



Lead Industries Association, Inc.

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Environmental Health Department

July 19, 1979

TO: All Members of the Lead Industries Association, Inc.
All Members of the LIA Environmental Health Committee

FROM: Jerome F. Cole

On July 12, 1979, a meeting was held between the Steelworkers and representatives of the primary nonferrous metals industry. This meeting was arranged by Mr. Charles Barber, Chairman of ASARCO and Chairman of the Nonferrous Smelter Advisory Council of the American Mining Congress. Mr. Barber asked that I be present in order to take part in the portions of the discussion concerning lead.

The discussions at the meeting were, as Mr. Barber indicates, candid and carried out on "high ground". I believe that his memorandum fairly describes the conclusions of the meeting. It is being sent to you for your information.

Sincerely,

Jerome F. Cole
Director, Environmental Health
Lead Industries Association, Inc.

Enclosures

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N 3722

ASARCO

Charles F. Barber
Chairman

July 13, 1979

MEMORANDUM

TO: Nonferrous Smelter Advisory Council

FROM: Charles F. Barber, Chairman

RE: Meeting with USW and Representatives of AFL/CIO

The long-discussed meeting with representatives of labor took place in Pittsburgh on July 12, 1979. Participants are listed in Annex A.

The dialog focused on OSHA and particularly the lead and arsenic standards. The tone and scope of our presentation is indicated by the Agenda, Annex B, copies of which were distributed to all participants.

The contributions of the union representatives were candid and, like ours, "on high ground." We both focused on what could be done to reduce blood leads and limit exposures to arsenic. Points on which we had different points of view, such as the numbers in the standards, were recognized and set to one side.

Mr. McBride and Richard F. Schubert (President, Bethlehem Steel) both participated in an environmental meeting in New York in June. Copies of their speeches and transcripts of the Q's and A's which followed are attached. I think you will find them of interest.

A few specifics resulted from the discussion:

1. Mr. Schwartz invited the smelters to send representatives to training sessions on the lead standard being presented jointly by USWA and UAW under a grant from OSHA. Dr. Parkinson of the University of Pittsburgh (the Steelworkers' consultant on lead), industrial hygienists and some practical technicians will present the substantive material. The initial meetings are planned in Pittsburgh on August 2 (Hilton) and in St. Louis on August 16 (Chase Plaza). If they do a

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July 13, 1979

proper job, the unions anticipate additional grants to finance similar programs perhaps in Idaho and other western locations. Mr. Schwartz invited feedback from any of our group who attend. Dr. Cole and Ken Nelson accepted the invitation and plan to attend one of the sessions. If any addressee would like to have representatives attend one of these sessions, please contact Dr. Cole or Ken Nelson.

2. Dr. Cole invited the USWA to send representatives to the training course LIA will present for physicians from areas where exposure to lead may occur, August 30-31 at the Rye (N.Y.) Hilton.
3. Bob Allen suggested that a joint training program be presented for senior smelter workmen selected by the union in consultation with management and selected management employees on matters related to health. The idea is that the unions would have men in each plant better informed on the real issues and the importance to health of personal hygiene and plant house-keeping. In the usual situation, these men would serve on the plant safety and health committee. All present considered this an idea which should be further considered.

We met at 10 a.m. and concluded after lunch with adjournment at 2 p.m. While we have no specific plans for another meeting, there will undoubtedly be further contacts on points of common interest. All present indicated they felt the dialog had been useful.

CFB:mrw

Enclosures

cc: Gene M. Baker
D. Broward Craig
K. W. Nelson
D. H. Soutar
J. F. Cole (LIA) ✓
R. Long (AMC)

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Area A

ATTENDEES

Meeting with USW and Representatives of AFL/CIO

July 12, 1979

Elliot Bredhoff	Industrial Union Department (AFL-CIO) General Counsel and Counsel to Steelworkers
Lloyd McBride	President - Steelworkers
Frank McKee	Treasurer - Steelworkers
Jack Sheehan	Legislative Representative for Steelworkers in Washington, D.C.
Adolph Schwartz	Director of Safety and Health - Steelworkers
Jim English	Assistant General Counsel - Steelworkers
Harry Guenther	Assistant to Lloyd McBride
George Becker	Assistant to Secretary (Lynn Williams) - Steelworkers
Robert H. Allen	Chairman & CEO, Gulf Resources & Chemical Corporation (Houston)
Ralph F. Cox	President, Anaconda Company (Denver)
D. Broward Craig	President, St. Joe Minerals Corporation
Gene M. Baker	Vice President Environmental & Technical Services, Bunker Hill Company (Kellogg)
Jerome F. Cole (Dr.)	Director of Environmental Health, Lead Industries Association; Vice President, ILZRO.
Charles F. Barber	Chairman of the Board & CEO, ASARCO Incorporated
Kenneth W. Nelson	Vice President Environmental Affairs, ASARCO Incorporated
Douglas H. Soutar	Vice President Industrial Relations & Personnel, ASARCO Incorporated

