in Figure 1. Approximately one-third of all hazards are higher-risk hazards (RAC 1 and RAC 2). The danger posed to employees by the large number of higher-risk hazards continues to be of concern to us.

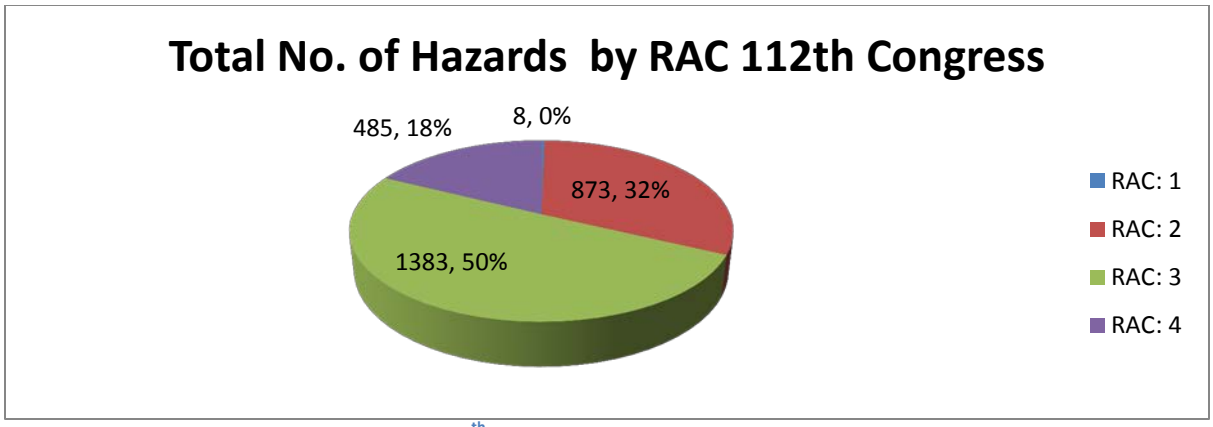


Figure 1: Total Number of Findings by RAC 112th Congress

The RAC 1 hazards concern the following: working in permit-required confined spaces without implementing proper entry procedures, [redacted] As discussed later in this report, [redacted] issues [redacted] have been the subject of citations issued by the GC and are being addressed in an abatement plan that has been approved by the GC.

RAC 2 hazards largely involve electrical, machine guarding, control of hazardous materials, and general environmental control issues. The breakdown of RAC 2 hazards by type is depicted in Figure 2.

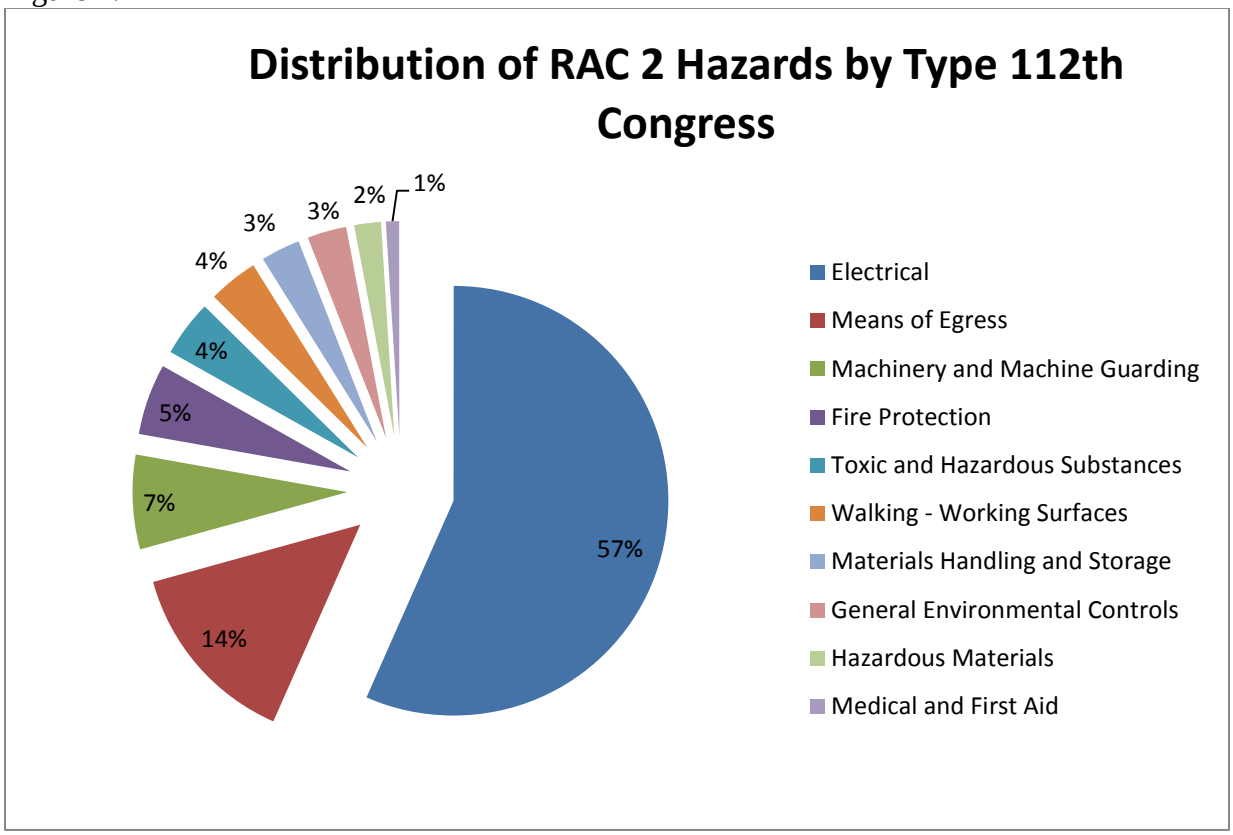


Figure 2: RAC 2 Hazards by Type 112th Congress

For all hazards, the distribution of hazards by type is depicted in Figure 3. More than half of all hazards are electrical. Electrical hazards include such deficiencies as problems with panels, boxes, outlets, or covers (about 30% of all electrical findings), improper use of surge protectors or extension cords (about 23% of all electrical findings), unlabeled or poorly labeled circuits and breakers (about 15 % of all electrical findings), and lack of or nonfunctioning GFCI outlets (about 5% of all electrical findings).

[redacted]

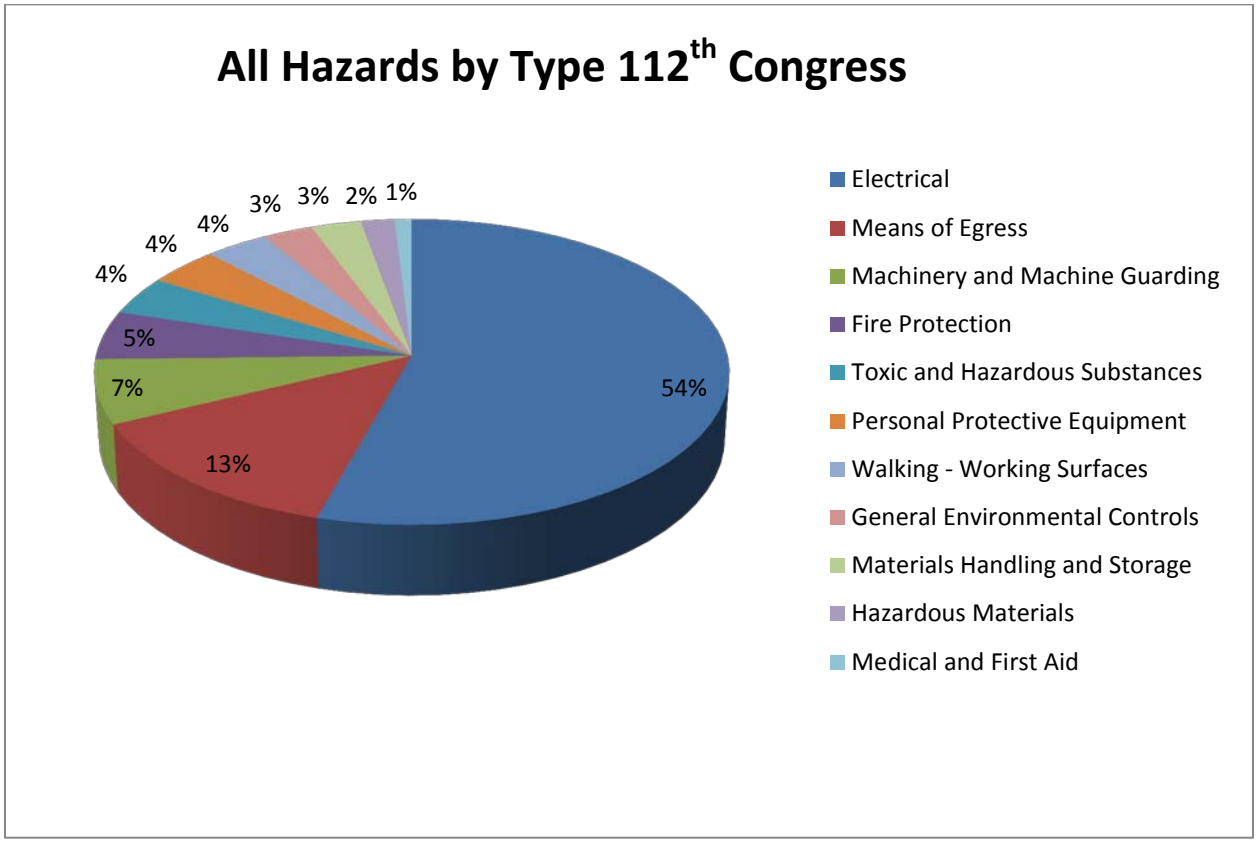


Figure 3: All Hazards by Type 112th Congress

Although the 112th 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 112th Congress, a total of 63 facilities received a higher hazard inspection. The total amount of space used by legislative branch offices is approximately 18 million square feet. The distribution of hazards among the principal buildings on Capitol Hill is depicted in Figure 4.

