

**Occupational Safety and Health Administration
 Directorate of Whistleblower Protection Programs (DWPP)
 Whistleblower Statutes Desk Aid**

Act/OSHA Regulation	Days to file	Respondents covered	Days to complete	Kick-Out Provision	Allowable Remedies				Appeal		Burden of Proof
					Backpay	Preliminary Reinstatement	Compensatory	Punitive	Days	Venue	
Section 11(c) of the Occupational Safety & Health Act (OSHA) (1970) [29 U.S.C. § 660(c)]. Protects employees from retaliation for exercising a variety of rights guaranteed under the Act, such as filing a S&H complaint with OSHA or their employers, participating in an inspection, etc. 29 CFR 1977	30	Private sector U.S. Postal Service Certain tribal employers	90	No	Yes	No	Yes	Yes	15	OSHA	But for
Asbestos Hazard Emergency Response Act (AHERA) (1986) [15 U.S.C. § 2651]. Protects employees from retaliation for reporting violations of the law relating to asbestos in public or private non-profit elementary and secondary school systems. 29 CFR 1977	90	Private sector State and local government Certain DoD schools Certain tribal schools	90	No	Yes	No	Yes	Yes	15	OSHA	But for
International Safe Container Act (ISCA) (1977) [46 U.S.C. § 80507]. Protects employees from retaliation for reporting to the Coast Guard the existence of an unsafe intermodal cargo container or another violation of the Act. 29 CFR 1977	60	Private sector Local government Certain state government and interstate compact agencies	30	No	Yes	No	Yes	Yes	15	OSHA	But for
Surface Transportation Assistance Act (STAA) (1982) [49 U.S.C. § 31105]. Protects truck drivers and other covered employees from retaliation for refusing to violate regulations related to the safety or security of commercial motor vehicles or for reporting violations of those regulations, etc. 29 CFR 1978	180	Private sector	60	210	Yes	Yes	Yes	Yes 250K cap	30	ALJ	Contributing

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Safe Drinking Water Act (SDWA) (1974) [42 U.S.C. § 300j-9(i)]. Protects employees from retaliation for, among other things, reporting violations of the Act, which requires that all drinking water systems assure that their water is potable as determined by the Environmental Protection Agency. 29 CFR 24	30	Private sector Federal, state and municipal Indian tribes	30	No	Yes	No	Yes	Yes	30	ALJ	Motivating
Federal Water Pollution Control Act (FWPCA) (1972) [33 U.S.C. § 1367]. Protects employees from retaliation for reporting violations of the law related to water pollution. This statute is also known as the Clean Water Act. 29 CFR 24	30	Private sector State and municipal Indian tribes Federal sovereign immunity bars investigation of FWPCA complaints filed by federal employees	30	No	Yes	No	Yes	No	30	ALJ	Motivating
Toxic Substances Control Act (TSCA) (1976) [15 U.S.C. § 2622]. Protects employees from retaliation for reporting alleged violations relating to industrial chemicals currently produced or imported into the United States and supplements the Clean Air Act (CAA) and the Toxic Release Inventory under Emergency Planning & Community Right to Know Act (EPCRA). 29 CFR 24	30	Private sector	30	No	Yes	No	Yes	Yes	30	ALJ	Motivating
Solid Waste Disposal Act (SWDA) (1976) [42 U.S.C. § 6971]. Protects employees from retaliation for reporting violations of the law that regulates the disposal of solid waste. This statute is also known as the Resource Conservation and Recovery Act. 29 CFR 24	30	Private sector Federal, state and municipal Indian tribes	30	No	Yes	No	Yes	No	30	ALJ	Motivating