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July 12, 1979

AGENDA

Nonferrous Smelters - USW
Environmental Matters

1. Opening Remarks - C. F. Barber

Purpose

- dialog; search for possible areas of cooperation to end of improving conditions and practices which may affect health
- not here to argue legal positions. Industry has set forth its views on the recent lead and arsenic standards in briefs filed in pending cases. USW position is articulately stated in its briefs in the same cases.
- focus today on desired results -- lower blood leads, reduced exposure to arsenic
- suggest discussion be considered "off the record"

Perspective

- expectation of continuing incremental improvements
- community of interest in progress on the real issues: employee health
- candid communication
- focus on achievement of desired benefits in ways that are the most effective and the least wasteful

Asarco Health Policy

LIA03404

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2. OSHA Lead Standard

Dr. Cole

- comparison of LIA's and OSHA's scientists' views on health effects of lead
- slides. Relationship of air lead and blood leads
- slides. Employee education serious
- review of personal hygiene practices to reduce lead absorption
- description of forthcoming LIA motivation study

K. W. Nelson

- improbability of attaining air lead standards by engineering controls
 - slides
 - case histories (Omaha and Glover)
- importance of personal hygiene
- respirators
- experience in foreign smelters

R. H. Allen Gene Baker

- Bunker Hill experience

Broward Craig

- an example of cooperation (Herculaneum)

3. OSHA Arsenic Standard

K. W. Nelson

- differences between copper companies and OSHA on arsenic standard
- improbability of attaining arsenic standards by engineering controls
- case history (El Paso)

R. Cox

- Anaconda experience

4. Where are we going?

- any future in cooperation?
- litigation
- quality of regulation
- resolving perceived problems

LIAC3406

October 26, 1978

EMPLOYEE SAFETY AND HEALTH - ASARCO POLICY

Producing nonferrous metals and minerals for the nation and the world is Asarco's task. In accomplishing that task Asarco is dedicated to protecting its employees against hazards of the workplace. Prevention of accidents and occupational illnesses is achieved by:

- 1) Building into new processes and new equipment demonstrated preventive procedures and devices;
- 2) Modifying existing processes and equipment to reduce health and safety risks;
- 3) Training employees in safe work practices and in the use of personal protective equipment;
- 4) Encouraging employees (a) to observe personal hygiene practices required to protect their health and (b) not to smoke;
- 5) Conducting periodic safety and industrial hygiene inspections to monitor the effectiveness of ongoing safety and health programs;
- 6) Maintaining general employee health programs and appropriate medical surveillance procedures for employees exposed to potentially hazardous substances;
- 7) Cooperating with representatives of employees, government, and private agencies and supporting research toward improved methods of accident prevention and early detection of occupational illness.

Asarco pledges to continue these activities and seeks the full cooperation of all its employees.

KWN/dr

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OCCUPATIONAL SAFETY & HEALTH

TRENDS: THEIR

IMPACT ON ORGANIZED LABOR

REMARKS BY

LLOYD McBRIDE

AT

SAFETY EXPO /79

INDUSTRIAL SAFETY/HEALTH/PLANT PROTECTION

CONFERENCE

JUNE 26, 1979

NEW YORK HILTON HOTEL NEW YORK, N. Y.

A FEW YEARS AGO, A VIOLINIST WITH THE WORLD-FAMOUS

PHILADELPHIA SYMPHONY ORCHESTRA COMPLAINED TO DR. JOSEPH SATALOFF,

A PROFESSOR OF OTOTOLOGY (THE BRANCH OF SCIENCE WHICH DEALS WITH

THE EAR AND ITS DISEASES) AT THE JEFFERSON MEDICAL COLLEGE IN THAT

CITY, THAT HE THOUGHT HE WAS GRADUALLY LOSING HIS HEARING AS A

RESULT OF THE LOUD NOISE HE WAS SUBJECTED TO DAY AFTER DAY FROM

THE TROMBONE SECTION DIRECTLY BEHIND HIM IN THE ORCHESTRA.

