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AESF's OSHA Committee & the Past 30 Years

President George Bush has nominated John Henshaw to be the next Assistant Secretary of Labor for OSHA. If confirmed, Henshaw will require ingenuity as he takes the reigns of an agency that remains the center of controversy. The following is a brief review of OSHA's history.

On December 29, 1970, President Richard M. Nixon signed the Occupational Safety and Health Act. This established three agencies: (a) the Occupational Safety & Health Administration (OSHA), whose function is to establish and enforce workplace safety and health standards; (b) the National Institute of Occupational Safety & Health (NIOSH), whose function is to conduct research on occupational safety and health issues; and (c) the Occupational Safety & Health Review Commission, whose function is to adjudicate enforcement actions challenged by employers.

The Number of Covered Workers Continues to Increase

The number of workers covered by the OSHA regulations has changed drastically during the past 30 years. In April of 1971, OSHA covered 56 million workers in 3.5 million workplaces. Today, OSHA covers 105 million workers in 6.9 million workplaces. The injury statistics show great progress. In the past 25 years, there were 400,000 American worker deaths and 50 million disabling injuries. Today, however, the occupational injury rate is 40-percent lower than it was in 1971, and deaths from occupational injuries have declined 60 percent.

Strategy Has Changed

OSHA's enforcement strategy has

changed over the past 25 years. Previously, OSHA stressed voluntary compliance, conducting inspections when catastrophic accidents occurred and at the most dangerous and unhealthful workplaces. OSHA later adopted a "get tough" attitude that evolved to a more targeted approach based on significant hazards. OSHA further refined its inspection targeting system to focus 95 percent on the industries with the most serious problems.

States with Own Agencies Can Now Police Themselves

Now, OSHA allows the states with their own safety and health agencies to police themselves, stepping in only as necessary. OSHA has extended its outreach programs, like the on-line Expert Advisor and the E-CATS, which help employers identify workplace hazards and abatement. Colleges are now allowed to be certified as OSHA Training Centers.

OSHA still targets high-risk industries. The target industries are currently construction, agriculture, and any individual business with an experience modification rate of >1.2.

There are several reasons for OSHA to pay a visit to an employer: (a) it has a high number of recordable injuries; (b) it is one of the industries having targeted inspections based upon data-driven approaches to address the hazards, industries and occupations identified by OSHA; (c) it is one of the selected industries and/or occupations that OSHA has targeted to reduce the three most prevalent types of injuries and causes of illnesses; and (d) someone has contacted an OSHA office with a valid complaint or reported an unsafe condition or procedure.

Awareness Has Had a Positive Impact in the Workplace

As mentioned earlier, OSHA has had a positive impact on the rate of incidents, illnesses and fatalities in the workplace. The rates for injuries, illnesses and fatalities have dropped significantly. Whether it is because of a heightened awareness or the fear of legal action by OSHA is not known. Because of OSHA and NIOSH, more research and identification of workplace hazards has occurred. OSHA also has provided training and compliance assistance programs to get the word out to the employers and employees, thereby increasing awareness and safety logic. OSHA, through the Department of Labor, provides employees with protection from retribution if they should report or refuse to perform an unsafe act or procedure. This has likely had an impact on incident rates by lowering employee exposure to unsafe conditions. Throughout the past 30 years, OSHA has hit many milestones. The following are just a few.

- 1970, the first standards were adopted to provide a baseline for safety & health protection in American workplaces.
- 1972, the OSHA Training Institute was established to instruct OSHA inspectors and the public.
- 1978, the Lead Standard was published.
- 1980, Employee Medical and Exposure Records Standard was finalized to permit worker access to employer-maintained medical and toxic exposure records.
- 1980, the Supreme Court made a decision to void OSHA's Benzene Standard, establishing the principle

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that OSHA standards must address and reduce “significant risks” to workers.

- 1981, the Electrical Standards were updated to simplify compliance and adopt a results-oriented approach to performance standards.
- 1983, the HAZCOM Standard was issued requiring employers to inform employees of the chemical hazards in the workplace. This created material safety data sheets (MSDSs).
- 1984 the HAZWOPER Standard was added protecting workers involved in the handling of hazardous wastes.
- 1989, the Lockout/Tagout Standard was issued.
- 1991, the Bloodborne Pathogens Standard was issued.
- 1993, the Confined Space Standard was issued.
- 1994, the Fall Protection Standard was issued.
- 1994, the Asbestos Standard was

updated to lower the PEL.

- 1996, the Scaffold Standard was issued.
- 2000, the Ergonomics Standard was issued. It was then overturned by Congress shortly after President Bush was inaugurated. Legislation was then proposed to require OSHA to again try to promulgate an acceptable Ergonomics standard.

OSHA now is working on standards to modify Record Keeping, Steel Erection, and Needle-sticks. The AESF OSHA Committee is here to help you navigate these standards. In the coming year, your OSHA Committee will be working on a number of projects:

- Revising the OSHA Safety & Compliance Workshop.
- Publishing more articles in *Plating and Surface Finishing*. These articles will cover subjects similar to this one in greater, but still manageable detail. If you have suggestions,

please make them known.

- AESF Week session. The OSHA Committee will present several papers on relevant issues in occupational safety and health. You may participate by contacting Philip A. Platcow, CIH, chairman of the OSHA Committee.
- OSHA Committee News Flash. We will produce this “down and dirty” manageable summary of what is going on at OSHA on approximately a quarterly basis. Watch the OSHA committee web page on www.aesf.org.

You Can Participate: Simply contact the chairman of the AESF OSHA Committee, Philip A. Platcow, CIH, at 617/232-7355, or by e-mail at pplatcow@secor.com with your ideas, suggestions, and inquiries. *P&SF*