OSHA CRITICISMS

The Occupational Safety and Health Act of 1970 impacts many economic sectors of our society. The scope of this law extends to more than 5 million workplaces and 60 million employees, it imposes substantial obligations upon the regulated employers and creates numerous rights for their employees Inevitably, those interests affected by this legislation have strongly-held opinions as to the manner in which it is enforced. The following is a summary of the criticisms voiced regarding the OSH Act or its administration and the steps OSHA has taken, where possible, to respond to these concerns. The criticisms are arranged according to the interest group or sector offering the viewpoint.

Organized Labor

A. Criticism

Labor has criticized numerous aspects of OSHA's enforcement and administration. These include the pace at which OSHA issues health standards (too slow) and what it considers excessive emphasis upon economic factors in this process Labor has also contended that OSHA handles employee complaints of workplace hazards too slowly and that too many violations are classified as non-serious Labor has stated that OSHA's compliance force is insufficient to enforce the OSH Act. It has objected to OSHA's administration of the State plans provisions of the OSH Act, claiming that OSHA allows States to operate without adequate guarantee of proper worker protection. Underlying these concerns is Labor's belief that political considerations have intruded into the administration of this law, a memorandum discovered by the Senate Watergate Committee, in which the first OSHA Assistant Secretary indicated that he was prepared to use the program to the Administration's advantage in the 1972 election, has left a legacy of distrust.

B OSHA's Response

OSHA has increased the resources devoted to standard-setting and has reorganized the National Office to place health standards-setting in a paramount role Training for compliance officers has been increased and new guidelines have been issued to the field, emphasizing the importance of treating employee complaints expeditiously. The Agency is in the process of changing the violation classification system to better reflect the percentage of violations involving serious hazards. OSHA has stepped-up its hiring of occupational health personnel to augment its compliance capability Finally, it continues to carefully oversee the 24 State job safety and health programs, ensuring that they provide coverage at least as effective as the Federal model before being allowed to operate independently. Through the expected administrative improvements from these and other remedial steps, OSHA hopes to dispel the mistrust created by past allegations of political interference.

Business community

A. Criticisms

The small business sector has maintained that the demands of the OSH Act require time, resources and expertise which is not available to most small business employers Many object to the requirement for first instance sanctions, contending that small business should be given the opportunity to correct violations before being penalized. Segments of these employers, such as light residential construction contractors, would also like to see OSHA differentiate between large and small business employers in standards requirements, so that employers with varying resource levels are not required to meet the same requirements The most conservative wing of small business employers objects to the validity of the Act itself and challenges its constitutionality

Larger firms have objected to the content of OSHA's standards especially those occupational health regulations affecting their specific industries (coke ovens, vinyl chloride, etc.) Many firms feel that OSHA is inadequately considering the cost of its regulations and not conducting proper cost/benefit analysis This segment also has criticized the Agency for concentrating on what it considers minor transgressions of the OSH Act (height of fire extinguishers, for example).

B. OSHA Response

OSHA has encouraged the States to develop fine-free, on-site consultation to assist small business employers, the Agency has published interpretations of its standards and