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The Fight for Safety & Health at the Workplace

by Jill Greenberg

Labor's Right To A Safe And Healthy Working Environment

The Occupational Safety and Health Act (OSHA) of 1970 (Public Law 91-596) was created by Congress to ensure, so far as possible, that every working man and woman in the United States would be afforded a safe and healthful working environment. Organized labor and other proponents hailed the bill as a victory for worker rights. The law was not enacted easily. It required a long, bitter struggle to win legal guarantees against unsafe working conditions and practices.

The years 1970 through 1976 were lean years for OSHA, as labor secretaries and OSHA administrators were quickly removed from office if they supported labor's demands for a strong pro-worker stance. In 1977 the Carter Administration appointed Dr. Eula Bingham, a university professor in environmental and occupational health, as OSHA head. She quickly went to work to revamp the agency so that it would conform to the mandates of the OSHA Act. Bingham promised labor and the business community that she would:

- revoke, clarify, and systematically revise standards to insure adequate workplace protection against toxic exposure to substances that affect significant numbers of workers;
- target inspections to high hazard industries with serious health problems, such as the transportation, construction, manufacturing and petrochemical industries;
- allow for more consultative inspections to small businesses to encourage voluntary compliance, rather than depending upon direct enforcement activity; and
- place greater emphasis on educational efforts to assure employee health protection, for example, informing workers about the periodic changes in acceptable levels of toxic agents in the workplace. These levels are changed in response to new information.

Industry's Hero: The White House

From the onset the Bingham Administration was continually stymied in its attempts to establish health standards to protect workers. After extensive internal studies and protracted public hearings each standard (e.g. cotton dust, lead, benzene) was challenged by White House economists and the business monopolies for economic reasons. In some cases the standards were challenged because a cost-benefit analysis had not been done. These confrontations forced Bingham to focus the major part of her work on establishing administrative-type rulings, rather than formal OSHA standards (e.g. employee access to medical records, walk-around pay procedure). Administrative rulings do not require White House approval; however, they can be easily modified or withdrawn by a subsequent OSHA director, as is currently the case. OSHA standards can also be changed, but they require a longer process.

Significant problems hampered the OSHA rulemakings for toxic substances and carcinogens. After resolving scientific policy issues on a case-by-case basis, judicial action was often necessary to settle industry challenges to the actual standard. The benzene standard is a case in point. In July of 1980 the U.S. Supreme Court struck down the benzene standard from a threshold limit value (weighted average exposure over an 8 hour period) of 1 part per million (ppm) to 100 ppm.

Their decision ruled that OSHA and NIOSH (National Institute for Occupational Safety and Health) are required to produce more extensive proof that there is a "significant risk" to workers from the chemical hazard. This is difficult to substantiate, as benzene, a known carcinogen, is not subject for use in human experimentation and the availability of medical records documenting worker exposure is very limited. Dead bodies will be necessary to respond to this criteria.

Progress Anyway

The Bingham Administration was characterized by an emphasis on employer accountability for protection of employee health and incorporation of labor's input and ideas in all OSHA decision-making processes, e.g. development of OSHA standards, pamphlets and administrative rulings. The two major achievements were to significantly involve labor in OSHA decision-making and the initiative to establish a national cancer policy to rid the workplace of carcinogens and accelerate health standards development.

Under Bingham's auspices OSHA was able to achieve some of its stated goals. OSHA established an education program called "New Directions" for unions, colleges, trade associations and independent public interest organizations to conduct educational programs on occupational safety and health and OSHA compliance. OSHA rulemakings were promulgated in response to newly identified and critical hazards which affect significant numbers of workers. These standards contained provisions that assured that an employee's health would be protected and that an employee would not be penalized for reporting the symptoms of overexposure by reducing his/her seniority, wages, or benefits. Health standards were established for acrylonitrile, benzene, the pesticide DBCP (1,2-dibromo-3-chloropropane), lead, inorganic arsenic and cotton dust, as well as a proposed chemical-labeling standard and cancer policy. A procedure was established providing that workers be paid in their capacity as a designated employee representative, accompanying the OSHA inspector on an inspection of their shop or worksite (walk-around pay). Most OSHA inspectors prefer to have an employee accompany them on a walk-around as they are more familiar with the worksite.

