

Occupational Safety and Health Administration (OSHA)
Whistleblower Protection Program (WPP)
Whistleblower Statutes Summary Chart

Overview: OSHA enforces over 20 whistleblower protection statutes. This chart outlines each of the whistleblower protection statutes enforced by OSHA. The summaries are not comprehensive. However, they should help you identify which statutes may apply to a particular circumstance. More detailed information about each statute is available in the statute specific desk aid (linked where available) and at www.whistleblowers.gov. There may be a delay between the publication of significant decisions or other authority under the whistleblower protection statutes and the modification of this chart. The Federal Register, the Code of Federal Regulations, and decisions of the Department of Labor’s Administrative Review Board remain the official sources for the views of the Secretary of Labor on the interpretation of the whistleblower protection statutes listed. Additional statute comparison charts may be found on pages 9 - 10.

Act / OSHA Regulation ¹	Days to file ²	Respondent Coverage	ECP ³	Kick-Out ⁴	Allowable Remedies			Appeal / RFR		Causation Standard ⁵
					Reinstatement Backpay Compensatory	Preliminary Reinstatement	Punitive	Days	Venue	
Section 11(c) of the OSH Act* Protects employees from retaliation for engaging in activity related to workplace safety and health, such as filing a safety or health complaint with OSHA, other agencies, or management, causing an OSH Act proceeding to be instituted or participating in such a proceeding, or reporting a work-related injury or illness. 29 USC § 660(c) 29 CFR 1977 Desk Aid *State Plans enforce a Section 11(c) analog [website]	30	Private-sector employers; U.S. Postal Service; Tribal commercial enterprises. ⁶	No	No	Yes	Yes ⁹	Yes	15	OSHA ⁸	But For
ACA - Affordable Care Act Protects employees from retaliation for engaging in protected activity, such as reporting potential violations of Title I of ACA (which include the ACA’s health insurance market reforms) or receiving a premium tax credit or a cost-sharing reduction subsidy when buying health insurance through a Marketplace. 29 USC § 218C 29 CFR 1984 Desk Aid	180	Private and public sector employers.	60	210 or within 90 ⁷ days of OSHA findings	Yes	Yes	No	30	OALJ	Contributing Factor
AHERA - Asbestos Hazard Emergency Response Act Protects employees and representatives of employees of educational agencies from retaliation for reporting potential violations of environmental laws relating to asbestos in elementary and secondary schools. 15 USC § 2651 29 CFR 1977 Desk Aid	90	State and local educational agencies that supervise Public and Private Nonprofit Elementary or Secondary Schools; Certain Indian Schools; DOD Dependents; Education System Schools.	No	No	Yes	Yes ⁹	Yes	15	OSHA ⁸	But For

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AIR21 - Wendell H. Ford Aviation Investment and Reform Act for the 21st Century Protects employees against retaliation for engaging in protected activity, such as providing information relating to any violation or alleged violation of any order, regulation, law, or standard of the FAA or any other provision of federal law relating to aviation safety. 49 USC § 42121 29 CFR 1979 Desk Aid	90	Air carriers (holders of certificates under 49 USC § 44705); Aircraft manufacturers and designers (holders of certificates under 49 USC § 44704); Contractors, subcontractors, and suppliers of these certificate holders.	60	No	Yes	Yes	No	30	OALJ	Contributing Factor
AMLA - Anti-Money Laundering Act Protects employees from retaliation for engaging in protected activity, such as reporting potential violations of the Bank Secrecy Act, related regulations, criminal money laundering violations, and related financial crimes. 31 USC § 5323(a)(5), (g), and (j) 29 CFR 1992 (pending issuance of final rule)	90	Employers (other than entities subject to section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) or section 213 or 214 of the Federal Credit Union Act (12 U.S.C. 1790b, 1790c).	60	180	Yes 200% of backpay	Yes	No	30	OALJ	Contributing Factor
CAA - Clean Air Act Protects employees from retaliation for engaging in protected activity, such as reporting potential violations relating to emissions from area, stationary, and mobile sources into the air. 42 USC § 7622 29 CFR 24 Desk Aid	30	Employers generally <i>(Please refer to Environmental Statutes Desk Aid for more information about application to governmental entities, including the federal government, states, and Indian tribal governments).</i>	30	No	Yes	No	No	30	OALJ	Motivating Factor
CAARA - Criminal Antitrust Anti-Retaliation Act Protects employees from retaliation for engaging in protected activity, such as reporting violations of criminal antitrust laws, violations of other criminal laws committed in conjunction with potential antitrust law violations, or in conjunction with the DOJ's investigation of potential criminal antitrust law violations. Antitrust laws refer to section 1 or 3 of the Sherman Act. 15 USC § 7a-3 29 CFR 1991 Desk Aid	180	A person (including corporations, associations, and state and local government entities), and any officer, employee, contractor, subcontractor, or agent of such person.	60	180	Yes	Yes	No	30	OALJ	Contributing Factor

