

18, 1972 Federal Register, should now be available at Regional or Area OSHA offices. This revision contains amendments through September 22, 1972 and covers the many changes and corrections of typographical errors since Part 1910 was published on May 29, 1972. The revised Part 1910 contains an index for 29 CFR 1910 Occupational Safety and Health Standards. Free single copies should be available now at OSHA's 72 field offices.

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Those interested in an OSHA Subscription Service in five volumes (volumes also available individually) providing all the standards, interpretations, regulations, and procedures starting in 1973 can get applications at OSHA field offices.

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OSHA is developing a 100-hour home study course aimed at "recognition, avoidance, and prevention of unsafe and unhealthy working conditions" to be available in the spring of 1973 . . . for details, write Office of Training and Education, Occupational Safety and Health Administration, 400 First Street, N.W., Washington, D.C. 20210.

OSAHRC . . . it wisely considers potential harm to both employees and employers

The gravity of a job safety violation in terms of its potential harm to employees must be considered in assessing monetary penalties even in non-serious cases.

The three-man Review Commission, in unanimously affirming the decision of one of its judges, stated that "*. . . the assessment of small monetary penalties for non-serious violations having the level of gravity of the violations found in this case effectuates the purpose of the Act. Penalties of this caliber serve to remind all employers that their primary responsibility under the Act is adherence to its protective mechanisms. Failure to impose penalties relating to violations with higher levels of gravity serve only to restrain the Act's effective operation and hinder its function to reduce hazards of the workplace for all employees.*"

OSHA had cited the Hydrosplit Corporation of Salt Lake City for alleged violations found during a job safety inspection. These were failure to provide railings for stairways and open mezzanines for storage of acetone in open containers, for failure to keep fire sprinkler heads free from deposits, and for nine instances of failure to ground power tools. The Enforcement did not propose any penalties for the last other non-serious violations. The company admitted that, while it was in violation of all the standards cited on the Labor Department citation, it had

abated the violations, and that all of the violations were of such a minor nature that no penalty was warranted.

Review Commission Judge Allen M. Wiennman, to whom the case was assigned, sustained the penalty proposals because, he ruled, risk of injury by falling, fire, or electrical shock was a very real possibility (OSAHRC Docket No. 591).

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In the case of one employer, the Review Commission ruled that the size of the business and its poor financial condition were of overriding importance.

Review Commission Judge Joseph L. Chalk had already dismissed a proposed penalty of \$165 against Colonial Craft Reproductions Inc. on the basis of previous Review Commission decisions regarding the value of relatively minor penalties in obtaining compliance with the Act.

Speaking for the majority, Commissioner Alan F. Burch stated that the Commission disagreed with Judge Chalk's conclusions that the case fell entirely within previous Review Commission decisions concerning the ineffectiveness of minimum penalties. Instead, Commissioner Burch noted that the Review Commission is charged with using four criteria in assessing penalties under the Act: the size of the business, the gravity of the violation, the good faith of the company, and its previous history of safety violations. "*We believe that in assessing civil penalties . . . occasion will arise when, despite the high gravity of the violation, overriding consideration must be given to these modifying factors in order to best effectuate the purpose of the Act. The Commission views this case as an appropriate one in which to give the modifying factors such consideration.*" The Commission considered the size of the business and its poor financial condition to be of overriding importance. (OSAHRC Docket No. 881).

OSHA Recommends ASTM Consensus Standards

Standards developed by the American Society for Testing and Materials (ASTM) are now recognized as national consensus standards by the Occupational Safety and Health Administration.

To provide the basis of new Federal job safety and health regulations, OSHA initially adopted national consensus standards of two other nationally recognized organizations, the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA).

Assistant Secretary of Labor George C. Brown, then, OSHA's head, said he had determined that the standards "are national consensus standards within the meaning of the Williams-Steiger Occupational Safety and Health Act of 1970 . . . Therefore they may be promulgated as national safety standards . . ."