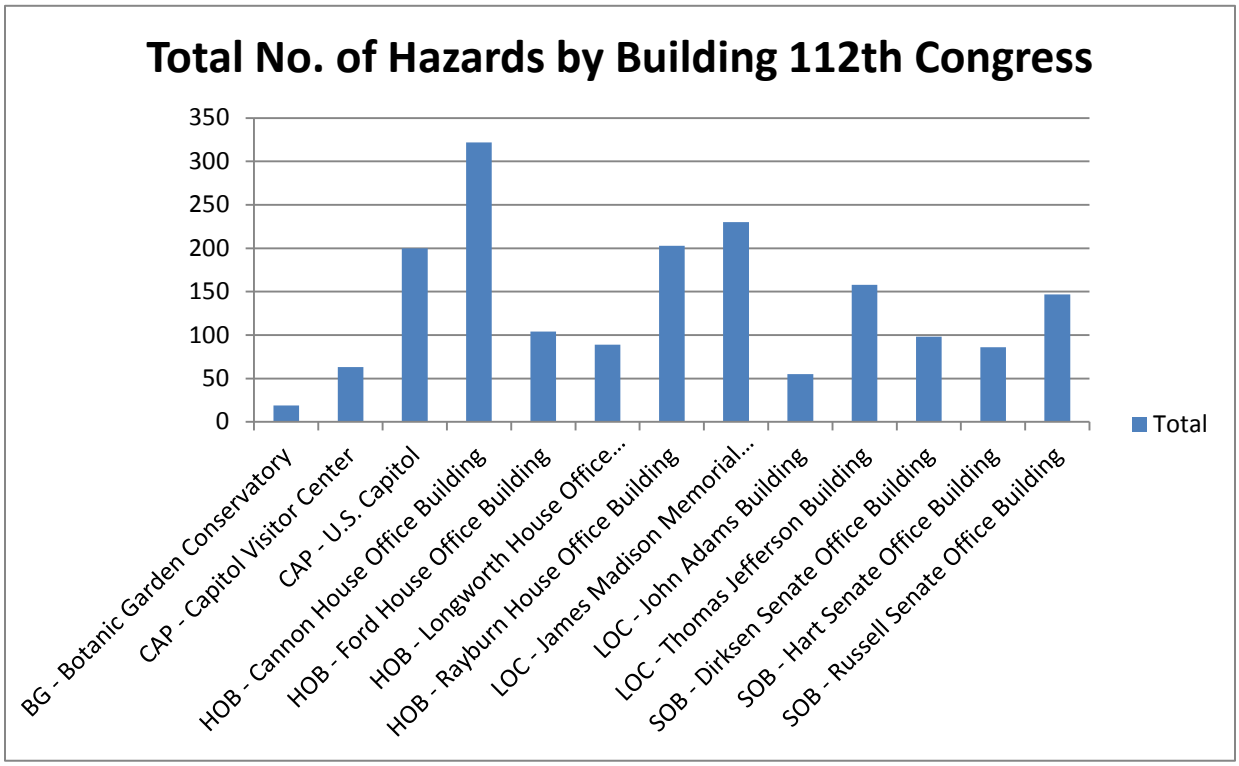


Figure 4: Hazard Distribution by Building on Capitol Hill 112th Congress

Appendix A contains a listing of all facilities inspected during the 112th Congress with a breakdown of the number of hazards found by the employing office responsible for abatement.

At each location, the 112th Congress inspection also included a review of two written programs required by the OSHA standards: HAZCOM and PPE. According to OSHA, the HAZCOM standard provides" a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets."[4] When an employer complies with the standard, the workplace is safer for employees because they are provided with easily understandable information on appropriate handling and safe use of hazardous chemicals. Our examination of existing HAZCOM programs found 97 of them to be inadequate because required elements were missing. We also found two instances where there was no written program even though the standard required one.

We found similar deficiencies in the PPE programs that we examined. Hazards exist in every workplace in many different forms: sharp edges, falling objects, flying debris, chemicals, noise and a myriad of other potentially dangerous or unhealthy situations. While controlling a hazard at its source is the best way to protect employees, employing offices must provide PPE to their employees and ensure its use when engineering, work practice and administrative controls are not feasible or do not provide sufficient protection. PPE is equipment worn to control or minimize exposure to a variety of hazards. Examples of PPE include such items as gloves, foot and eye protection, protective hearing devices (earplugs, muffs), hard hats, respirators and full

[4] See https://www.osha.gov/dsg/hazcom/.

body suits.[5] Our inspection found 80 PPE programs to be ineffective or not fully compliant and two instances where PPE programs had not been implemented at the location.

As of the date of this report, approximately 65% of the hazards identified during the 112th Congress inspection have been reported as abated by the employing offices.[6] Figure 5 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).

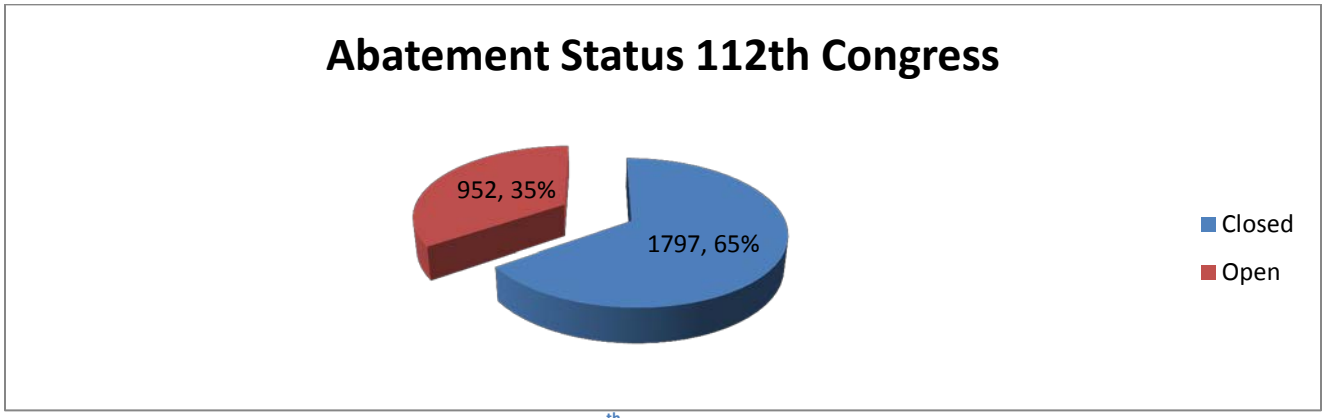


Figure 5: Abatement Status of Hazards Identified during 112th Congress Inspection

B. 113th Congress Inspection Results

During the 113th Congress, we found a total of 2,869 hazards. The distribution of these hazards by RAC is depicted in Figure 6. Again, approximately one-third of all hazards are higher-risk hazards (RAC 1 and RAC 2), which continues to be of concern to us.

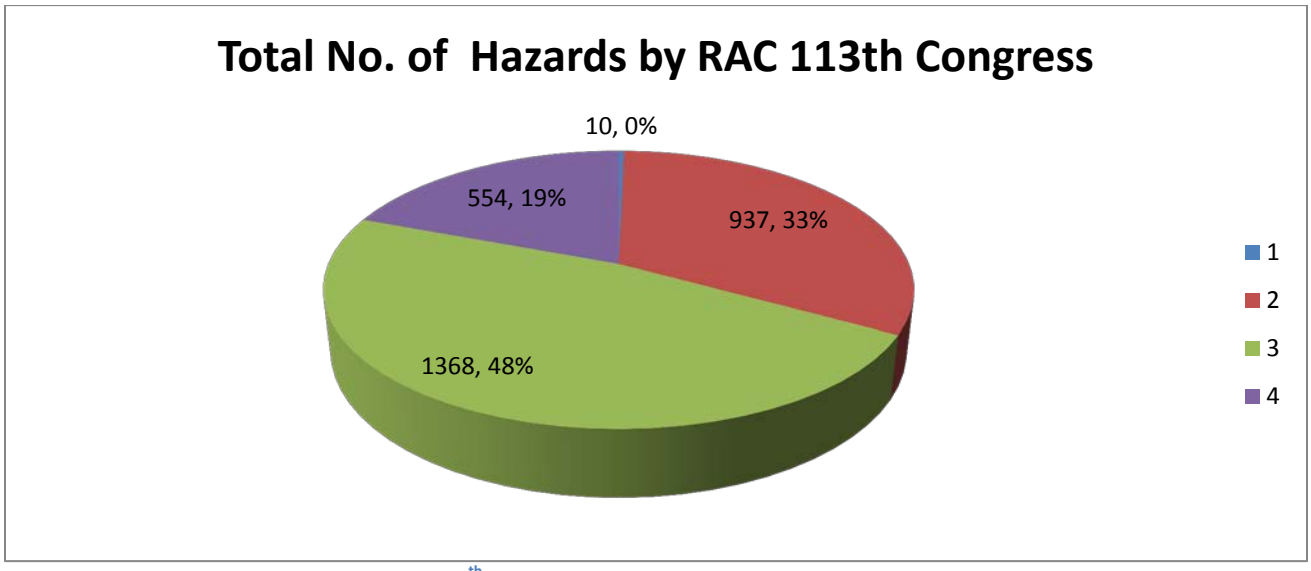


Figure 6: Total Number of Hazards by RAC 113th Congress

[5] This explanation of PPE is from https://www.osha.gov/Publications/osha3151.html.
[6] 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 112th Congress that have been abated may now be in excess of 90%. See Appendix C.

The 10 RAC 1 hazards concern the following: working in permit-required confined spaces without implementing proper entry procedures, the lack of an employee alarm system in an area, and walking surface hazards caused by lack of adequate guarding around elevated areas where it is possible to fall more than four feet. RAC 2 hazards largely involve electrical, machine guarding, control of hazardous materials, and general environmental control issues. The breakdown of RAC 2 hazards by type is depicted in Figure 7.