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CERCLA – Comprehensive Environmental Response, Compensation and Liability Act Protects employees from retaliation for engaging in protected activity, such as reporting potential violations relating to the clean-up of hazardous waste or superfund sites, as well as reporting accidents, spills, and emergency releases of pollutants into the environment. 42 USC § 9610 29 CFR 24 Desk Aid	30	Persons generally (Please refer to <i>Environmental Statutes Desk Aid</i> for more information about application to governmental entities, including the federal government, states, and Indian tribal governments).	30	No	Yes	No	No	30	OALJ	Motivating Factor
CFPA - Consumer Financial Protection Act Protects employees from retaliation for engaging in protected activity related to the offering or provision of consumer financial products or services, such as providing information relating to any violation of the CFPA or any other provision of law, rule, order, regulation, or standard that is subject to the jurisdiction of the Consumer Financial Protection Bureau (CFPB). 12 USC § 5567 29 CFR 1985 Desk Aid	180	Any person (public or private sector) engaged in offering or providing a consumer financial product or service and certain affiliates and service providers.	60	210 or within 90 ⁷ days of OSHA finding	Yes	Yes	No	30	OALJ	Contributing Factor
CPSIA - Consumer Product Safety Improvement Act Protects employees for engaging in protected activity, such as reporting reasonably perceived violations of any federal consumer product safety law. 15 USC § 2087 29 CFR 1983 Desk Aid	180	Consumer product manufacturers (including importers), private labelers, distributors, and retailers.	60	210 or within 90 ⁷ days of OSHA finding	Yes	Yes	No	30	OALJ	Contributing Factor

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ERA - Energy Reorganization Act Protects employees in the nuclear industry from retaliation for engaging in protected activity, such as reporting violations of the Energy Reorganization Act, the Atomic Energy Act, or regulations under these laws. 42 USC § 5851 29 CFR 24 Desk Aid	180	Licenses of the NRC or an Agreement State and applicants for such licenses; Contractors or subcontractors of licenses (or applicants for licenses) of the NRC or an Agreement State; NRC contractors or subcontractors; DOE contractors and subcontractors that are indemnified by DOE under the AEA (except those covered by Executive Order 12344, which relates to the naval nuclear propulsion program); and the NRC and DOE (however federal sovereign immunity bars claims against these agencies).	30	365	Yes	No	No	30	OALJ	Contributing Factor
FRSA - Federal Railroad Safety Act Protects employees from retaliation for protected activity, such as reporting a workplace 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. The Act also mandates prompt medical attention when requested by an employee. 49 USC § 20109 29 CFR 1982 Desk Aid	180	Railroad carriers and their contractors, subcontractors, and officers and employees.	60	210	Yes	Yes	Yes 250K Cap	30	OALJ	Contributing Factor

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FSMA - FDA Food Safety Modernization Act Protects employees from retaliation for engaging in protected activity, such as providing information relating to any violation or any conduct the employee reasonably believes is a violation of the Food, Drug, and Cosmetic (FD&C) Act. 21 USC § 399d 29 CFR 1987 Desk Aid	180	Entities engaged in the manufacture, processing, packing, transportation, distribution, reception, holding, or importation of food. Covered respondents include restaurants, grocery stores, other retail food establishments, farms, food testing laboratories, and food safety inspection services.	60	210 or within 90 ⁷ days of OSHA finding	Yes	Yes	No	30	OALJ	Contributing Factor
FWPCA - Federal Water Pollution Control Act, a.k.a. the Clean Water Act Protects employees from retaliation for engaging in protected activity, such as reporting potential violations relating to the discharge of pollutants into the waters of the United States. Also regulates water quality standards for surface waters, municipal wastewater treatment systems, and certain vessel discharges. 33 USC § 1367 29 CFR 24 Desk Aid	30	Persons generally <i>(Please refer to Environmental Statutes Desk Aid for more information about application to governmental entities, including the federal government, states, and Indian tribal governments).</i>	30	No	Yes	No	No	30	OALJ	Motivating Factor
ISCA - International Safe Container Act Protects employees from retaliation for reporting to the U.S. Coast Guard, the employer, or others, the existence of unsafe intermodal cargo containers used in international transport and other protected activities. 46 USC § 80507 29 CFR 1977 Desk Aid	60	Private sector companies and individuals, local governments, interstate compact agencies that lack the attributes of state sovereignty.	No	No	Yes	Yes ²	Yes	15	OSHA ⁸	But For