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A SPECIALIST ON OCCUPATIONAL HEARING LOSS, WHO HAS ADDRESSED A NUMBER OF CONFERENCES OF THE UNITED STEELWORKERS OF AMERICA IN RECENT MONTHS ON THIS VERY SERIOUS PROBLEM OF OUR SOCIETY, DR. SATALOFF DID CONDUCT, UPON RECEIVING THE VIOLINIST'S COMPLAINT, A VERY THOROUGH STUDY OF POSSIBLE HEARING IMPAIRMENT TO ORCHESTRA MEMBERS AS A RESULT OF THE NOISE LEVELS. SUCH STUDIES ARE IMPORTANT, BECAUSE A SUBSTANTIAL PERCENTAGE OF THE SOME 40 MILLION AMERICANS AFFLICTED WITH DEGREES OF HEARING LOSS GOT THAT WAY AS A RESULT OF THEIR JOBS. IN THIS PARTICULAR CASE, DR. SATALOFF CONCLUDED THAT NEITHER THE VIOLINIST NOR ANY OTHER MEMBER OF THE ORCHESTRA WAS SUFFERING ANY HEARING IMPAIRMENT THAT COULD BE TRACED TO THE TROMBONE SECTION.

THE TROMBONISTS, HOWEVER, AS WELL AS OTHER MUSICIANS WHO PLAYED BRASS AND OTHER MIND INSTRUMENTS, DID SEEM TO SUFFER FROM A COMMON MALADY, DR. SATALOFF DISCOVERED, AND IT WAS ONE THAT HE DECIDED WAS INDEED OCCUPATIONALLY CAUSED. THE AILMENT WAS MEMORRHOIDS.

THAT'S SORT OF REMINISCENT OF THE STORY OF THE FELLOW WHOSE JOB WITH THE CIRCUS WAS FOLLOWING THE ELEPHANTS WITH A SHOVEL TO KEEP THINGS PICKED UP. FREQUENTLY ENOUGH, HE'D HAVE TO USE HIS HANDS TO DO A THOROUGH JOB, AND HE SOON CONTRACTED A RATHER SEVERE DERMATITIS WHICH HIS PHYSICIAN COULDN'T SEEM TO GET CLEARED UP. UPON LEARNING WHAT THE MAN'S JOB WAS, THE DOCTOR SUGGESTED THAT HE MIGHT DO WELL TO LOOK FOR SOME OTHER LINE OF WORK. "WHAT?" THE FELLOW RESPONDED, "AND GIVE UP SHOW BUSINESS?"

NOW, LET ME SAY THAT I'M VERY PLEASED TO HAVE BEEN INVITED TO SPEAK WITH YOU TODAY AT THIS IMPRESSIVE OCCUPATIONAL SAFETY AND HEALTH CONFERENCE AND EXPOSITION. YOU AND I KNOW THAT OCCUPATIONAL SAFETY AND HEALTH IS A MOST SERIOUS MATTER, NOT ONLY FOR OUR OWN SOCIETY, BUT AROUND THE WORLD. SELDOM HAVE I HAD THE OPPORTUNITY TO SPEAK ON THIS CRUCIAL SUBJECT TO SO MANY PERSONS WHO ARE NOT CONNECTED WITH MY UNION -- THE UNITED STEELWORKERS OF AMERICA -- OR THE TRADE UNION MOVEMENT. AND IT IS IMPORTANT, I THINK, THAT THOSE OF YOU WHO ARE CONCERNED WITH SAFETY AND HEALTH FROM THE PLANT MANAGEMENT SIDE AND AS PROFESSIONALS IN THE FIELD KNOW WHERE LABOR HAS BEEN AND IS COMING FROM ON THIS FRONT.

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My subject today is "Occupational Safety and Health

TRENDS: THEIR IMPACT ON ORGANIZED LABOR." I WANT TO MAKE CLEAR AT THE OUTSET, HOWEVER, THAT I WANT TO DEAL WITH THE IMPACT IN THE OTHER DIRECTION... THAT IS, LABOR'S IMPACT ON OCCUPATIONAL SAFETY AND HEALTH, WHICH I BELIEVE HAS BEEN SIGNIFICANT... AND UPON OUR FEELINGS ABOUT CERTAIN TRENDS THAT CONCERN US. I WANT TO DEAL, TOO, WITH ENVIRONMENTAL HEALTH, AND NOT ONLY OF WORKERS, BUT OF ENTIRE COMMUNITIES. AND I'M GOING TO TRY TO CONVINCE YOU OF THE REAL NEED FOR THOSE OF US CONCERNED ABOUT IMPROVED SAFETY AND HEALTH TO COMMUNICATE MORE OPENLY AND FULLY ON THIS CRUCIAL SUBJECT AND TO COOPERATE TO ACHIEVE THAT GOAL.