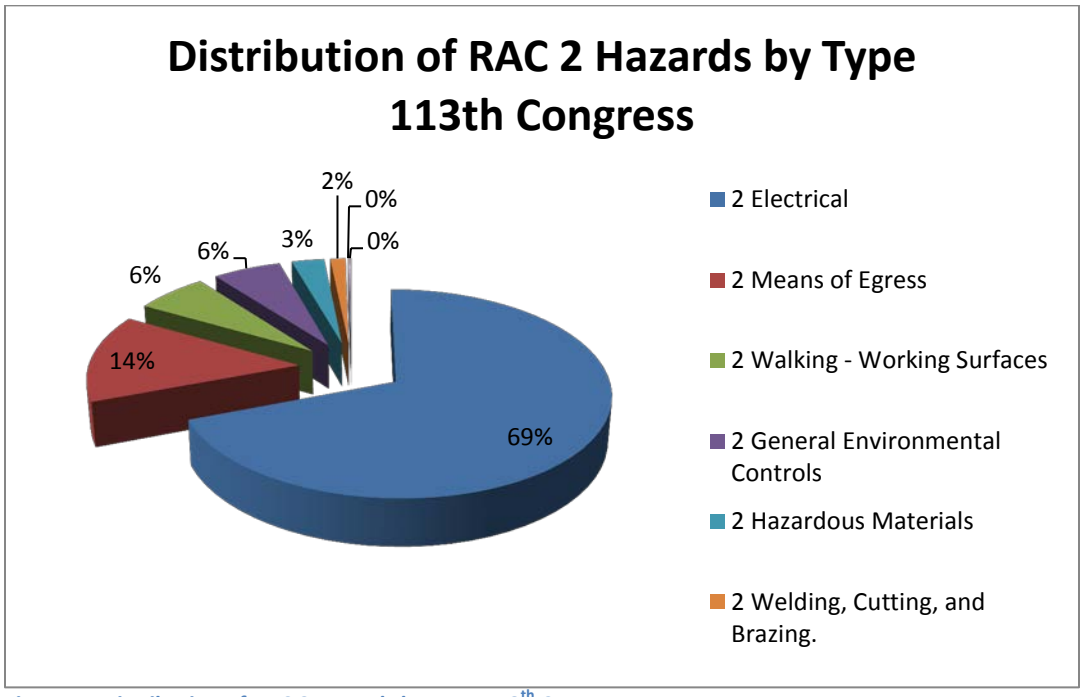


Figure 7: Distribution of RAC 2 Hazards by Type 113th Congress

The types of electrical hazards were similar to what was found during the 112th Congress. The hazards relating to means of egress included exit signs that were obstructed or not lighted, fire d oors that failed to latch, annunciators that were missing or not operable, and inadequate emergency lighting.

During the 113th Congress, a total of 68 facilities received a higher hazard inspection. The total amount of space used by legislative branch offices now exceeds 18 million square feet. The distribution of hazards among the principal buildings on Capitol Hill is depicted in Figure 8.

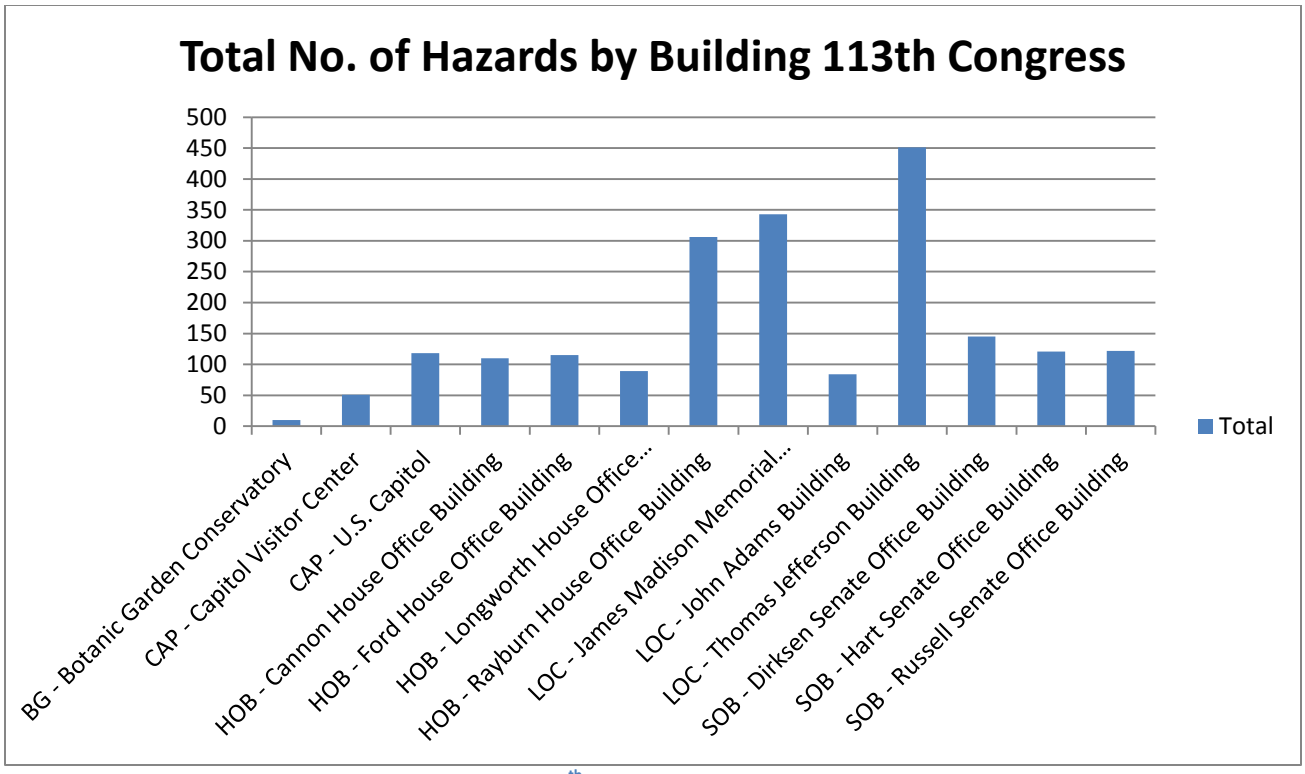


Figure 8: Hazard Distribution by Capitol Hill Building 113th Congress

Appendix B contains a listing of all facilities inspected during the 113th Congress with a breakdown of the number of hazards found by the employing office responsible for abatement.

During the 113th Congress inspection, our inspectors were able to increase the number of inspections conducted while employees were actually working. This resulted in many more hazard findings relating to failures to follow existing safety procedures or programs and findings of inadequate or missing safety procedures and programs. These hazard findings included failure to use required PPE or lack of an adequate PPE program, failure to follow an existing HAZCOM program or lack of an adequate HAZCOM program, failure to follow existing confined space procedures or failure to establish adequate permit-required confined space procedures, failure to enforce or establish a respiratory protection program, failure to conduct an adequate noise assessment or establish an adequate hearing conservation program, and failure to follow or establish an adequate LOTO program. These type of findings, which are often only discovered while observing ongoing operations, commonly reveal hazards with a high likelihood of producing serious injury; consequently, the GC hopes to be able to conduct more inspections during times when employees are working to be able to identify and prevent serious injuries or illnesses caused by failures to follow or establish required safety and health procedures and programs.

As of the date of this report, approximately 43% of the hazards identified during the 113th Congress inspection have been reported as abated by the employing offices.[7] Figure 9 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).

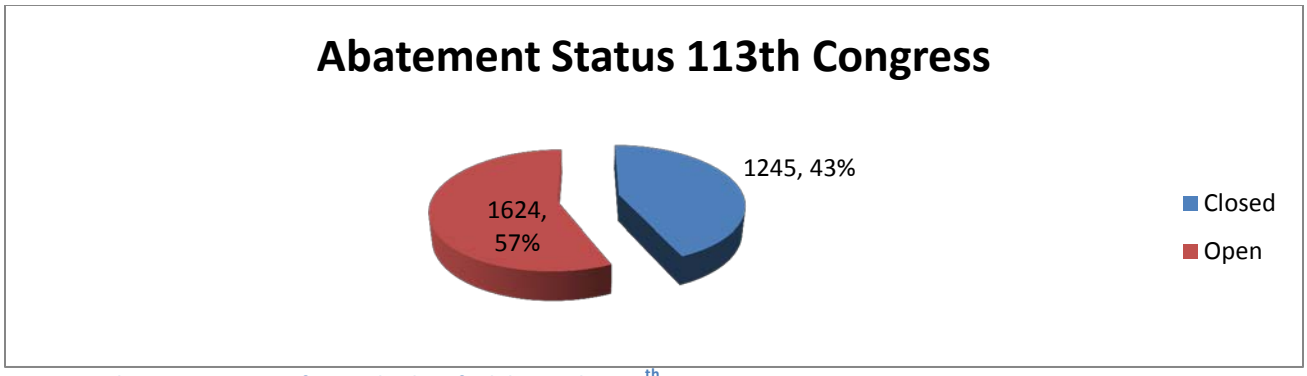


Figure 9: Abatement Status of Hazards Identified during the 113th Congress

C. Comparison of Inspections from the 112th and 113th Congresses.

Both the inspection for the 112th Congress and the 113th Congress involved an examination of higher hazard areas. The number of hazards found by our inspectors actually increased from 2,741 hazards during the 112th Congress to 2,879 during the 113th Congress. A comparison of the two inspections by the total number of findings in each RAC category is depicted in Figure 10. This increase in the number of hazard findings occurred even though employing offices reported that most of the hazards found during the 112th Congress had been abated. This increase does not necessarily mean that conditions are deteriorating, since the 113th Congress inspection included five more facilities than the 112th (68 facilities vs. 63 facilities) and included more observations of employees working.

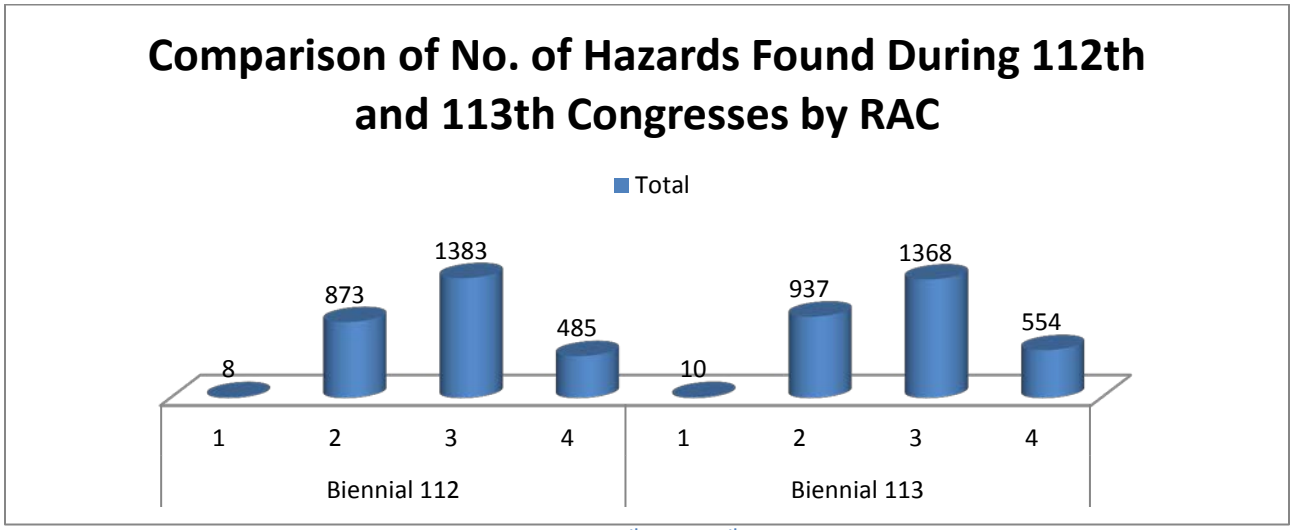


Figure 10: Comparison of No. of Hazards Found during the 112th and 113th Congresses by RAC

[7] 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 113th Congress that have been abated may now be closer to 78%. See Appendix C.