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MAP-21 - Moving Ahead for Progress in the 21st Century Act Protects employees from retaliation for engaging in protected activity, such as providing information about any motor vehicle defect, noncompliance, or violation of any requirement of 49 U.S.C. Chapter 301 pertaining to the manufacture or sale of motor vehicles and motor vehicle equipment. 49 USC § 30171 29 CFR 1988 Desk Aid	180	Motor vehicle manufacturers, part suppliers, and dealerships.	60	210	Yes	Yes	No	30	OALJ	Contributing Factor
NTSSA - National Transit Systems Security Act Protects employees from retaliation for engaging in protected activity related to public transportation safety and security, such as reporting a hazardous safety or security condition, or reporting fraud, waste, or abuse of public funds intended for public transportation safety or security. 6 USC § 1142 29 CFR 1982 Desk Aid	180	Public transportation agencies, their officers and employees, contractors and subcontractors.	60	210	Yes	Yes	Yes 250k Cap	30	OALJ	Contributing Factor
PSIA - Pipeline Safety Improvement Act Protects employees from retaliation for engaging in protected activity, such as providing information relating to violations or alleged violations of federal pipeline safety law. 49 USC § 60129 29 CFR 1981 Desk Aid	180	Persons (including corporations, individuals, states, municipalities, etc.) owning or operating pipeline facilities, and their contractors and subcontractors.	60	210	Yes	Yes	No	60	OALJ	Contributing Factor

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SDWA – Safe Drinking Water Act Protects employees from retaliation for engaging in protected activity related to the nation’s public drinking water supply, such as reporting potential violations relating to waters actually and potentially designed for drinking, whether from above ground or underground sources. Includes plumbing requirements and schools. 42 USC § 300j-9(i) 29 CFR 24 Desk Aid	30	Employers generally <i>(Please refer to Environmental Statutes Desk Aid for more information about application to governmental entities, including the federal government, states, and Indian tribal governments).</i>	30	No	Yes	No	Yes	30	OALJ	Motivating Factor
SOX - Sarbanes-Oxley Act Protects employees from retaliation for engaging in protected activity, such as providing information related to conduct that the employee reasonably believes is a violation of federal criminal mail, wire, bank, or securities fraud laws; a violation of SEC rules or regulations; or a violation of any provision of federal law relating to fraud against shareholders. 18 USC § 1514A 29 CFR 1980 Desk Aid	180	Public companies (companies with securities registered under section 12 or required to file reports under section 15(d) of the Securities Exchange Act and their consolidated subsidiaries and affiliates), nationally recognized statistical rating organizations, and these entities’ contractors, subcontractors, agents, officers, and employees.	60	180	Yes	Yes	No	30	OALJ	Contributing Factor
SPA - Seaman’s Protection Act Protects seamen (i.e., any individual engaged or employed in any capacity on board a U.S.-flag vessel or any vessel owned by a U.S. citizen, excluding members of the Armed Forces) from retaliation for engaging in protected activity, such as reporting violations of maritime safety laws or regulations, sexual harassment or sexual assault, or a work-related injury or illness, cooperating in certain safety investigations, or accurately reporting hours of duty. 46 USC § 2114 29 CFR 1986 Desk Aid	180	Persons, including corporations, companies, officers, and directors.	60	210	Yes	Yes	Yes 250K Cap	30	OALJ	Contributing Factor