OSHA Under Reagan: The Demise of Occupational Health

The attack on occupational health and safety began promptly after the Reagan inauguration in January 1981. A 60 day freeze on all new federal regulations was instituted and included those OSHA standards promulgated during the last days of the Bingham Administration. A White House Regulatory Task Force, headed by Vice President Bush, began a process of regulatory review and revocation, basing their program on the directives of the Heritage Foundation, an extreme right-wing, pro-business think-tank. Reagan then appointed two businessmen to head the Department of Labor, an agency charged with protecting all U.S. working standards. Raymond Donovan, a construction contractor and member of the Right to Work (at lower pay) Committee (anti-union and pro-lower wages), was chosen as Secretary of Labor, and he in turn selected Thorne Auchter, a young Florida construction company owner and condominium builder to dismantle the Occupational Safety and Health Administration. Auchter had previous knowledge of OSHA law because his company had received 42 citations for violations of OSHA safety regulations since 1972.

During the first several months of the Reagan Administration many parts of OSHA were effectively repealed through administrative rulings. Some of these

What is a Threshold Limit Value (TLV)?

A TLV is a maximum concentration (set by OSHA) to which workers can be exposed to a substance for eight hours per day, every day, without ever developing a disease because of that substance. As long as the time-weighted average (TWA) exposure is below the legal limit one can be exposed at times to higher levels.

To calculate the TWA for an eight-hour day multiply the hourly concentration levels found at the worksite by the number of exposure hours at that concentration. Add all these numbers together and divide the total by eight hours (standards are all based on an eight-hour day).

2 hours at 50 part per million parts of air (ppm)
2 hours at 30 ppm
4 hours at 10 ppm

$$\frac{(2 \text{ hrs.} \times 50 \text{ ppm}) + (2 \text{ hrs.} \times 30 \text{ ppm}) + (4 \text{ hrs.} \times 10 \text{ ppm})}{8 \text{ hours}} = 25 \text{ ppm}$$

average
daily
exposure
8 hrs./day

Excerpted from *Work is Dangerous to Your Health*, Stellman, J.M., Ph.D. and Daum, S.M., Ph.D., Vintage Books: New York, 1973.

actions, none of which value the lives and health of workers, include: a reduction in the effectiveness of standards and the enforcement process, elimination of education programs, research and personnel.

Standards In The Shredder

What is a standard? The National Institute for Occupational Safety and Health (NIOSH), through its research, recommends maximum levels of substance exposure to protect worker health, which are used as the basis for OSHA standards.

Listed below are some of the more important standards under attack:

- Withdrawal of the proposed labeling/hazards identification standard, which requires employers to inform workers of hazardous chemicals in the workplace.
- Guaranteeing pay for workers who exercise their right to accompany OSHA inspectors is essential. Auchter's revocation of the proposed walk-around pay regulation is his attempt to kill the inspection system.
- In August 1981 a fourth stay to postpone the effective date of noise standard (hearing conservation) amendments occurred, to allow consideration of revisions that would weaken worker protection. The cost-effectiveness of hearing conservation programs and the possible use of regulatory alternatives such as the use of personal protective equipment vs. engineering controls were the subject of heated Congressional hearings during late March of 1982.
- Petitioning the Supreme Court to defer their decision on the cotton dust standard and the lead standard, to allow for cost-benefit analysis in rulemaking decisions.

Supreme Court Stays Executions

In June 1981 the Supreme Court affirmed the Amalgamated Clothing and Textile Workers Union (ACTWU) position in stating that "cost-benefit analysis by OSHA in promulgating standards is not required by the Act because feasibility analysis is. Congress understood that the Act would create substantial costs for employers, yet intended to impose such costs when necessary to create a safe and healthful working environment." The Court upheld most of the cotton dust standard, which includes respiratory protection, safe work practices, and medical surveillance. By 1984, the standard will include engineering controls and other work practices to free the work environment of this toxic contaminant, which induces byssinosis, a serious and potentially debilitating respiratory disease, known as "brown lung" (disease) in its more severe manifestations. Auchter still plans to review and kill the current standard for occupational exposure to cotton dust by preparing a regulatory impact analysis of the standard.