Nonetheless, the increase in the number of hazard findings is troubling. Employing offices have advance notice of all of our biennial inspections and may accompany us on the inspections. Many of the most common hazard findings, such as broken latches or missing doors on circuit breaker boxes, missing machine guards, daisy-chained surge protectors and extension cords, and failure to wear PPE, involve hazards that should be readily apparent to the supervisors and employees working with these devices or working in these areas. That these types of hazards are found with a high degree of frequency in our biennial inspections and from one biennial inspection to the next suggests that our inspections are part of an employing office's regular on-going preventative maintenance, as opposed to a means for each Congress to oversee and enforce compliance with the OSHAct. That is, while our biennial inspections may have served as a trigger for Member office self-inspections, they appear to have replaced such efforts in other employing offices. There may be several reasons for this development, such as lack of adequate procedures and training in safe practices and procedures, deferring maintenance in the buildings due to budgetary constraints, and/or hesitation over being more proactive about reporting deficiencies.[8]

If employing offices and employees were adequately educated about the dangers posed by the hazards regularly found by our inspectors, encouraged to be more proactive about reporting and correcting apparent deficiencies, and receive the necessary funding to correct these apparent deficiencies, we may expect a much improved "safety culture" on Capitol Hill and a concomitant reduction in the number of hazards we find during our inspections.

D. Plans for the 114th Congress Inspection.

The 114th Congress biennial inspection will be similar to the inspection we conducted during the 113th Congress. During the 114th Congress we will continue to build upon the higher hazard focus implemented during the 112th Congress, including fire safety concerns and areas of special interest. We also plan to conduct a targeted inspection of the AOC's Construction Division as well as inspection of all public assembly areas in Legislative Branch buildings. Implementing effective safety and health programs can help prevent avoidable and costly workplace injuries so we will continue our review of OSHAct-mandated health and safety programs applicable to the employing offices with employees in higher hazard areas.

During the 114th Congress inspection, we will also verify the abatement status of the most serious hazards identified during the 113th Congress biennial inspection, i.e., those categorized as RAC 1 and RAC 2 findings. In opening conferences conducted with employing offices, we will provide a list of all open findings identified in our Facility Management Assessment data base and we will enlist the assistance of employing offices to provide updated abatement status for all findings that are currently shown as open. We will also continue to inspect newly occupied or renovated facilities. We further plan to re-establish the Members' Safe Office awards by inspecting one House (Longworth) and one Senate (Dirksen) Office Building during this Congress.

[8] We have recommended amending the CAA to grant the GC the authority to pursue a retaliation complaint before OOC using the processes in the CAA. See OOC's FY 2013 Annual Report, p. 37.

The following describes our priorities and how we anticipate moving forward during the 114th Congress Inspection:

Priority 1: We will conduct baseline inspections of all new facilities used by employing offices covered by the CAA, including newly occupied, completed or construction/renovated areas such as the O'Neill building.

Priority 2: We will conduct inspections of the higher hazard areas or the most dangerous areas of existing facilities. Because injuries or accidents are more likely to occur in these areas when employees are working, we have requested that our inspections occur while employees are performing their usual tasks. A review of applicable written program documents will also be completed before the inspection of each office to determine if the program elements have been implemented as a part of the overall safety program.

Priority 3: We will inspect areas of special interest such as Day Care Centers, the Senate Page Dorm and School, and any other areas where care for children is provided.

Priority 4: The Construction Division has been selected for a targeted inspection during the 114th Congress biennial inspection. OOC staff will work with Construction Division personnel to determine areas of focus. Public assembly areas in all Legislative Branch buildings will also be inspected. We have asked employing office to identify any areas within the buildings where large meetings are conducted.

Priority 5: We are re-establishing Member office inspections including the reinstatement of the Safe Office Awards. Due to resource constraints, we will only be able to inspect the Member offices in one House and one Senate Office Building. During the 114th Congress biennial inspection we will inspect all Member offices in the Longworth House and the Dirksen Senate Office Buildings. Member offices with no safety or health hazards identified during the biennial inspection will receive Safe Office Awards. The Safe Office Awards presentation will be scheduled during the second year of the 114th Congress. A Safety Advocate award will also be presented.

Priority 6: We will continue to identify and inspect serious barriers to people with disabilities. ADA inspections will be conducted separate from the biennial OSH inspection with a focus on access to major function areas from the entrances of facilities. Any serious ADA barriers observed during the OSH inspection will be brought to the attention of the ADA Program Manager for follow up.

[redacted]

As we have reported in Biennial Reports since the 109th Congress, in 1999, OOC inspectors discovered [redacted] The GC issued

citations directing the AOC to remedy the violations, [redacted]

[redacted]

Accordingly, in February 2006 the GC filed the first-ever administrative OSH complaint under the CAA. The complaint charged multiple violations of the OSHA standards and sought an order requiring that the hazards be remedied in their entirety.

The OOC and the AOC entered into a Settlement Agreement in June 2007 that provided for full abatement of the hazards by June 2012 and established liaison officials in both the OOC and the AOC to monitor progress under the Settlement. The Settlement required the AOC to conduct regular inspections of the ongoing abatement efforts and report to our office on a quarterly basis. The OOC liaison worked closely with officials from the AOC to review proposals to remedy specific aspects of the overall project and ensure that the work was being scheduled and conducted as efficiently as possible. As a result of this coordination, the parties were able to foresee potential obstacles to abatement – be they structural, mechanical, electrical, organizational or some other impediment – and institute preventive measures.

The results of this impressive cooperation were remarkable. At the time the Settlement was signed, the AOC estimated that the project would cost $296 million. Ultimately, the abatement was completed for just over $173 million – a savings of 40%. Furthermore, the project was concluded a month ahead of schedule, in May 2012. We believe this collaborative process could serve as a template for resolving other complex safety and health hazards in the Legislative Branch.

FIRE AND LIFE SAFETY ISSUES

In 2000 and 2001, the OOC issued a series of citations because of [redacted] As described within, during the 112th Congress, the AOC continued to make real progress on abating these hazards.

A. Closed Citation [redacted]

In March 2000, the OOC GC issued Citation [redacted] to the AOC, charging that [redacted] in violation of applicable OSHA standards. Nine months later, the AOC retained fire safety engineering firms to conduct design concept studies of proposed abatement methods. In September 2006, the AOC submitted a proposal to abate the hazards that the GC rejected because, even if fully implemented, the plan would have failed to correct all the deficiencies identified in the Citation. The AOC submitted a revised proposal in September 2007. The GC recommended that the AOC expedite the abatement by working on [redacted]

simultaneously and accelerating [redacted]. These recommendations moved the estimated completion date of the project from December 2013 to July 2011. After the AOC accepted the recommendations, the GC approved the abatement proposal in October 2007.

The approved plan involved [redacted] We worked with the AOC to ensure that [redacted], but also, when not in use, would blend seamlessly with the historic features of the building. The stone surrounding [redacted] was carefully matched to the preexisting stone. In another example of such cooperation, the plan permitted the preservation of [redacted] with the addition of a second handrail whose design mirrored that of the original historic brass handrail that was retained in place.

In July 2011 the AOC requested an extension of the abatement period until December, citing unforeseen problems with the preservation [redacted]. The OOC worked with AOC staff and the AOC historian to develop a plan that both maintained adequate protection [redacted] and permitted [redacted] to be preserved. [redacted] As a result, the GC approved the requested extension [redacted].

In January 2012, the AOC notified the office that it had finished executing its abatement plan. Our fire and life safety expert reviewed the documents, inspected the facility, and concluded that the hazards had been fully abated. Accordingly, in February 2012, we closed Citation [redacted].

B. <u>Approval of Abatement Plan for Citation</u> [redacted]

We are pleased by the progress being made in [redacted] toward final abatement of the citation issued in 2000 (Citation [redacted]). On April 24, 2014, the GC accepted the abatement plan described in the Request for Modification of Abatement submitted by the AOC. Abatement of Citation [redacted] is included within the phased construction schedule of the [redacted]. The AOC plans to [redacted] Phase I is set to be completed in 2018, which will [redacted] are scheduled to be done after 2018 in later construction phases in order to address [redacted] that full compartmentation of the building will solve.

C. Continued Efforts on Citation [redacted]

In March 2000, the GC issued Citation [redacted] to the AOC because [redacted] The Citation required the Architect to submit an abatement plan to the OOC by January 30, 2001 and complete design and installation by June 2002. The AOC submitted a plan in September 2006 that the General Counsel rejected because it lacked sufficient detail and failed to justify completion of abatement until 2019 – nineteen years after the citation had been issued.

In February 2008 the Architect submitted a detailed plan to abate the hazards without compromising the building's architectural integrity. The GC accepted this plan in March 2008, and the AOC sought funding for its implementation. Thereafter the Senate Rules Committee asked the AOC to suspend work on the plan and to appoint a Blue Ribbon Panel to assess [redacted] historic features of the [redacted]. The Blue Ribbon Panel issued its final report in August 2010. The Senate Legislative Branch Appropriations Subcommittee then instructed the AOC to implement an abatement method identified by the Blue Ribbon Panel that was substantially less costly and less protective than the plan the GC had approved in 2008. The Subcommittee concluded that its plan [redacted]

Because differences remained among stakeholders concerning the abatement of all [redacted], in August 2012, we issued an Amended Citation 19, providing additional details regarding those hazards. The abatement plan that the AOC submitted and the Office approved in early 2008 in response to the original Citation included measures to remedy all [redacted] in a manner that fully preserved its historically significant features. Because implementation of the abatement plan has been suspended due to fiscal and other concerns, we issued the Amended Citation in order to promote resolution of the continuing differences among all stakeholders. As a result, we are engaged in ongoing technical discussions with AOC staff and the Senate Rules Committee to identify measures that can be instituted to improve conditions in the Russell Building.

D. Other Fire & Life Safety Citations

During the 112th Congress, the AOC and Library of Congress provided updated abatement plans for Citations [redacted] and [redacted], which involve [redacted]. We reviewed the updated plans, asked for additional details in certain respects, conducted meetings with AOC staff, and requested some changes in the abatement plans. After the AOC agreed to these changes, we approved the abatement plans on December 10, 2014, near the end of the 113th Congress.