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STAA - Surface Transportation Assistance Act Protects drivers (including independent contractors while personally operating a commercial motor vehicle (CMV)) and other workers (including mechanics and freight handlers) involved in activities directly affecting CMV safety or security from retaliation for engaging in protected activity, such as reporting potential violations of CMV safety or security, refusing to operate a CMV under certain circumstances, or accurately reporting hours on duty. 49 USC § 31105 29 CFR 1978 Desk Aid	180	Private-sector employers that own or lease CMVs or assign employees to operate the CMV in commerce. Excludes the Federal Government (including U.S. Postal Service), States, and political subdivisions of a State.	60	210	Yes	Yes	Yes 250K cap	30	OALJ	Contributing Factor
SWDA - Solid Waste Disposal Act, a.k.a. Resource Conservation and Recovery Act (RCRA) Protects employees from retaliation for engaging in protected activity, such as reporting potential violations relating to the treatment, storage, and disposal of solid and hazardous waste at active and future sites. Includes liquids, contained gaseous wastes, semi-solid wastes, and sludges. 42 USC § 6971 29 CFR 24 Desk Aid	30	Persons generally (Please refer to <i>Environmental Statutes Desk Aid</i> for more information about application to governmental entities, including the federal government, states, and Indian tribal governments).	30	No	Yes	No	No	30	OALJ	Motivating Factor
TFA - Taxpayer First Act Protects employees from retaliation for engaging in protected activity, such as providing information regarding underpayment of tax or any conduct which the employee reasonably believes constitutes a violation of internal revenue laws or any provision of federal law relating to tax fraud. Employees are protected from retaliation for certain complaints regarding pay misclassification under this Act. 26 USC § 7623(d) 29 CFR 1989 Desk Aid	180	Any employer, or any officer, employee, contractor, subcontractor, or agent of such employer.	60	180	Yes 200% of backpay+ 100% of lost benefits	Yes	No	30	OALJ	Contributing Factor

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TSCA - Toxic Substances Control Act Protects employees from retaliation for engaging in protected activity, such as reporting potential violations relating to industrial chemicals in U.S. commerce relating to their manufacture, importation, use and/or disposal. This supplements the Clean Air Act (CAA) and the Toxic Release Inventory under Emergency Planning and Community Right-to-Know Act (EPCRA). 15 USC § 2622 29 CFR 24 Desk Aid	30	Employers generally <i>(Please refer to Environmental Statutes Desk Aid for more information about application to governmental entities, including the federal government, states, and Indian tribal governments).</i>	30	No	Yes	No	Yes	30	OALJ	Motivating Factor

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The following tables offer quick comparisons of various timelines, remedies, and causation standards across all 25 whistleblower statutes enforced by OSHA. More detailed information about each statute is available in the statute specific desk aid (where available) linked in the description of the statute above and other information is available on the OSHA Whistleblower Protection Program website, www.whistleblowers.gov.

Table 1: Employment Sector	
Statute	Sector
Section 11(c) of the OSH Act	Multi
AHERA, CAA, CERCLA, ERA, FWPCA, SDWA, SWDA, TSCA	Environmental
AIR21, FRSA, ISCA, NTSSA, PSIA, SPA, STAA	Transportation
AMLA, CAARA, CFPA, SOX, TFA	Financial
CPSIA, FSMA, MAP-21	Consumer
ACA	Insurance

Table 2: Deadline to File a Whistleblower Complaint with OSHA Under Each Statute ²	
Statute	OSHA Filing Deadline (Calendar Days)
Section 11(c) of the OSH Act, CAA, CERCLA, FWPCA, SDWA, SWDA, TSCA	30 days
ISCA	60 days
AHERA, AIR21, AMLA	90 days
ACA, CAARA, CFPA, CPSIA, ERA, FRSA, FSMA, MAP-21, NTSSA, PSIA, SOX, SPA, STAA, TFA	180 days

Table 3: Statute Causation Standards ⁵	
Statute	Causation Standard
Section 11(c) of the OSH Act, AHERA, ISCA	But For
CAA, CERCLA, FWPCA, SDWA, SWDA, TSCA	Motivating Factor
ACA, AIR21, AMLA, CAARA, CFPA, CPSIA, ERA, FRSA, FSMA, MAP-21, NTSSA, PSIA, SOX, SPA, STAA, TFA	Contributing Factor

Table 4: Timelines for Requesting Expedited Case Processing (ECP) ³	
Statute	Waiting Period (Calendar Days)
CAA, CERCLA, ERA, FWPCA, SDWA, SWDA, TSCA	30 days
ACA, AIR21, AMLA, CAARA, CFPA, CPSIA, FRSA, FSMA, MAP-21, NTSSA, PSIA, SOX, SPA, STAA, TFA	60 days

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Table 5: Statutes With Kick out ⁴ Provisions and Their Waiting Period

Statute	Waiting Period (Calendar Days)
AML, CAARA, SOX, TFA	180 days
ACA ² , CFPA ² , CPSIA ² , FRSA, FSMA ² , MAP-21, NTSSA, PSIA, SPA, STAA	210 days
ERA	365 days