Corporate hopes for a review of the lead standard were dashed in late June 1981, when the Supreme Court refused to hear their appeal of the decision of the Court of Appeals ruling upholding the lead standard for ten lead-related industries. The lead standard contains a medical removal provision, which allows for a maximum 18 month removal of lead-exposed employees with elevated blood-lead levels, and a guaranteed retention of all wages, seniority and benefits. Auchter is now reviewing comments received on the provisions of the existing lead standard, to determine "the technological and economic feasibility of compliance."

Auchter also delayed a reduction in the blood-lead trigger level (the maximum permissible blood-lead level) for removal of workers exposed to high lead jobs, as prescribed in the 1978 standard. The lower trigger level was put into effect in mid-June but excluded primary and secondary smelting industries, for which the decision has been delayed several times.

Reduced Rights For Construction Workers

The (Employee) Access to Medical Records standard has been in effect since August 21, 1980. In April 1981, OSHA stayed portions of the standard as it applies to the construction industry.

Due to considerable challenges from both labor and industry OSHA lifted the stay but then said it would review and reconsider all aspects of the standard. If necessary, a new proposal was to be published in February 1982.

The Worst Is Yet To Come

The OSHA regulatory agenda also contains several other regulations which the department intends to propose, develop or review by April 1982. Some highlights of this agenda contain dangerous implications for diminished worker safety and health protection. This includes the following:

- OSHA is currently reviewing comments received on their proposed ruling exempting research and development laboratories that handle toxic chemicals

from the safety requirements for substance-specific health hazards. OSHA may develop alternative guidelines because they believe that laboratory workers *are fully informed* of the hazards involved with toxic chemical exposure and have received complete lab-safety training.

- OSHA is considering changes in asbestos exposure limits and in requirements for monitoring and medical surveillance for occupational asbestos exposure due to recent data regarding asbestos carcinogenicity at the current 2 fiber per millileter level. Although NIOSH has once again recommended reducing the standard to 0.1 fibers per millileter, it is certain that Auchter, claiming pressure from the asbestos industry will use cost-effectiveness as a basis for his final determination.

- Auchter will use cost factors to reevaluate OSHA's past regulatory policy favoring the use of engineering controls over personal protective measures to prevent occupational hazards at the workplace. Auchter will not be deterred from his crusade to dismantle OSHA, even if cost-benefit or cost-effectiveness analysis do not cripple the agency. Instead of cleaning up the workplace Auchter and his cronies plan to redesign the worker. For example, Auchter is gathering data on the cost-effectiveness and need for changes in present respiratory protection requirements at the worksite. Respirator training as required by OSHA almost never takes place. Blaming the victim and strapping a respirator on the worker is ineffective, since most respirators do not fit properly. Nonetheless, respiratory hazards in the workplace will be solved by equipping workers with respirators rather than by changing plant and equipment design to make the workplace safe. This approach assumes that the worker's respiratory system is faultily designed by nature and must be corrected mechanically. OSHA's former approach was that plants and equipment were faultily designed if they produced respiratory hazards for workers.

OSHA Defies The Law On Ethylene Oxide (EtO)

OSHA has rejected a joint petition filed by the American Federation of State, County and Municipal Employees union (AFSCME) and Ralph Nader's Health Research Group, which asks for the issuance of a temporary emergency standard lowering the current allowable exposure level to ethylene oxide.

A temporary emergency standard (TES) could be issued at the discretion of the Assistant Secretary of Labor, if in his/her judgement a particular substance constitutes an emergency situation for worker health and safety. No prior hearings are necessary to issue a TES. EtO is a toxic gas used principally as an equipment sterilant in medical facilities, and also in the production of polyester fibers, automobile anti-freeze, and home laundry detergents.

According to government and industry-sponsored studies minute exposures to this colorless, odorless gas cause carcinogenic and mutagenic effects in experimental animals. Also EtO may cause reproductive effects at exposure levels lower than the current standard according to NIOSH. Limited epidemiologic investigations at two companies using EtO in concentra-

tions less than 10 ppm indicated a "statistically significant increase" in abnormal chromosome changes in white blood cells of workers exposed to the gas.