The AOC's budget request for FY 2016 includes funding for several projects that will significantly improve [redacted]. These include funding requests for [redacted]. The OOC strongly encourages that funding be provided for these projects because they will greatly enhance [redacted].

Citation [redacted] involves [redacted]. We issued the Citation in March 2000 because, at that time, [redacted].

As we reported in the 111th Congress Biennial Report at 7-8, the AOC completed a number of short-term measures, including [redacted]. As to the longer-term strategy, the AOC has advised that it continues to make significant progress towards [redacted]

The primary issue is the AOC's proposal to [redacted]. To date, the AOC has been granted the authority to [redacted]

The AOC has reported that the project involving the [redacted]

REQUESTOR-INITIATED INSPECTIONS

Under the CAA, covered employees, employing offices, and bargaining unit representatives of covered employees may ask the 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 OOC 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 report 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. The employing office may submit comments, agree to abate the hazard, or contest the findings. In the vast majority of cases where a hazard is found, the employing office agrees to abatement. Once the employing office has informed the OOC that it has abated the hazard, and the OOC 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 OGC concerning health and safety violations, since they are most often filed by employees who are familiar with, or exposed to, hazardous conditions in the Legislative Branch.

During the 112th Congress, the OOC received 15 employee requests for inspection of potential safety and health hazards. As in the past, the requests that we received during the 112th Congress occasionally named more than one employing office. As the office responsible for maintaining facilities for the majority of Legislative Branch offices, the Architect was named in 9 cases. The United States Capitol Police was named in 6 requests and the Government Accountability Office was named in 1 request. The potential hazards that the OOC was asked to inspect covered a broad range. Requests included concerns over evacuation procedures, alarm malfunctions, asbestos exposure, air quality, heat stress, asbestos abatement activities, and LOTO procedures.

During the 113th Congress, the OOC received 11 requests for inspections. The Architect was named in 7 cases, the United States Capitol Police was named in 3 cases, and the Government Accountability Office was named in 1 case. The potential hazards that the OOC investigated as a result of these requests included possible asbestos, X-ray and lead exposure, proper fit testing and medical evaluations associated with respirator use, adequate hazard and PPE assessments, evacuation procedures when smoke is present, and falling ceiling tiles.

Most of the hazards identified by requests for inspection have been investigated by the OOC and reports have been issued. The OOC will continue to address issues identified in such requests to ensure that Legislative Branch employees' workplaces are safe and free from hazards.

CHALLENGES FOR THE FUTURE

We are no longer resourced in a manner that allows us to provide the technical assistance, education, and outreach services we were able to provide to employing offices during previous Congresses. Accordingly, we have focused on completing the biennial OSH inspections in the manner described in this report; completing our requestor-initiated cases in a timely and quality manner; and completing our ADA biennial inspections (we use the same OSH specialists for OSH and ADA inspections). We have reinstituted the Safe Office Awards for some Member offices. We hope to resume the publishing of Fast Facts, which was a periodical we developed

to regularly provide safety information in a concise format to employing offices. We know from our website use statistics that our existing Fast Facts are regularly accessed by web browsers (see www.compliance.gov). They are especially valuable to the nearly one-half of all Congressional staffers now working in District or State offices.

ACKNOWLEDGEMENTS

Under the CAA, management of the OSH program is the responsibility of the OOC GC. During the 112th Congress, this was the responsibility of Peter Ames Eveleth, who served as OOC GC for 10 years before he retired in May 2013. On October 1, 2013, the OOC Board of Directors appointed Amy V. Dunning to succeed Mr. Eveleth as OOC GC. Ms. Dunning has had overall management responsibility for the OSH program during most of the 113th Congress.

The 112th Congress Biennial Inspection was conducted under the leadership of Faith L. Perry, C.S.P. and Certified Occupational Hearing Conservationist, who served as OSH Program Manager until her resignation in February 2013. In her capacity as OSH Compliance Manager, Terry Wigfall, C.S.P., managed the biennial inspection team. Terry has nearly 27 years' experience in the field of occupational safety and health. She served as a consultant to the OOC from 2007 until April 2012. Ms. Wigfall was promoted to the position of OSH Program Manager in March 2013. The 113th Biennial Inspection was conducted under the leadership of Ms. Wigfall.

The other members of the inspection team for the 112th Congress were John Baugher, a safety consultant with the OOC until July 2012; Luis Guzman, the office's first-ever employee safety and health inspector, who served until his retirement in April 2012; Penny Hubler, a part-time safety consultant with the Office; and Thomas H. Seymour, a part-time consultant to the General Counsel since 1999 and a registered Professional Engineer and Fire Protection Engineer. During the 112th Congress, requester-initiated inspections were conducted principally by Mr. Seymour and Henry C. Woodcock, C.I.H., a part-time consultant to OOC since 1999, with the assistance of Robert Coomber, who served as Staff Attorney until his resignation in June 2013. Robert W. Judd concluded his five-year service as Utility Tunnels Settlement Liaison in May 2012, when the Settlement Agreement was completed and the case was closed. Thereafter, the OOC hired Mr. Judd as a Safety and Health/ADA Specialist, in which capacity he provided necessary database management services and served as a backup on requestor-initiated inspections, as well as conducting inspections for barriers to public access under the ADA, until he resigned in June 2013.

The members of the inspection team for the 113th Congress were Roger Kager, C.S.P., Shonda Perkins, Sara Hoover, and Brent Dittman, who all joined the office during July 2013. They were assisted in the inspections by Mr. Seymour and Mr. Woodcock. Requestor-initiated inspections during the 113th Congress were conducted by the inspection team with the assistance of Hillary Benson, who joined the office as a Staff Attorney in August 2013. Mark McGowan, C.I.H., C.S.P., also provide some part-time safety consulting services.

John D. Uelmen, Deputy General Counsel, is the principal author of this Report. Portions of the report regarding the 112th Congress inspection were written by Susan M. Green, who served as Deputy General Counsel until her resignation in September 2013. Administrative Assistant Kathy Schluter helped produce and distribute the Report.

August 2015

Amy Dunning
General Counsel

APPENDIX A: NUMBER OF FINDINGS IN INSPECTED FACILITIES
112th Congress

FACILITY NAME	NO. OF FINDINGS
[redacted]	**10**
Office of the Architect of the Capitol	10
BG - [redacted]	**1**
Office of the Architect of the Capitol	1
BG - [redacted]	**19**
Office of the Architect of the Capitol	19
BG - [redacted]	**20**
Office of the Architect of the Capitol	20
CAP - [redacted]	**5**
Office of the Architect of the Capitol	5
CAP - [redacted]	**63**
Chief Administrative Officer	7
Office of the Architect of the Capitol	52
Senate Sergeant at Arms	3
United States Capitol Police	1
CAP - [redacted]	**200**
Chief Administrative Officer	3
Office of the Architect of the Capitol	196
Senate Sergeant at Arms	1
CPP - [redacted]	**13**
Office of the Architect of the Capitol	13
CPP - [redacted]	**3**
Office of the Architect of the Capitol	3
CPP - [redacted]	**6**
Office of the Architect of the Capitol	6
CPP - [redacted]	**11**
Office of the Architect of the Capitol	11
CPP - [redacted]	**67**
Office of the Architect of the Capitol	67
CPP - [redacted]	**4**
Office of the Architect of the Capitol	4
CPP - [redacted]	**20**
Office of the Architect of the Capitol	20
CPP - [redacted]	**3**
Office of the Architect of the Capitol	3
CPP - [redacted]	**17**
Office of the Architect of the Capitol	17

APPENDIX A: NUMBER OF FINDINGS IN INSPECTED FACILITIES
112th Congress

FACILITY NAME	NO. OF FINDINGS
CPP - [redacted]	**14**
Office of the Architect of the Capitol	14
CPP - [redacted]	**1**
Office of the Architect of the Capitol	1
CPP - [redacted]	**5**
Office of the Architect of the Capitol	5
CPP - [redacted]	**3**
Office of the Architect of the Capitol	3
CPP - [redacted]	**46**
Office of the Architect of the Capitol	46
GAO - [redacted]	**206**
U.S. Government Accountability Office	206
GFAC - [redacted]	**42**
Office of the Architect of the Capitol	42
HOB - [redacted]	**12**
Office of the Architect of the Capitol	12
HOB - [redacted]	**13**
Office of House Employment Counsel	1
Office of the Architect of the Capitol	9
United States Capitol Police	3
HOB - [redacted]	**322**
Chief Administrative Officer	22
House Member Office	191
House OEPPO	1
Office of House Employment Counsel	17
Office of the Architect of the Capitol	91
HOB - [redacted]	**1**
Office of the Architect of the Capitol	1
HOB - [redacted]	**104**
Chief Administrative Officer	4
Office of House Employment Counsel	1
Office of the Architect of the Capitol	98
United States Capitol Police	1
HOB - [redacted]	**89**
Chief Administrative Officer	13
Office of the Architect of the Capitol	76
HOB - [redacted]	**203**
Chief Administrative Officer	35

APPENDIX A: NUMBER OF FINDINGS IN INSPECTED FACILITIES
112th Congress

FACILITY NAME	NO. OF FINDINGS
Office of House Employment Counsel	1
Office of the Architect of the Capitol	163
United States Capitol Police	4
HOB - [redacted]	**88**
Chief Administrative Officer	40
Office of the Architect of the Capitol	48
[redacted]	**1**
United States Capitol Police	1
LOC - [redacted]	**2**
Office of the Architect of the Capitol	2
LOC - [redacted]	**3**
Library of Congress	1
Office of the Architect of the Capitol	2
LOC - [redacted]	**12**
Library of Congress	8
Office of the Architect of the Capitol	4
LOC - [redacted]	**230**
Library of Congress	35
Office of the Architect of the Capitol	194
United States Capitol Police	1
LOC - [redacted]	**55**
Library of Congress	4
Office of the Architect of the Capitol	51
LOC - [redacted]	**20**
Library of Congress	20
LOC - [redacted]	**37**
Library of Congress	37
LOC - [redacted]	**13**
Library of Congress	5
Office of the Architect of the Capitol	8
LOC - [redacted]	**158**
Library of Congress	17
Office of the Architect of the Capitol	141
LOC [redacted]	**83**
Library of Congress	36
Office of the Architect of the Capitol	47
LOC [redacted]	**2**
Office of the Architect of the Capitol	2