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Clean Air Act (CAA) (1977) [42 U.S.C. § 7622]. Protects employees from retaliation for reporting violations of the Act, which provides for the development and enforcement of standards regarding air quality and air pollution. 29 CFR 24	30	Private sector Federal, state and municipal	30	No	Yes	No	Yes	No	30	ALJ	Motivating
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (1980) [42 U.S.C. § 9610] A.k.a. "Superfund," this statute protects employees from retaliation for reporting violations of regulations involving accidents, spills, and other emergency releases of pollutants into the environment. The Act also protects employees who report violations related to the clean-up of uncontrolled or abandoned hazardous waste sites. 29 CFR 24	30	Private sector Federal, state and municipal	30	No	Yes	No	Yes	No	30	ALJ	Motivating

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<p>Energy Reorganization Act of 1974 (ERA) [42 U.S.C. § 5851]. Protects certain employees in the nuclear industry from retaliation for reporting violations of the Atomic Energy Act. Protected employees include employees of operators, contractors and subcontractors of nuclear power plants licensed by the Nuclear Regulatory Commission, and employees of contractors working with the Department of Energy under a contract pursuant to the Atomic Energy Act. 29 CFR 24</p>	180	<p>The statute provides coverage of NRC contractors and subcontractors; NRC licensees and applicants for licenses, including contractors and subcontractors; agreement state licensees and applicants for licenses from agreement states, including their contractors and subcontractors; and DOE contractors and subcontractors. The ARB has held that the statute covers the Tennessee Valley Authority (TVA), a licensee of the NRC, since Congress included a broad “sue or be sued” clause in the Act that created the TVA. However, ARB case law indicates federal sovereign immunity likely bars investigation of ERA complaints filed against the NRC and DOE themselves and does bar investigation of ERA complaints filed against any other federal agency that does not have a “sue or be sued” clause like the TVA or other clear waiver of sovereign immunity.</p>	30	365	Yes	No	Yes	No	30	ALJ	Contributing

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Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21) (2000) [49 U.S.C. § 42121]. Protects employees of air carriers and contractors and subcontractors of air carriers from retaliation for, among other things, reporting violations of laws related to aviation safety. 29 CFR 1979	90	Air carriers and their contractors and subcontractors	60	No	Yes	Yes	Yes	No	30	ALJ	Contributing
Sarbanes-Oxley Act (SOX) (2002) [18 U.S.C. § 1514A]. Protects employees of certain companies from retaliation for reporting alleged mail, wire, bank or securities fraud; violations of the SEC rules and regulations; or violations of federal laws related to fraud against shareholders. The Act covers employees of publically traded companies, including those companies' subsidiaries, and employees of nationally recognized statistical rating organizations, as well as contractors, subcontractors, and agents of these employers. 29 CFR 1980	180	Companies registered under §12 or required to report under §15(d) of the SEA and their consolidated subsidiaries or affiliates, contractors, subcontractors, officers, and agents, and nationally recognized statistical rating organizations	60	180	Yes	Yes	Yes	No	30	ALJ	Contributing
Pipeline Safety Improvement Act (PSIA) (2002) [49 U.S.C. § 60129]. Protects employees from retaliation for reporting violations of federal laws related to pipeline safety and security or for refusing to violate such laws. 29 CFR 1981	180	Private sector employers, states, municipalities, and individuals owning or operating pipeline facilities, and their contractors and subcontractors	60	No	Yes	Yes	Yes	No	60	ALJ	Contributing

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<p>Federal Railroad Safety Act (FRSA [49 U.S.C. § 20109]. Protects employees of railroad carriers and their contractors and subcontractors from retaliation for reporting a work-place injury or illness, a hazardous safety or security condition, a violation of any federal law or regulation relating to railroad safety or security, or the abuse of public funds appropriated for railroad safety. In addition, the statute protects employees from retaliation for refusing to work when confronted by a hazardous safety or security condition. 29 CFR 1982</p>	180	Railroad carriers and their contractors, subcontractors, and officers	60	210	Yes	Yes	Yes	Yes 250K Cap	30	ALJ	Contributing
<p>National Transit Systems Security Act (NTSSA [6 U.S.C. §1142]. Protects transit employees from retaliation for reporting a hazardous safety or security condition, a violation of any federal law relating to public transportation agency safety, or the abuse of federal grants or other public funds appropriated for public transportation. The Act also protects public transit employees from retaliation for refusing to work when confronted by a hazardous safety or security condition, or refusing to violate a federal law related to public transportation safety. 29 CFR 1982</p>	180	Public transportation agencies and their contractors and subcontractors, and officers	60	210	Yes	Yes	Yes	Yes 250K Cap	30	ALJ	Contributing