The petition seeks to drastically lower the current OSHA exposure level for EtO from 50 ppm to 1 ppm average exposure over an eight hour period, with a maximum exposure of 5 ppm at any given time within the eight hours.

The Health Industry Manufacturers Association (HIMA) has strongly opposed the adoption of a temporary emergency standard for EtO by OSHA. According to HIMA's office of scientific affairs: "Industry continues to voluntarily reduce worker exposure to economically feasible levels. Should a more restrictive OSHA standard establish unreasonably low limits for worker exposure, significant costs could be incurred without a reasonable expectation of benefit."

At the present time, OSHA is only *considering a review* of the EtO standard to determine if the current exposure limit of 50 ppm is inadequate to protect worker health.

Burning Books: The Truth Is Offensive

Education by OSHA empowers the worker to change the unsafe workplace. Over the years workers have become very knowledgeable about what they are working with. To reduce worker effectiveness Auchter is eliminating a number of education programs for rank and file workers. He is preventing them from controlling their conditions of work and denying them their right to equal protection under the law. His actions include:

- Censorship of films, slideshows and publications, e.g. a pamphlet on cotton dust hazards, which was prepared by OSHA (during the Bingham Administration) as worker educational material was ordered destroyed by OSHA head Thorne Auchter, because he considered the cover (a photo of a brown lung victim) to be offensive and biased. Auchter had the same pamphlet re-issued without any photographs or quotations from several brown lung victims. Three films and two slide shows produced under the Bingham Administration were also "confiscated" and groups receiving federal OSHA money for worker education have been warned not to show pamphlets and films. After considerable pressure, Auchter has released the pamphlets and the films he confiscated.

- Funding levels for New Directions Training and Education Programs for worker education have been significantly reduced nationwide. Auchter has threatened grantees with audits and censorship of materials used in classes. All material developed by grantees will be evaluated and approved by OSHA only if it is deemed technically accurate and "objective."

- Budget cuts have eliminated funds to the NIOSH sponsored Educational Resource Centers to train physicians, nurses, and industrial hygienists in occupational medicine, medical monitoring and surveillance.

Human Rights In The U.S.A.

As part of Auchter's program to "clean house" at OSHA, he has transferred or removed several key OSHA employees from their enforcement positions because of their pro-labor stance during the Bingham years. Also, senior compliance staff, skilled OSHA and NIOSH scientists, and other health and safety personnel are being harassed and intimidated on the job.

For example, the dismissal and subsequent rehiring of Dr. Peter Infante, Director of OSHA's Office of Carcinogen Identification and Classification was politically motivated and exposed as such in Congressional hearings. In a personal letter (on OSHA stationery) which Infante sent to Dr. John Higginson, a scientist in the International Agency for Research on Cancer, he merely cited scientific evidence against formaldehyde, with no mention of any regulatory action that OSHA might take.

Formaldehyde is a chemical used in a number of industrial processes from home insulation to consumer products, as well as in hospitals and paper mills. According to the AFL-CIO Safety and Health Department an estimated 750,000 workers are exposed to formaldehyde on the job. Both NIOSH and the National Cancer Institute suspect formaldehyde of causing cancer in humans. Their views are based on epidemiological results from a chemical industry study, where 95 of 240 rats exposed to large doses of formaldehyde developed nasal tumors and 3 rats developed tumors at much lower doses.

Infante roused industry's ire after testifying before the Consumer Product Safety Commission, which in January 1981 proposed a ban on home insulation containing formaldehyde, because it is a suspect carcinogen.

The Reagan Administration charged Dr. Infante with "insubordination" and "misrepresenting" OSHA's position for support of a NIOSH bulletin on the hazards of formaldehyde. Strong protests were raised by the AFL-CIO and several government and independent scientific experts, many of whom consider formaldehyde a carcinogen. After two days of intensive hearings, Representative Alfred Gore (D-Tenn.), chairperson of the House Science and Technology Subcommittee, concluded that the Formaldehyde Institute, an industry trade association, definitely "wanted this guy out of government" and had urged his dismissal.

