U.S. Department of Labor

Occupational Safety and Health Administration (OSHA)

- Created within the U.S. Department of Labor to oversee administration of the OSHAct
- Develops and enforces mandatory job safety and health standards
- Establishes training programs in occupational safety and health (OS&H)
- Maintains a reporting and recordkeeping system to monitor job-related injuries and illnesses

Occupational Safety and Health Act of 1970

- Purpose: ". . . to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."
- Coverage extends to all employers and their employees in the 50 states, District of Columbia, Puerto Rico, and all other territories under Federal Government jurisdiction
- Coverage provided either directly by federal OSHA or through an OSHA-approved state program

OSHA Standards

- OSHA is responsible for promulgating legally enforceable safety and health standards to protect workers on the job
- Employers are responsible for becoming familiar with standards applicable to their establishments and ensuring employees have and use personal protective equipment when required
- OSHA standards cover general industry, construction, shipyard employment, marine terminals, longshoring, and agriculture
- Where OSHA has not promulgated specific standards, employers are responsible for following the Act's general duty clause - each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees"

OSHA-Approved State Programs

- The Act encourages states to develop and operate state job safety and health plans under OSHA guidance
- State plans are required to provide standards and enforcement programs which are at least as effective as the federal program
- State plans developed for the private sector also must provide coverage for state and local government employees
- States may also develop plans limited in coverage to public sector employees only

Consultation Assistance

- Available to employers who want help in establishing and maintaining a safe and healthful workplace
- Service provided upon request at no cost to employer
- No penalties are proposed or citations issued for hazards identified by consultant
- Possible violations of OSHA standards not reported to OSHA enforcement staff unless employer fails or refuses to eliminate or control worker exposure to any identified serious hazard or imminent danger situation
- See OSHA publication No. 3047, *Consultation Services for the Employer*

The New OSHA
Building Partnerships

OSHA offers businesses the choice of working with their employees to develop and enhance health and safety programs or to be subject to traditional OSHA enforcement.

The New OSHA
Common Sense Regulation

OSHA is changing its approach to regulations by identifying clear and sensible priorities, focusing on key building block rules, eliminating or fixing out-of-date and confusing standards, and emphasizing interaction with business and labor in the development of rules.

The New OSHA
Results, Not Red Tape

- OSHA is changing the way it does business by focusing on the most serious hazards and the most dangerous workplaces and by insisting on results instead of red tape
- OSHA field offices will analyze the root causes of injuries and illnesses in their jurisdiction and develop appropriate responses

The New OSHA
Initiatives

- Focused inspections in construction industry will concentrate on the four leading killers of construction workers:
  - falls
  - electrocutions
  - trenches
  - struck by or caught in between objects
- Increased use of technology

National Institute for Occupational Safety and Health (NIOSH)

- Part of the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services
- Provides research and evaluation studies of occupational injuries and hazardous substances in the workplace which are used by OSHA for setting workplace safety standards
- Operates an occupational safety and health informational bibliographic data base
- Certifies respiratory protection devices
- Call 1-800-35-NIOSH or World Wide Web at:
  http://www.cdc.gov/NIOSH/homepage.html

U.S. Environmental Protection Agency (EPA)

- Established as an independent agency in the Executive Branch in 1970
- Responsible for executing the Federal laws protecting the environment
- For information, call (202) 260-7751

Clean Air Act

- Regulates air emissions from area, stationary, and mobile sources
- Authorizes EPA to establish National Ambient Air Quality Standards to protect public health and the environment
- Addresses problems such as acid rain, ground level ozone, stratospheric ozone depletion, and air toxics

Clean Water Act

- Authorizes EPA to set effluent standards on an industry-by-industry basis (technology-based)
- Requires setting water quality standards for all contaminants in surface waters
- Makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under the Act

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund)

- Provides a federal "Superfund" to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment
- Gives EPA power to seek out parties responsible for any release and assure their cooperation in the cleanup
- Authorizes EPA to recover costs for cleanup from financially viable individuals and companies

Emergency Planning and Community Right-to-Know Act (EPCRA)

- Based on the premise that citizens have a right to know about chemicals in their communities
- Two main purposes:
  - Encourage planning for responses to accidents
  - Provide the public and the government with information about possible chemical hazards in communities