Table 6: Request for Review ⁸ / Appeal Filing Deadlines for Each Statute

Venue	Statute	Filing Deadline (Calendar Days)
OSHA	Section 11(c) of the OSH Act, AHERA, ISCA	15 days
OALJ	ACA, AIR21, AML, CAA, CAARA, CERCLA, CFPA, CPSIA, ERA, FRSA, FSMA, FWPCA, MAP-21, NTSSA, SDWA, SOX, SPA, STAA, SWDA, TFA, TSCA	30 days
	PSIA	60 days

Table 7: Allowable Remedies

Statute	Remedy Available
All Statutes	Reinstatement, Backpay, Compensatory Damages
Section 11(c) of the OSH Act ⁹ , ACA, AHERA ⁹ , AML, CAARA, CFPA, CPSIA, FRSA, FSMA, ISCA ⁹ , MAP-21, NTSSA, PSIA, SOX, SPA, STAA, TFA, AIR21	Preliminary Reinstatement
Section 11(c) of the OSH Act, AHERA, FRSA, ISCA, NTSSA, SDWA, SPA, STAA, TSCA	Punitive Damages

¹ The statutory language (i.e., USC), regulatory language (i.e., CFR), and Desk Aid are hyperlinked for each respective statute, where available.

² There are limited circumstances that allow this deadline to be extended. See OSHA's Whistleblower Investigations Manual, Chapter 3, Sec. III.D.4., available at www.whistleblowers.gov.

³ ECP (Expedited Case Processing). In cases filed under statutes other than Section 11(c) of the OSH Act, AHERA, and ISCA, complainants have the option of requesting that OSHA terminate its investigation and issue Secretary's Findings based on the information obtained to date if the timeframe stated for investigations in the statute (30 or 60 days depending on the statute) has passed and OSHA has not completed the investigation.

⁴ A "Kick-out" provision refers to the statutory option for a complainant to file a retaliation claim in federal district court if the Secretary of Labor has not issued a final decision, if the number of days prescribed by the statute from the time of the filing of the complaint with OSHA have passed, and the delay was not due to the bad faith of the complainant.

⁵ The causation standard is the type of causal link (a.k.a. nexus), required by the statute, between the protected activity and the adverse action. That causal link will be either: (1) that the adverse action would not have occurred **but for** the protected activity; (2) that the protected activity was a **contributing factor** in the decision to take the adverse action; or (3) that the protected activity was a **motivating factor** in the decision to take the adverse action, depending on the whistleblower statute(s) which may have been violated.

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⁶ The OSH Act generally applies to tribal commercial enterprises. *Donovan v. Coeur d'Alene Tribal Farm*, 751 F.2d 1113 (9th Cir. 1985). It does not apply to traditionally governmental matters, like the work of tribal game wardens. *Menominee Tribal Enterprises v. Solis*, 60 F.3d 669 (7th Cir. 2010). Two circuit courts have ruled that the OSH Act did not apply to the tribal commercial enterprises at issue in the cases. *Scalia v. Red Lake Nation Fisheries, Inc.*, 982 F.3d 533 (8th Cir. 2020) (the Eighth Circuit covers Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota); *Donovan v. Navajo Forest Products Industries*, 692 F.2d 709 (10th Circuit 1982) (the Tenth Circuit covers Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming).

⁷ ACA, CFPA, CPSIA and FSMA also provide that a complainant may “kick-out” within 90 days of OSHA’s issuance of findings. However, in such cases, Complainant may need to file objections to OSHA’s findings in order to preserve the ability to “kick-out.” See Procedures for Handling Retaliation Complaints under Section 219 of the Consumer Product Safety Improvement Act of 2008, 77 Fed. Reg. 40494, 40502 (July 10, 2012) (Explaining the relationship between CPSIA’s “kick-out” provision and the requirement to object to OSHA’s findings).

⁸ For cases filed under section 11(c) of the OSH Act, AHERA, and ISCA, complainants may request that OSHA’s Directorate of Whistleblower Protection Program review non-merit determinations (*i.e.*, dismissals) pursuant to OSHA’s Request for Review (RFR Program). For cases filed under all other statutes, parties may file objections to the Secretary’s Findings and Order with the U.S. Department of Labor’s Office of Administrative Law Judges (OALJ) and request a hearing on the record.

⁹ OSHA cannot order preliminary reinstatement for complaints filed under Section 11(c) of the OSH Act, AHERA, and ISCA. Under those statutes, OSHA can obtain remedies for complainants, including preliminary reinstatement, from a district court.