APPENDIX A: NUMBER OF FINDINGS IN INSPECTED FACILITIES
112th Congress

FACILITY NAME	NO. OF FINDINGS
MISC - [redacted]	**2**
Library of Congress	1
Office of the Architect of the Capitol	1
SC - [redacted]	**13**
Office of the Architect of the Capitol	13
SOB - [redacted]	**10**
Office of the Architect of the Capitol	4
Senate Sergeant at Arms	6
SOB - [redacted]	**4**
Senate Sergeant at Arms	4
SOB - [redacted]	**9**
Office of the Architect of the Capitol	9
SOB - [redacted]	**98**
Office of the Architect of the Capitol	95
Senate Sergeant at Arms	3
SOB - [redacted]	**86**
Office of the Architect of the Capitol	82
Senate Sergeant at Arms	4
SOB - [redacted]	**13**
Office of the Architect of the Capitol	7
Senate Sergeant at Arms	6
SOB - [redacted]	**21**
Senate Chief Counsel for Employment	16
Senate Sergeant at Arms	5
SOB - [redacted]	**147**
Office of the Architect of the Capitol	147
SOB - [redacted]	**2**
Office of the Architect of the Capitol	2
SOB - [redacted]	**60**
Office of the Architect of the Capitol	60
USCP - [redacted]	**11**
Office of the Architect of the Capitol	7
United States Capitol Police	4
USCP - [redacted]	**3**
Office of the Architect of the Capitol	1
United States Capitol Police	2
USCP - [redacted]	**10**

APPENDIX A: NUMBER OF FINDINGS IN INSPECTED FACILITIES
112th Congress

FACILITY NAME	NO. OF FINDINGS
Office of the Architect of the Capitol	5
United States Capitol Police	5
USCP - [redacted]	**8**
Office of the Architect of the Capitol	7
United States Capitol Police	1
USCP - [redacted]	**10**
Office of the Architect of the Capitol	4
United States Capitol Police	6
USCP-[redacted]	**9**
United States Capitol Police	9
USCP-[redacted]	**6**
United States Capitol Police	6
Grand Total	**2749**

APPENDIX B: NUMBER OF FINDINGS IN INSPECTED FACILITIES
113th Congress

FACILITY	NO. OF FINDINGS
[redacted]	**22**
Chief Administrative Officer	1
Office of the Architect of the Capitol	21
BG - [redacted]	**1**
Office of the Architect of the Capitol	1
BG - [redacted]	**10**
Office of the Architect of the Capitol	10
BG - [redacted]	**9**
Office of the Architect of the Capitol	9
BG - [redacted]	**1**
Office of the Architect of the Capitol	1
CAP - [redacted]	**39**
Office of the Architect of the Capitol	39
CAP - [redacted]	**51**
Chief Administrative Officer	5
Office of the Architect of the Capitol	46
CAP - [redacted]	**118**
Chief Administrative Officer	11
Office of the Architect of the Capitol	106
Office of the Attending Physician	1
CPP - [redacted]	**3**
Office of the Architect of the Capitol	3
CPP - [redacted]	**1**
Office of the Architect of the Capitol	1
CPP - [redacted]	**15**
Office of the Architect of the Capitol	15
CPP - [redacted]	**4**
Office of the Architect of the Capitol	4
CPP - [redacted]	**36**
Office of the Architect of the Capitol	36
CPP - [redacted]	**9**
Office of the Architect of the Capitol	9
CPP - [redacted]	**3**
Office of the Architect of the Capitol	3
CPP - [redacted]	**1**
Office of the Architect of the Capitol	1
CPP - [redacted]	**1**

APPENDIX B: NUMBER OF FINDINGS IN INSPECTED FACILITIES
113th Congress

FACILITY	NO. OF FINDINGS
Office of the Architect of the Capitol	1
CPP - [redacted]	**16**
Office of the Architect of the Capitol	16
CPP - [redacted]	**1**
Office of the Architect of the Capitol	1
CPP - [redacted]	**8**
Office of the Architect of the Capitol	8
CPP - [redacted]	**2**
Office of the Architect of the Capitol	2
CPP - [redacted]	**28**
Office of the Architect of the Capitol	28
[redacted]	**4**
Office of the Architect of the Capitol	4
GAO - [redacted]	**92**
U.S. Government Accountability Office	92
GFAC - [redacted]	**21**
Office of the Architect of the Capitol	21
GPO - [redacted]	**17**
Office of the Architect of the Capitol	9
United States Capitol Police	8
GPO - [redacted]	**25**
Office of the Architect of the Capitol	25
HOB - [redacted]	**2**
Office of the Architect of the Capitol	2
HOB - [redacted]	**110**
Chief Administrative Officer	14
Office of the Architect of the Capitol	96
HOB - [redacted]	**4**
Office of the Architect of the Capitol	4
HOB - [redacted]	**115**
Chief Administrative Officer	23
Congressional Budget Office	1
Office of House Employment Counsel	1
Office of the Architect of the Capitol	90
HOB - [redacted]	**89**
Chief Administrative Officer	10
Office of the Architect of the Capitol	79

APPENDIX B: NUMBER OF FINDINGS IN INSPECTED FACILITIES
113th Congress

FACILITY	NO. OF FINDINGS
HOB - [redacted]	**306**
Chief Administrative Officer	50
Office of the Architect of the Capitol	253
Office of the Attending Physician	1
United States Capitol Police	2
HOB - [redacted]	**77**
Chief Administrative Officer	48
Office of the Architect of the Capitol	29
[redacted]	**1**
Office of the Architect of the Capitol	1
LOC - [redacted]	**1**
Library of Congress	1
LOC - [redacted]	**17**
Library of Congress	2
Office of the Architect of the Capitol	15
LOC - [redacted]	**343**
Library of Congress	42
Office of the Architect of the Capitol	301
LOC - [redacted]	**84**
Library of Congress	9
Office of the Architect of the Capitol	75
LOC - [redacted]	**54**
Library of Congress	54
LOC - [redacted]	**21**
Library of Congress	21
LOC - [redacted]	**8**
Library of Congress	2
Office of the Architect of the Capitol	6
LOC - [redacted]	**451**
Library of Congress	25
Office of the Architect of the Capitol	422
United States Capitol Police	4
LOC NAVCC - [redacted]	**25**
Library of Congress	5
Office of the Architect of the Capitol	20
LOC NAVCC - [redacted]	**1**
Office of the Architect of the Capitol	1

APPENDIX B: NUMBER OF FINDINGS IN INSPECTED FACILITIES
113th Congress

FACILITY	NO. OF FINDINGS
LOC NAVCC - [redacted]	**7**
Office of the Architect of the Capitol	7
MISC – [redacted]	**1**
Office of the Architect of the Capitol	1
SC - [redacted]	**49**
Office of the Architect of the Capitol	49
Office of the Architect of the Capitol	1
SOB - [redacted]	**6**
Office of the Architect of the Capitol	6
SOB - [redacted]	**9**
Office of the Architect of the Capitol	9
SOB - [redacted]	**144**
Office of the Architect of the Capitol	144
Senate Sergeant at Arms	1
SOB - [redacted]	**121**
Office of the Architect of the Capitol	121
SOB - [redacted]	**9**
Architect of the Capitol	9
SOB - [redacted]	**14**
Office of the Architect of the Capitol	14
SOB - [redacted]	**122**
Office of the Architect of the Capitol	122
SOB - [redacted]	**14**
Office of the Architect of the Capitol	14
SOB - [redacted]	**13**
Office of the Architect of the Capitol	13
SOB - [redacted]	**14**
Office of the Architect of the Capitol	14
[redacted]	**3**
U.S. Commission on International Religious Freedom	3
USCP - [redacted]	**12**
Office of the Architect of the Capitol	9
United States Capitol Police	3
USCP - [redacted]	**11**
Office of the Architect of the Capitol	8
United States Capitol Police	3
USCP - [redacted]	**9**

APPENDIX B: NUMBER OF FINDINGS IN INSPECTED FACILITIES
113th Congress

FACILITY	NO. OF FINDINGS
Office of the Architect of the Capitol	5
United States Capitol Police	4
USCP - [redacted]	**12**
Office of the Architect of the Capitol	10
United States Capitol Police	2
USCP – [redacted]	**6**
Office of the Architect of the Capitol	3
United States Capitol Police	3
USCP- [redacted]	**10**
United States Capitol Police	10
USCP- [redacted]	**11**
United States Capitol Police	**11**
Grand Total	**2869**

Appendix C: Comments from the Architect of the Capitol

Safety, Fire, and Environmental Programs Office
Ford House Office Building, Room H2-571
Washington, DC 20515

www.aoc.gov

June 26, 2015

Ms. Amy Dunning
General Counsel
Office of Compliance
110 Second Street, SE
Room LA-200, John Adams Building
Washington, D.C. 20540-1999

Subject: Comments to Draft Report on Occupational Safety and Health Inspections during the 112th and 113th Congress; letter from Mr. John Uelmen of your staff dated April 23, 2015

Dear Ms. Dunning:

The Architect of the Capitol (AOC) is pleased to provide a response to the Office of Compliance's Draft Report on Occupational Safety and Health (OSH) Inspections during the 112th and 113th Congress dated April 23, 2015. The AOC's commitment to enhancing safety and health has resulted in substantial progress and many accomplishments as presented in the enclosed AOC Significant Accomplishments Report. Examples include:

- Completion of 79 Facility Life Safety/Egress and Fire Protection Projects
- Completion of 13 Health & Safety Projects
- Closed 78% of the 113th Congress Biennial OSH Inspection Findings
- Achieved injury and illness rate reductions of 25% for total cases and by 21% for lost time cases
- Continued provision of safety and environmental health training to protect our employees and to support AOC's mission

The AOC strives to ensure outstanding stewardship of our nation's assets. Our mission is to facilitate the legislature and judicial business of Congress and the Supreme Court, and promote a safe, healthy and secure environment through the efficient use of resources, integrated facility planning, and sustainable practices. Additionally, we strive to provide extraordinary services to our customers and visitors in order to inspire memorable experiences that educate, inform and enrich their lives.

Also enclosed on a compact disc are updated AOC biennial OSH inspection findings reports, as requested. AOC has made a concerted effort to address OOC OSH findings in a timely manner and this is confirmed by the number of findings that have been closed to date.

Should you have any further questions or comments, please contact Bernie Denno at 202.226.0608 or myself at 202.226.0630.