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Consumer Product Safety Improvement Act (CPSIA) (2008) [15 U.S.C. § 2087]. Protects employees from retaliation for reporting to their employer, the federal government, or a state attorney general reasonably perceived violations of any statute or regulation within the jurisdiction of the Consumer Product Safety Commission (CPSC). CPSIA covers employees of consumer product manufacturers, importers, distributors, retailers, and private labelers. 29 CFR 1983	180	Manufacturing, private labeling, distribution, and retail employers in the United States	60	210 or within 90 days of OSHA finding	Yes	Yes	Yes	No	30	ALJ	Contributing
Affordable Care Act (ACA) (2010) [29 U.S.C. § 218c]. Protects employees from retaliation for reporting violations of any provision of title I of the ACA, including but not limited to discrimination based on an individual's receipt of health insurance subsidies, the denial of coverage based on a preexisting condition, or an insurer's failure to rebate a portion of an excess premium. 29 CFR 1984	180	Private and public sector employers	60	210 or within 90 days of OSHA finding	Yes	Yes	Yes	No	30	ALJ	Contributing
Seaman's Protection Act (SPA) [46 U.S.C. § 2114]. Protects seamen from retaliation for reporting to the Coast Guard or another federal agency a violation of a maritime safety law or regulation. Among other things, the Act also protects seamen from retaliation for refusing to work when they reasonably believe an assigned task would result in serious injury or impairment of health to themselves, other seamen, or the public. 29 CFR 1986	180	Private-sector and State and local government employers—vessel on which seaman was employed must be American-owned (including U.S. Flagged), as defined; world-wide coverage	60	210	Yes	Yes	Yes	Yes 250 K Cap	30	ALJ	Contributing

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Consumer Financial Protection Act (CFPA) (2010) [12 U.S.C. § 5567]. Protects employees performing tasks related to consumer financial products or services from retaliation for reporting reasonably perceived violations of any provision of title X of the Dodd-Frank Act or any other provision of law that is subject to the jurisdiction of the Bureau of Consumer Financial Protection, or any rule, order, standard, or prohibition prescribed by the Bureau. 29 CFR 1985	180	Any person engaged in offering or providing a consumer financial product or service, a service provider to such person, or such person's affiliate acting as a service provider to it	60	210 or within 90 days of OSHA finding	Yes	Yes	Yes	No	30	ALJ	Contributing
FDA Food Safety Modernization Act (FSMA) (2011) [21 U.S.C. § 399d]. Protects employees of food manufacturers, distributors, packers, and transporters from retaliation for reporting a violation of the Food, Drug, and Cosmetic Act, or a regulation promulgated under the Act. Employees are also protected from retaliation for refusing to participate in a practice that violates the Act. 29 CFR 1987	180	Any entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food	60	210 or within 90 days of OSHA finding	Yes	Yes	Yes	No	30	ALJ	Contributing
Section 31307 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) (2012) . [49 U.S.C. § 30171]. <i>Protects employees from retaliation by motor vehicle manufacturers, part suppliers, and dealerships for providing information to the employer or the U.S. Department of Transportation about motor vehicle defects, noncompliance, or violations of the notification or reporting requirements enforced by the National Highway Traffic Safety Administration (NHTSA), or for engaging in related protected activities as set forth in the provision.</i> 29 CFR 1988	180	Motor vehicle manufacturer, part supplier, or dealership	60	210	Yes	Yes	Yes	No	30	ALJ	Contributing