



NATIONAL SAFETY COUNCIL

Position/Policy Statement **Adoption of Safety Regulations and Recommended Practices for State and Local Government Workers**

NSC Position:

The National Safety Council believes that state and local government employees should have the same baseline protections provided to their private sector counterpart, which, at a minimum, meet federal OSHA standards.

Background

In 1971, the Occupational Safety and Health Administration (OSHA) was created to set and enforce protective workplace safety and health standards. Since then, workplace fatalities have fallen from nearly 14,000 per year to approximately 4,836 while the workforce has doubled in size.¹²

There are 26 states and 2 territories that have established their own OSHA-approved State Plan which has been determined to be “At least as Effective” as the Federal program. Twenty-one of these states and one territory administer state plans covering both private and public sector employees, while the remaining 5 states and one territory cover only public sector employees³.

Private sector industries in 24 states are regulated by Federal OSHA. Under the Federal program, private sector employers must comply with the Federal standards while state and local government employers are not covered. This means that in many public sector operations, employees are executing the same jobs/tasks with the same hazards as the private sector without the same protections.

Facts

- State and local government injury rates are higher than that of the private sector, 5.1 per 100 fulltime workers compared to 3.0 for the private sector⁴.
- Days away, restricted and transferred (DART) case rates are 1.6 for the private sector compared to 2.4 for the public sector; likewise, the Days Away from Work (DAFW) case

¹ <https://www.osha.gov/osha40/timeline.html>, <https://www.bls.gov/news.release/cfoi.nr0.htm>

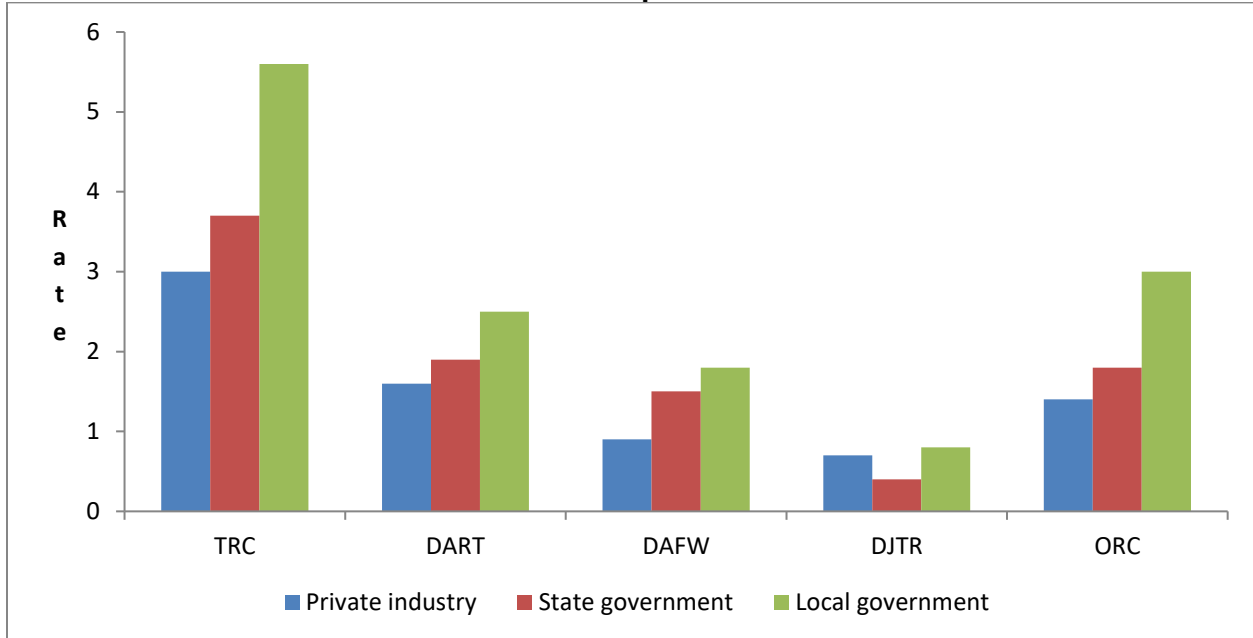
² National Safety Council, *Injury Facts 2017*

³ <https://www.osha.gov/dcsp/osp/index.html>

⁴ National Safety Council, *Injury Facts 2017*

rates are considerably higher in the public sector -- 1.7 for state and local government workers compared to 0.9 for the private sector.

Recordable Case Rate Comparison⁵



TRC = total recordable cases
 DART = days away, restrictions and transfers cases
 DAFW = days away from work cases
 DJTR = days of job transfer or restriction only cases
 ORC = other recordable cases

Conclusion

All private sector employers in the nation are regulated by either the Federal OSHA program or an OSHA-approved state plan (which must – at a minimum – be “at least as effective” as the Federal program). The Federal program does not regulate state and local government employers, therefore, public sector employers in twenty-four states are not regulated to a federal standard, leaving them without the same access to protections as the private sector.

It is clear that state and local government employers have higher injury rates than private sector employers, and that these state and local government employers are not always held to the same safety standards. The National Safety Council supports the adoption of legislation, policies, and standards to bring a baseline of protection to public sector employees that is at minimum equal to the protections provided by Federal OSHA.

This position statement reflects the opinions of the National Safety Council but not necessarily those of each member organization.

Adopted by the National Safety Council, 2018

⁵ Ibid.