Sincerely,

FOR Susan P. Adams
Director of Safety, Fire and Environmental Programs

Enclosures: 1) AOC Significant Accomplishments in Occupational Safety and Health – 112th and 113th Congresses
2) AOC Updated Occupational Safety and Health Findings Reports – CD

AOC Significant Accomplishments in Occupational Safety and Health (OSH) 112th and 113th Congresses

The Architect of the Capitol (AOC) is pleased to provide a response to the Office of Compliance's Draft Report on Occupational Safety and Health Inspections during the 112th and 113th Congresses dated April 23, 2015. The AOC's commitment to enhancing safety has resulted in substantial progress in this area and has produced many worthy accomplishments during these Congresses. The AOC's mandate is to ensure outstanding stewardship of our nation's assets to facilitate legislature and judicial business and promote a safe, healthy, and secure environment through the efficient use of resources, integrated facility planning, and sustainable practices. Additionally, we strive to provide extraordinary services to our customers and visitors in order to inspire memorable experiences that educate, inform and enrich their lives.

A. [redacted]

FY 2011 to FY 2014

Table 1: September 2014 [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	Comments
[redacted]				[redacted]
	[redacted]			[redacted]
[redacted]	[redacted]	[redacted]		[redacted]
	[redacted]			

ENCLOSURE 1

Appendix C: Comments from the Architect of the Capitol

[redacted]	[redacted]	[redacted]	[redacted]	Comments
	[redacted]			[redacted]
	[redacted]			[redacted]
	[redacted]			[redacted]
[redacted]	[redacted]			[redacted]
	[redacted]			[redacted]
	[redacted]			[redacted]
	[redacted]			[redacted]
	[redacted]			[redacted]
	[redacted]			[redacted]
	[redacted]			[redacted]
[redacted]	[redacted]			[redacted]
	[redacted]			[redacted]

Appendix C: Comments from the Architect of the Capitol

[redacted]

Appendix C: Comments from the Architect of the Capitol

[redacted]

Table 2a – [redacted]

[redacted]

Table 2b – [redacted]

[redacted]

Appendix C: Comments from the Architect of the Capitol

Table 2c – [redacted]

[redacted]

Table 2d – [redacted]

[redacted]

Appendix C: Comments from the Architect of the Capitol

Table 2e – [redacted]

[redacted]

Table 2f - [redacted]

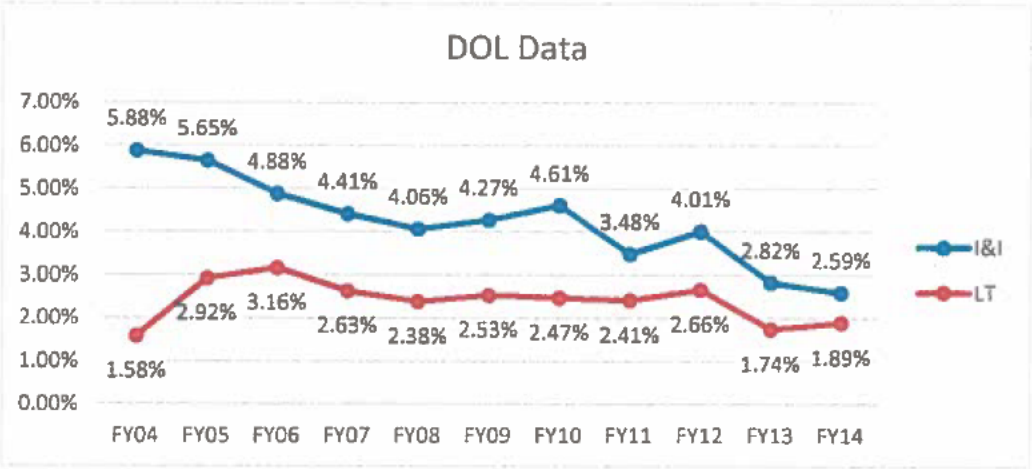
[redacted]

[redacted]

C. AOC Injury and Illnesses Information Update FY11 - 14

The AOC total injury and illness case rate was reduced from 2.82 to 2.59 injuries reported per 100 employees during FY14; an 8.2% reduction. The AOC lost time injury and illness case rate saw an 8.6% increase during the same period. During the comparable reporting period of the 112th and 113th Congresses, the AOC achieved injury and illness rate reductions of 25% for all cases, and a 21% reduction in lost time cases. Since FY04, our overall injury and illness case rate has been reduced by nearly 60%.

Table 3: Historical AOC Injury and Illness Rates



To achieve these results, the AOC has focused on increasing employee safety awareness and encouraging safety interactions to improve our safety culture through *Safety 24/7* and *See Something, Say Something*! messaging. The Agency has continued to focus on incident investigations, root cause analysis, and corrective actions to address the root causes and contributing conditions that result in incidents, injuries and near-hit occurrences through our incident reporting and trends analysis. Looking forward, the Agency will be pursuing opportunities to improve our inspection and auditing practices, will be developing and implementing leading safety indicators and practices to further assess and improve upon safety culture, program implementation, and the sharing of best practices and lessons learned.

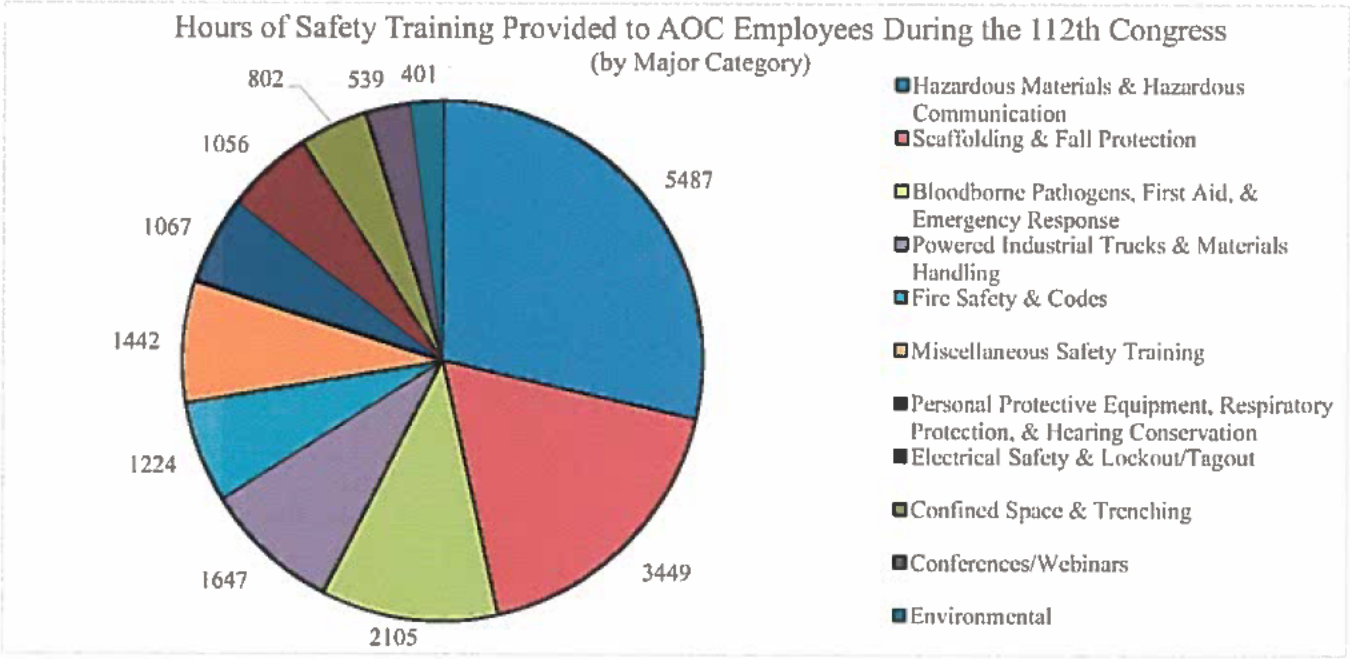
Safety Observations and Reflections – Behavior Based Safety Initiative

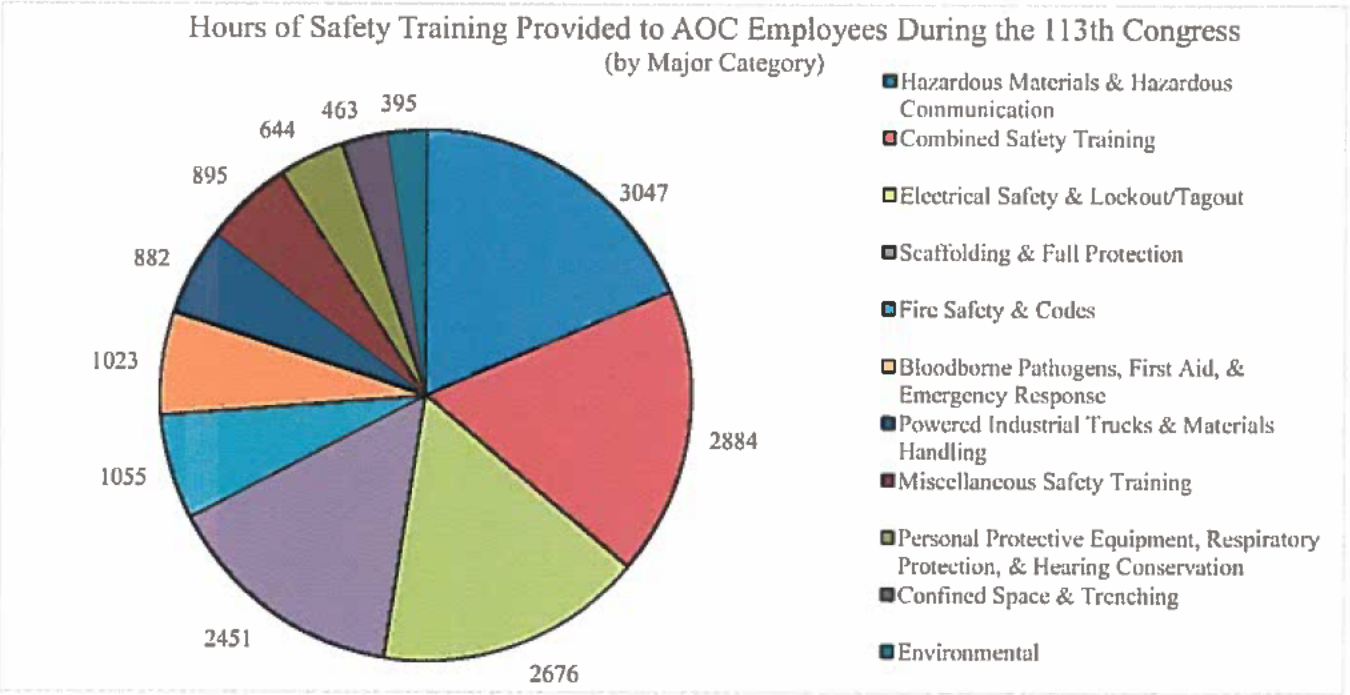
A goal of the AOC is to have a workplace free of accidents/incidents. To this end, in FY 2014 the AOC embarked on a behavior based safety pilot training initiative called Safety Observations and Reflections (SOAR). With the goal of empowering all employees, with a special emphasis on supervisors, SOAR provides tools that foster overall improvements with communications, teamwork, and compliance with procedures. Looking forward, the AOC has plans to provide SOAR training to all employees in FY16 – FY 17.