Auchter was forced to withdraw the charges in a letter to Infante, after he had presented conflicting sworn testimony during the Subcommittee's hearings. In dismissing the charge of misrepresenting OSHA, Auchter admitted that Infante may not have been appraised "of my policy decision not to take immediate regulatory action on formaldehyde, based on *claims* that available evidence as to its carcinogenicity in humans was in conflict." (Emphasis added.) Auchter changed OSHA's position following a meeting with the Formaldehyde Institute. Subsequently, Dr. Infante was rehired.

Reduced Enforcement Means Disaster

There has been a significant change in compliance activity from the Bingham Administration (October 1979-October 1980) to the Auchter Administration (February 1981-September 1981). Monthly averages published in the "Federal Compliance Activity Report" (January 1980 to September 1981) by the Occupational Safety and Health Administration indicate that there has been a 19% reduction in the total number of inspections nationwide, a 69% drop in follow-up inspections, and a 70% reduction in both the number of willful citations issued (which carry OSHA's heaviest fines) and failure-to-abate monetary penalties issued to force correction of workplace hazards.

By April 30, 1982 OSHA is scheduled to close nationwide, 12 area offices, 9 district offices and 20 field stations, which will result in a loss of 372 enforcement positions plus further reductions in compliance and field organization staff. Four of the area offices (Brooklyn, N.Y., White Plains, N.Y., Rochester, N.Y. and Newark, N.J.) scheduled to close are in Region II. The end result will be 79 fewer enforcement positions (29 industrial hygienists, 26 safety specialists, and 24 supervisors and assistants) in this region, giving rise to fewer inspections and citations and more unsafe workplaces.

In July 1981, Assistant Secretary of Labor (OSHA Chief) Thorne Auchter released a series of proposed compliance directives that addressed all major components of OSHA's enforcement program: targetings of inspections, complaint handling and general duty citations, as well as suggested policy changes for multi-employer worksites and repeat violations. Many of these administrative directives, which are contrary to the intent of the OSHA Act, became effective in October 1981 and have rapidly eroded the OSHA enforcement program.

Soft Targets

Targeting general schedule safety inspections only "in those industries with the highest lost workday rates" (above 5.7 lost workdays per 100 workdays, based on 1980 Bureau of Labor Statistics (BLS) figures) will exempt approximately 13 million workers in the manufacturing sector, which includes such high hazard industries as auto assembly plants, textile and steel mills, and petroleum refineries. The accuracy of lost workday rates is contingent upon accurate employer recordkeeping of occupational illness and injury data and the use of workers compensation data, which is not standardized by state and is very loosely kept. It is not in the employer's interest to keep good illness and injury records and they usually don't do so. The BLS budget is constantly reduced, resulting in a reduction in the size of the annual survey sample.

The fact that some high hazard industries are exempted from the sample proves that the lost workday rates are not reflective of lost workdays in all industries and should not be used as an indicator for a safety inspection.

The response among many employers is the most accurate indicator of the effect of OSHA's enforcement cutbacks. Prior to January 1981 employers appealed (before an Administrative law judge in each Region) one out of every 4 citations issued. Now, one in 10 citations is appealed, as OSHA enforcement officials and lawyers settle disputes by dropping citations and penalties at a rate considered extreme by previous administrators.

Fiscal year 1982 OSHA funding has been cut 7.9% from its 1981 levels, producing a devastating decline in all of the agency's enforcement areas: a 41% reduction in compliance staff e.g. inspectors and industrial hygienists and a 21% cut in the inspection rate. OSHA has laid off 250 field inspectors and greatly reduced the number of transport vehicles, a necessity for carrying monitoring equipment to the inspection site.

By administratively reversing the mandates of the OSHA Act, Thorne Auchter is calling for a return to pre-OSHA days of voluntary compliance and state-by-state enforcement of health and safety laws. There is no evidence that voluntary compliance is effective; however, if voluntary compliance was effective there would have been no great urgency in the need for passage of the OSHA Act of 1970.

Eula Bingham, former head of the Occupational Safety and Health Administration has denounced the "lobbyists, economists and politicians" who are attacking and crippling the OSHA Act. "They decry the costs of worker protection but ignore the staggering annual costs of job accidents, estimated at \$27 billion for 1979 alone. They blame workers for job injuries but don't mention occupational disease, often an invisible threat in the workplace. They claim workers' compensation is the panacea for job injuries and illnesses, overlooking the blatant inadequacies and inequities of that system. And they resent regulatory intervention in business but offer no guarantee or affirmation of basic worker rights."

