

2—The Occupational Safety and Health Act of 1970

Washington, D C 20402

Standards^{*} contained in Part 1910 are applicable to general industry. Those contained in Part 1926 are applicable to the construction industry. Standards applicable to ship repairing, shipbuilding, shipbreaking and long-shoring are contained in Parts 1915 through 1918 respectively. Since standards cannot remain static due to use of new equipment, methods, and materials, all are subject to updating via modification.

OSHA also has the authority to promulgate emergency temporary standards where it is found that employees are exposed to grave danger. Emergency temporary standards can take effect immediately upon publication in the *Federal Register*. Such standards will remain in effect until superseded by a standard promulgated under the procedures prescribed by the Act.

Any person adversely affected by any standard issued by OSHA has the right to challenge its validity by petitioning the U S Court of Appeals within 60 days after its promulgation.

Input from the private sector. Occupational safety and health standards promulgated by OSHA will never cover every conceivable hazardous condition that could exist in any workplace. Nevertheless, new standards and modification of existing standards are of significant interest to employers and employees alike. Industry organizations as well as individuals and employee organizations should participate in the development of new and revised standards since it is within the private sector that most of the expertise and technical competence lies.

Much of the standards development work is carried on by the nationally recognized consensus standard producing organizations. Those so recognized by OSHA include the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), and National Fire Protection Association (NFPA). By far the majority of the promulgated standards now in place were initially adopted by ANSI and NFPA. Revision of standards by such organizations can lead to revision of OSHA standards. Prudent employers and employees should urge their respective representative organizations not only to participate in the

activities of the aforementioned standards-producing organizations, but also provide the leadership and initiate actions for new standards. To do less means that industry and employees are willing to let the standards-development process rest in the hands of government agencies such as OSHA and NIOSH.

Other sources utilized by OSHA for the revision of existing occupational safety and health standards or development of new standards are (a) trade associations that produce proprietary standards, (b) standards advisory committees appointed by OSHA to develop a recommended standard on a specific subject, and (c) NIOSH criteria documents.

In order to promulgate, revise, or modify a standard, OSHA must first publish in the *Federal Register* a notice of any proposed rule that will adopt, modify, or revoke any standard and invite interested persons to submit their views on the proposed rule within 30 days after publication. Interested persons may file objections to the rule and are entitled to a hearing on their objections if they request a hearing be held. However, objections must specify the parts of the proposed rule to which they object and the grounds for such objection. If a hearing is requested, OSHA must hold one. Based on (a) the need for control of an exposure to an occupational injury or illness, and (b) the reasonableness, effectiveness and feasibility of the control measures required, OSHA may issue a rule promulgating an additional standard or modify or revoke an existing standard.

Recordkeeping and reporting requirements

Most employers covered by the Act are required to maintain in each establishment records of recordable occupational injuries and illnesses^{**}. Such records consist of

- A log of occupational injuries and illnesses, OSHA Form 100

^{*} The Occupational Safety and Health Standards, Title 29, C F R., Chapter XVII, Parts 1910, 1926, and 1915-1918 are available at all OSHA regional and area offices.

^{**} Regulations pertaining to recording and reporting injuries and illnesses are codified in Title 29, C F R., Chapter XVII, Part 1904.