D. Architect of the Capitol Safety Training

The majority of the formal AOC Safety Training was targeted at our blue color workforce (including laborers, custodians, and other skilled trades shop employees). The following charts show the hours of safety training by major category that was provided during the 112th and 113th Congresses.

Table 4: Safety Training Provided to AOC Employees during the 112th and 113th Congress





E. OSH Citation and Case Updates FY11-FY14

Twenty (20) OOC OSH Cases were closed during the 112th and 113th Congresses. Additionally, the AOC Utility Distribution System Settlement Agreement with the OOC was closed in FY12. The AOC continues to work cooperatively with the Office of Compliance to update, track and pursue abatement and closure of pre-existing Citations and OSH Cases.

AOC is currently managing Nine (9) open OOC Cases. There have been no new Citations issued against the AOC since July 7, 2009. The current AOC Citation Status for these cases entails a total of [redacted] collaborate towards mutually beneficial improvements in these areas and has held several technical discussions with the OOC during FY11 – FY14.

F. Findings from the 112th and 113th Biennial Inspections

Much effort on the part of AOC employees has resulted in 78% of the 2,139 Biennial Inspection Findings for Major Congressional Office Buildings to be closed, contested, or re-assigned during the 113th Congress. Any remaining open 112th Congress Biennial Inspection findings are prioritized for closure actions by the respective jurisdiction.

Table 5: Status of Findings Generated During the 113th Biennial Inspections

[redacted]	Findings	% Closed, Contested, or Re-Assigned Internally
[redacted]	1	100%
	10	100%
	9	89%
	1	100%
	7	100%
	90	98%
	1	100%
	6	83%
	38	100%
	2	100%
	1	100%
	4	100%
	15	47%
	4	50%
	36	94%
	9	89%
	3	100%
	1	100%
	1	100%
	16	88%
	8	88%
	2	100%
	28	93%

Appendix C: Comments from the Architect of the Capitol

[redacted]	Findings	% Closed, Contested, or Re-Assigned Internally
[redacted]	7	100%
	3	100%
	1	100%
	5	80%
	1	100%
	2	100%
	2	100%
	2	50%
	1	100%
	195	99%
	2	50%
	64	95%
	76	97%
	61	97%
	9	89%
	1	100%
	302	73%
	71	83%
	421	40%
	14	93%
	6	100%
	23	96%
	1	100%
	7	100%
	21	100%
	9	89%
	12	83%
	1	100%
	2	100%
	8	100%
	8	100%
	4	100%
	10	100%
	3	100%

Appendix C: Comments from the Architect of the Capitol

[redacted]		Findings	% Closed, Contested, or Re-Assigned Internally
[redacted]		20	75%
		4	100%
		4	100%
		3	100%
		2	100%
		1	100%
		2	100%
		21	67%
		1	0%
		138	92%
		118	72%
		5	40%
		121	85%
		1	100%
		14	79%
	Total	**2,139**	**78%**

Office of Compliance Guidelines for Risk Assessment Codes (RACs) - July 29, 2004

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	
Unlikely to occur (D)	RAC 3	RAC 4		

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	
Unlikely (D)	RAC 3	RAC 4		

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 < OEL	≥ AL, but < OEL	≥ OEL
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 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 OELs.

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

Guidance for Applying Risk Assessment Codes (RACs)

Apply RACs to Hazardous Conditions, Not to Generic Violation Categories

Inspectors should not attempt to match a RAC with a specific description of a violation without considering the conditions in which the violation exists. In other words, they should make no attempt to be consistent in assigning the same RAC to the same violation, unless the conditions involved in the violation are also consistent.

Example: A violation for exposure to asbestos in the air could result in a RAC 1, 2, 3, 4 or 5, depending on the conditions. Exposure to asbestos below the action level with no other contamination would have 8 medical-effects points and, therefore, a Severity Category of III. If a maintenance worker enters a closet with that level of asbestos for a couple of hours a month, the total Health Hazard Probability points would be 4, which would equate to "Unlikely." The resulting RAC would be 5, which would be *de minimis.*

On the other hand, if a group of 6 people has that same asbestos exposure (below the AL with no other contamination) every workday, then the Health Hazard Probability points would be 11, which would equate to "Probable." The resulting RAC would be 3.

Apply RACs to "Covered Employees"

Because the scope of OOC's occupational safety and health inspections is limited to hazards to employees covered under the Congressional Accountability Act, our RACs are based only on those hazards. While other organizations might use RACs to track risks for the public or for potential facility damage, OOC RACs will not cover those types of hazards.

Example: A guardrail does not meet either the OSHA criteria to protect employees or the building code requirements to protect the general public. If the spacing between the railings poses a low risk for employees but a high risk for children, our RAC would be based on the low employee risk rather than the higher risk for members of the public.

Applying RACs for Unknown Exposure Conditions

When employees use substances that could expose them to hazardous levels but the employer has not measured or modeled the exposure, the inspector will need to either sample or estimate the level of exposure to determine the appropriate RAC. Unfortunately, odor levels and irritant levels can rarely be used to indicate levels that are hazardous; therefore, other means will usually be needed to estimate exposure levels.

The specific substance standards in 29 CFR Subpart Z that include permissible exposure limits (PELs) require the employer to determine the exposure level. They also require the employer to protect employees as though exposures exceed the PEL until exposure monitoring demonstrates otherwise. For violations of these standards, calculate the RAC using points for exposures above the PEL, unless there is a clear indication that exposures are less than the PEL.

For substances that do not have specific standards in Subpart Z, the inspector can use judgment

and experience to estimate the potential exposure after reviewing the method of application or use, vapor pressure of the material, process temperature, amount and rate of use, and volume of the area where the substance is used.

Applying a RAC for a Condition Having Multiple Risks

A violation will often have multiple potential outcomes. Examples include:

- Methylene chloride can cause both loss of consciousness during intermittent short-term exposures and long-term exposures can produce cancer.
- Many electrical violations can result in minor shock, major injury, death, localized fires or major facility fires.

To determine the appropriate RAC for such a violation, we look at two scenarios and use the highest RAC between them. We look at the scenario most likely to occur and determine that RAC. Then we look at the scenario with the most severe effects and determine that RAC. The highest of these two RACs (lowest number on our scale) is assigned to the violation.

Do Not Use RACs to Dictate an Abatement Schedule

A RAC provides information about the relative risk. More serious RACs (RAC 1 and RAC 2) should justify more resources and attention to correct hazards than less serious RACs (RAC 3 and RAC 4). We do not, however, use RACs to indicate a time-line for correcting a violation. If a RAC 4 violation can be corrected simply by eliminating an extension cord or by removing an obstruction, then the violation should be corrected immediately.

Do Not Reduce RACs to Reflect Reduced RACs for Interim Control Measures

Conditions that have been assigned serious RACs should usually require the employment of interim control measures. These measures should reduce the probability or severity of an injury or illness and result in a less serious (higher number) RAC. Employing offices will normally adjust these RACs as a part of managing their safety programs.

The OOC does not participate in adjusting RACs unless we receive a formal request to assist with this process.

Apply RACs to Direct, Indirect and Root Causes of Hazards

It is axiomatic that hazards, illnesses, and injuries usually have multiple causes and sources. Correcting a direct cause will physically eliminate the hazard or violation. For example, replacing a chemical that produces hazardous exposures with a chemical that does not produce such exposures addresses the direct cause of the hazard.

RACs also apply to indirect and root causes of hazards. Examples of indirect causes include missing MSDSs that would inform employees of hazardous materials that are otherwise not known, training that has not covered the procedures needed to avoid a hazard, lack of guidance regarding safe processes, an inadequate program in which the missing elements would reduce or eliminate the direct causes, etc.

Typical Examples of Risk Assessment Codes

Table 9 describes several sets of violations and conditions to show how we assign the RACs. These examples are instructional; therefore, no policy is implied by the conditions and hazards included in this table.

Table 9. Typical Examples of Risk Assessment Codes (RACs)

Violations, Conditions, and Potential Hazards	Severity	Probability	RAC
Energized junction box is missing a cover. The box is within 8 feet of the floor and poses a potential electrocution hazard upon contact in a work area or frequently-used walkway or corridor.	I	C	2
Energized junction box is missing a cover. The box is within 8 feet of the floor and poses a potential electrocution hazard upon contact but is not located in a work area or frequently-used walkway or corridor.	I	D	3
Energized junction box is missing a cover. The box is more than 8 feet from the floor (relatively inaccessible) and has flammable materials near the location, and poses a limited fire hazard..	III	B	3
Fire extinguisher not inspected or maintained. It is not located in a sprinkler-protected area and a fire would pose a fire hazard with no protective measures.	III	B	3
Fire extinguisher not inspected or maintained. It is located in a sprinkler-protected area and a fire would pose a fire hazard with incomplete protective measures.	III	C	4
A confined space exists with a potential atmospheric hazard. The space is not labeled or marked as a permit required space; no entry program has been developed. No known entries have been made but the space is accessible and it could pose an inhalation hazard.	I	C	2
A confined space exists with a potential atmospheric hazard. The space is not labeled or marked as a permit-required space; no entry program has been developed. Entries have been made without protective measures, posing a likely inhalation hazard.	I	B	1
3 or 4 employees use methylene chloride (carcinogen) for more than 30 hours a week at levels above the PEL with poor ventilation, no respiratory protection, and no PPE to prevent potential skin exposure.	Table 3 = 9 Table 4 = 7 Total = 16 Severity I	Table 6 = 2 Table 7 = 8 Total = 10 Probable	1
5 or 6 employees use methylene chloride very infrequently at levels above the PEL with poor ventilation, no respiratory protection, and no PPE to prevent potential skin exposure.	Table 3 = 9 Table 4 = 7 Total = 16 Severity I	Table 6 = 3 Table 7 = 1 Total = 4 Unlikely	3

OFFICE OF COMPLIANCE

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

Recorded Information Line: 202.724.9260
Phone: 202.724.9250
Fax: 202.426.1663
TDD: 202.426.1912