According to a recent BLS study, during the final year of the Bingham administration there was a significant drop in the number of job-related injuries and incidence of lost workday injuries, as well as a decline in the total number of recognized cases of occupational illness. It is interesting to note Thorne Auchter's continued criticisms of an OSHA administration whose policies were obviously successful.

Increasing corporate profitability, not worker protection, is the prime focus of health and safety regulation by the Reagan Administration. Cost-benefit and cost-effectiveness are used as regulatory tools to justify dilution of standards and enforcement, voluntary compliance, and cuts in worker occupational health programs and educational materials. Joint labor-management committees, called employer-employee safety committees (with an emphasis on management) will replace OSHA enforcement activity, as employers "voluntarily" comply with the OSHA Act and clean-up the worksite to protect their employees health. The Administration plans to institute these joint committees even where there is no union or real employee representation. Joint labor-management is a "code phrase" for *no* more federal enforcement. The STAR (Sharing the Accountability for Regulation) Workplace Program would have two versions. Large firms would have a full-scale version covering safety and health,

while a partial version would address safety issues for small firms with no professional staff. This 360-degree turn away from past policy is a devious ploy which serves only to sustain the conservative, financial concerns of the principal business forces in this country.

NIOSH Cutbacks

With the passage of the Occupational Safety and Health Act of 1970, the two disciplines of occupational safety and occupational health were finally united to protect the worker from hazards and disease. The National Institute for Occupational Safety and Health (NIOSH) was created from this legislation and assigned to the Department of Health and Human Services, which located the agency in the Center for Disease Control (CDC) under the U.S. Public Health Service. The division of functions between NIOSH and OSHA was intended to produce accurate research findings undiluted by policy and economic actions, which are in OSHA's domain.

The Occupational Safety and Health Act recognized that protecting the safety and health of workers requires an aggressive policy to promulgate and enforce standards. Other necessary components are: surveillance to diagnose problems, research to verify dose-effect relationships for standards recommendations, evaluation of standards-effectiveness and the use of appropriate preventive and control devices, and training and manpower development to provide qualified occupational safety and health personnel. Under the OSH Act NIOSH was accorded the following responsibilities: occupational safety and health research, developing criteria for standards, assuring an ample supply of occupational health and safety professionals, and conducting worksite health hazard evaluations (at the request of employees or employers) in a context of consultation and advice, rather than regulation and enforcement.

NIOSH's 1981 and 1982 funding allocations have been slashed over 30% by the Reagan budget-cuts. This means immediate reductions and/or elimination of educational training, staff positions, equipment purchases, and research and contract grant activities. NIOSH will be unable to always provide health hazard evaluations at a suspect worksite or conduct necessary research for standards development. Workers' health and safety will once again be shoved to the bottom of the barrel.

Funding for NIOSH-supported Educational Resource Centers (ERC) which provide professional training of the occupational safety and health team e.g. physicians, nurses, industrial hygienists, and toxicologists, has been completely eliminated from the fiscal 1982 budget. Medical schools, primarily supported by corporate financial contributions, rarely incorporate courses in occupational health and disease into their curriculums. With no projected substitute or alternative programs available for this government-subsidized training, the future of occupational health programs appears desolate and grim.

The reduction in federal commitment to medical education will impact negatively on affirmative action goals at colleges and universities. With no government

funding available fewer women and minority students will be able to enroll in these educational programs. In the past it was consistently easier to obtain educational monies and grants from government than from industry. Even medical schools, which are subsidized by ERC money, will be affected by these reductions. With medical school tuition costing more than \$10,000 per year, it will soon become evident who is affluent enough to afford an education. The large vacuum created will be filled in part by corporate support. This will return the bias of corporate safety and health into these training programs.

Reductions in enforcement and education will leave corporations with fewer financial incentives to deal with occupational health and safety. Corporate occupational health programs, which currently employ physicians, nurses, industrial hygienists and physician's assistants, will quickly add to the overabundance in the job market of trained health professionals. This excess will continue to increase exponentially as the effects of the recent budget cuts become more apparent.