Resource Conservation and Recovery Act (RCRA)

- Gives EPA authority to control hazardous waste from "cradle-to-grave"
- Includes the generation, transportation, treatment, storage, and disposal of hazardous waste
- Sets forth a framework for the management of non-hazardous solid wastes

Superfund Amendments and Reauthorization Act (SARA)

- Reauthorized CERCLA to continue cleanup activities around the country
- Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA)

Toxic Substances Control Act (TSCA)

- Enacted by Congress to test, regulate, and screen all chemicals produced or imported into the U.S.
- Requires that any chemical that reaches the consumer market place be tested for possible toxic effects prior to commercial manufacture
- Any existing chemical that poses health and environmental hazards is tracked and reported under TSCA

U.S. Department of Transportation (DOT)

- The lead federal agency for developing, promulgating, and enforcing regulations for the safe transportation of hazardous materials
- DOT issues regulations that cover the designation and classification of hazardous materials, container specifications and requirements for testing, packaging, labeling, marking, placarding, handling, and shipping papers
- Regulations codified in Title 49, *Code of Federal Regulations*, (CFR)

Inspection and Enforcement

- Primary focus of the inspection and enforcement program is hazardous materials packaging in all its forms and related retesting and reconditioning activities
- Shipments of hazardous materials are inspected for compliance with classification, description, marking, labeling and packaging requirements
- DOT provides assistance to, and conducts joint inspections with, state enforcement personnel and other Federal agencies

Publications and Training

- DOT distributes brochures, charts, publications, training materials, videotapes and other safety-related information which are available to the public, call (202) 366-2301
- Hazardous materials training is provided to Federal, state and local enforcement agencies, industry, and emergency response personnel
- Classroom training provided at Transportation Safety Institute, Oklahoma City, Oklahoma and at selected sites throughout the country
- PC-based self-study programs on CD-ROM available, call (800) 467-4922

Information Analysis and Planning

- DOT operates the Hazardous Materials Information System (HMIS), a computerized national database, containing comprehensive information on hazardous materials incident reports and other hazardous materials safety-related information
- Access to major areas of HMIS is provided FREE to government agencies and the public through user-friendly, menu-driven programs
- For information on HMIS, call (202) 366-4484

Technical Support

- DOT provides technical support for interpretation of hazardous materials regulations, training, emergency response, and enforcement activities
- Call (202) 366-4545

Hazardous Materials Information Exchange (HMIX)

- FREE interactive electronic bulletin board available 24 hours a day
- Topics include training courses, coming events, public and private sector hazmat information, regulations, interpretations and other safety-related information
- Access HMIX on Internet at: hmix.dis.anl.gov
- Toll-free assistance is 1-800-PLANFOR, and in Illinois,
- 1-800-367-9592

Emergency Response Guidebook

- Addresses all hazardous materials regulated by DOT along with suggested initial response actions to be taken in the event of an accident (spill, explosion, fire, etc.) involving hazardous materials
- Updated every three years and available to first responders - police, fire and other emergency response personnel

Workers' Compensation Introduction

- Originated as a turn of the century reform of the insurance system designed to maximize benefits to workers while minimizing administrative and litigation costs
- Employer must compensate the worker for all work related injuries and illnesses regardless of fault
- Compensation is limited by statute, and the worker cannot sue in court for further damages

Key Elements

- All work-related injuries and illnesses must be compensated, regardless of fault
- Compensation limited to medical costs, indemnity payments, and defined death benefits
- System does not allow payments for pain and suffering nor may workers receive punitive damages
- Required in all but three states (NJ, TX, SC) and is even provided by most employers in these three states
- Rules vary from state to state

Costs

- Total costs in 1992 were over 60 billion dollars
- Costs have risen steadily through the years

Economic Incentives

- All firms suffer from the high cost of workers' compensation
- There are also indirect and hidden costs associated with injuries and illnesses
- There are potential economic advantages to small firms having a good safety and health record

Summary

- Workers' compensation represents a significant business expense for employers
- Workers' compensation costs are increasing
- Employers can influence their net costs for this coverage, positively or negatively, through their own efforts