Twelve years ago our country made a commitment to protect a worker's right to health and safety on the job. Efforts of the present Administration to dilute worker protection are attempts to return to the darker days of our industrial history, when worker's health was virtually ignored and industrial accidents were a tragic and inevitable aspect of work.

What Can Be Done

Lloyd McBride, International President, United Steelworkers of America, AFL-CIO, vehemently states that limits on recent occupational safety and health appropriations have been "unwarranted, unnecessary, inappropriate, and misguided. Our present anxiety and our anger...will be as nothing compared to the families and the dependents of people who are going to pay the price before [recognition of] a hazardous workplace can be established. I would urge that [death on the job] not be established as the price [for recognition]."

Many workers understand the promises contained within the OSH Act and regard this as a right not to be denied them by any Administration. Any statutory restrictions placed on OSHA's enforcement or standard-setting ability, whether by size, type or nature of industry, or safety record, deprives workers of their legal rights to a safe and healthful workplace. We must resist all attempts made to jeopardize and deny worker protection under the law.

Recommendations

To improve and strengthen job safety and health we recommend that the following be done:

- 1) Aggressive collective bargaining by unions is necessary to strengthen job safety provisions. Strong local union implementation of safety and health contract language will begin to establish a base-line strategy to improve the rights of individual workers at the shop or plant. Shop-floor vigilance along with rank-and-file education on safety and health issues will make workers more aware to report job-related ill-

nesses and accidents to their safety and health committees. Health and safety contract language should contain items pertaining to medical surveillance, joint safety and health committees, a grievance procedure, and increased worker education and training. (This will be the focus of a future column.)

2) Individual workers and their local unions should join forces with COSH (Committees on Occupational Safety and Health) groups in their area. COSH groups are independent organizations composed of workers, unions, professionals and concerned individuals dedicated to the fight for the right to a safe and healthy work environment. COSH groups provide worker education and training and publish safety "Alerts," newsletters and manuals as a means of outreach to their membership and the community. COSH groups throughout the country are mobilizing to fight for state and city legislation, e.g. New York and Philadelphia Right to Know laws, as well as presenting testimony at OSHA hearings.

3) The 1982 elections for members of the House of Representatives and several key Senate seats is an excellent opportunity for workers, safety and health activists, and their unions to become more politically active and elect candidates who support pro-labor platforms regarding job safety and health. Candidates for office should be questioned about their support (or lack of support) for a safety and health platform that includes such items as: a) a chemical labeling standard; b) stricter enforcement actions against employers who violate OSHA law; c) re-establishing government-supported worker training and education programs; d) walk-around inspection pay; and e) the establishment of temporary emergency health standards for cancer-causing substances such as ethylene oxide, formaldehyde, pesticides and other hazards.

4) Write Congressional representatives, local newspapers, OSHA offices, international union and media representatives to complain about the dismantling of OSHA and NIOSH through administrative changes. Discuss how the crippling of these two agencies has resulted in an increased number of health and safety hazards, accidents and illnesses at the workplace and a reduction in OSHA's inspection response rate to reports of hazardous work conditions.

5) Use the grievance procedure (especially if no safety and health language exists in the contract) to report any abridgement of rights if management attempts to muffle workers, demote or transfer workers to a position where they cannot continue an advocacy role regarding safety and health at your workplace or monitor job-related illnesses and diseases that affect your fellow workers. Big business seeks to intimidate the worker into silence and apathy and thereby give the American public the impression that all is well with the safety and health of its workers and worksites. Don't let this happen. — workers' lives are on the line. Speak out and fight for the right to safety and health on the job.

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GUEST EDITOR SPEAKS

This issue of *Consumer Health Perspectives* features the topic of occupational safety and health. Jill Greenberg has recently been added to the editorial staff of *Consumer Health Perspectives*, to both coordinate and write a regular column on the subject. "The Attack on Occupational Health" will prove to be an informative piece on where occupational health and safety is going in this Republican Administration.

Under Mr. Auchter's adept leadership OSHA is slowly being transformed from a very effective enforcement agency to a paper-shuffling giant with no teeth. This has been accomplished with the current Administration's blessing and with the support of big business. However, it is in direct conflict with organized labor's belief in what OSHA should be accomplishing for the working people of this country.

Starting almost immediately after President Reagan's inauguration the Administration (on February 10, 1981) pulled back the OSHA Labeling Standard. This standard would have required employers to identify employee exposure to hazardous chemicals and inform workers of the subsequent health effects. Labor was told that the standard was being re-evaluated and would be ready in June 1981. The effective date for the standard has been postponed twice since then. Now it is July 1982 and there still is *no* standard. When will it be available? . . . Your guess is as good as mine.

On February 17, 1981, President Reagan issued Executive Order 12291 on Federal regulations, which emphasized two points:

- Cost benefit analysis: no action would be taken on standards unless benefits outweigh cost.
- Choice of the least costly alternative in promulgating all regulations.

This means that respirators and ear plugs will replace dust-free, quieter machines; in the eyes of the current Administration machines are too costly and workers are easily replaced.

On February 24, 1981, a memo was sent to all OSHA regions from Field Coordinator John Miles, Jr. which stated: "Before any proposed penalties are issued in excess of \$10,000 per inspection, please call this office

before they are issued. This office is not requesting this information for citation approval but merely to keep the administration informed of significant enforcement action." This has produced the following results . . . total penalties during the first seven months of 1981 were down 44% nationwide.

Thursday, March 26, 1981 was a banner day at the Department of Labor:

- OSHA deferred the effective date on the Lead Standard until April 15, 1981;
- OSHA further postponed an effective date for blood-lead trigger levels for certain lead workers until May 1, 1981;
- OSHA withdrew proposed amendments to its generic cancer policy;
- OSHA proposed to revoke the walk-around pay regulation effective May 30, 1981; and
- OSHA withdrew action against the Indiana State Plan.

On Friday, March 27, 1981, OSHA reconsidered the workplace cotton dust standard in light of cost benefit analysis (benefits to workers must outweigh cost). In everything I've ever read about government bureaucracy they are not supposed to be able to accomplish anything. Yet in one week OSHA issued six directives affecting millions of workers and not once was this done for the workers' advantage.

In contrast to the National OSHA office and its issuance of directives, the regional field offices have become more bogged down. In comparing 1980 to the period January through July 1981 in Region II (which covers New York, New Jersey and Puerto Rico) the following effects were noted three months *before* the budget cuts:

Total inspections down 22%
Number of follow-up inspections down 96%
Number of repeat citations issued down . . . 46%
Total penalties (in dollars) down 62%

Following swiftly on the heels of this report OSHA head Thorne Auchter announced the following at a September 1981 meeting with New York City labor representatives. To achieve maximum efficiency from OSHA's limited staff he is considering instituting a new program whereby hazardous industries will be targeted

for inspections. Now it appeared that OSHA was right on target. However, upon examining the criteria for this program 90% of all workplaces will be exempt from the inspection process.

The year 1981 was a devastating one for worker safety and health. We were set back severely but in spite of this there were some notable gains. The Lead Standard and the Hearing Conservation Standard are now in effect. The most notable victory though was the Supreme Court decision of June 17, 1981 upholding the cotton dust standard and not allowing cost benefit analysis to be used in determining the safety of a workplace. This victory will enable our brothers and sisters in the textile industry to lead healthier lives. Hopefully as a result of this decision "brown lung" disease will be on the decline.

Other notable gains have been:

- the expansion of the activities of COSH groups in obtaining greater union involvement. A COSH group is a coalition of unions, workers, professionals and individuals dedicated to fighting for safe and healthful working conditions.
- the establishment of working coalitions such as the OSHA/Environmental Network, an alliance of industrial union and environmental groups striving to preserve the OSH Act and environmental laws such as the Clean Air Act.

President Reagan and his Administration have forced us to organize better. I believe we will recoup our losses as long as we continue to fight back and let our voices be heard.

This guest editorial was written by Joseph Carpenter, Administrator, Welfare and Pension Funds, Local 259, United Auto Workers and Chairperson of the New York Committee for Occupational Safety and Health (NYCOSH).

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