WHEN THE STEEL WORKERS ORGANIZING COMMITTEE SIGNED ITS

FIRST CONTRACT WITH CARNEGIE-ILLINOIS STEEL CORPORATION -- LATER TO BECOME U. S. STEEL -- BACK ON MARCH 7, 1937, THAT CONTRACT CONTAINED A SECTION ON SAFETY AND HEALTH. IT SAID: "THE CORPORATION SHALL CONTINUE TO MAKE REASONABLE PROVISIONS FOR THE SAFETY AND HEALTH OF ITS EMPLOYEES AT THE PLANT DURING THE HOURS OF THEIR EMPLOYMENT. PROTECTIVE DEVICES, APPAREL AND OTHER EQUIPMENT NECESSARY TO PROPERLY PROTECT EMPLOYEES FROM INJURY SHALL BE PROVIDED BY THE CORPORATION IN ACCORDANCE WITH THE PRACTICE NOW PREVAILING IN EACH SEPARATE PLANT. PROPER HEATING AND VENTILATING SYSTEMS SHALL BE INSTALLED WHERE NEEDED."

TODAY'S SAFETY AND HEALTH CONTRACT LANGUAGE IS FAR MORE ELABORATE. WE ATTEMPT TO SPELL OUT THE RIGHTS OF WORKERS AND THEIR SAFETY AND HEALTH REPRESENTATIVES, AND THE OBLIGATIONS OF MANAGEMENT. THESE PROVISIONS INCLUDE PROCEDURES FOR JOINT MEETINGS AND ACTIONS -- THE BEST MECHANISM, IN OUR JUDGMENT -- FOR FINDING REAL SOLUTIONS TO SAFETY AND HEALTH PROBLEMS AT THE WORKPLACE.

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THE EVER GREATER FOCUS ON OCCUPATIONAL HEALTH HAS LED TO WHOLE NEW CONCEPTS FOR COLLECTIVE BARGAINING. WE ARE NOW DEEPLY CONCERNED WITH TRANSFER RIGHTS AND RATE RETENTION, FOR EXAMPLE, RELATED TO MEDICALLY-DICTATED REMOVAL OF WORKERS FROM JOBS. WE ARE CONCERNED WITH GUARDING AGAINST JOB-RELATED THREATS TO A WORKER'S REPRODUCTIVE LIFE, WHETHER MALE OR FEMALE. THE POLICY OF SOME COMPANIES OF TRANSFERRING WOMEN OF CHILD-BEARING AGE FROM CERTAIN HAZARDOUS JOBS DISCRIMINATES AGAINST THEM, IF PROVISION IS NOT MADE FOR THEM ALSO TO RETAIN THEIR EARNING POWER. BUT IT IS EVEN WORSE DISCRIMINATION AGAINST THE MEN WHO MAY BE MADE STERILE OR WHOSE CHILDREN MAY BE SUBJECT TO BIRTH DEFECTS AS A RESULT OF CONTINUED JOB EXPOSURE TO CERTAIN MATERIALS.

WHILE THE LABOR MOVEMENT CONTINUES SEEKING THE GREATEST POSSIBLE SAFETY AND HEALTH PROTECTION THROUGH CONTRACTUAL PROVISIONS, WE ALSO SEEK LEGISLATION THAT WILL SERVE NOT ONLY OUR OWN MEMBERS, BUT ALL AMERICANS. OVER 80 PERCENT OF THE NATION'S WORK FORCE, AFTER ALL, DOES NOT ENJOY THE BENEFITS OR PROTECTION OF UNIONIZATION.

EVEN IN ITS REPRESENTATION OF THE ONE IN FIVE AMERICAN WORKERS WHO ARE ITS MEMBERS, THE LABOR MOVEMENT HAS BEEN TERVED BY SOME OF ITS CRITICS AS NARROW AND CONCERNED ONLY WITH THE SPECIFIC, AND OFTEN SHORT-TERM, INTERESTS OF THOSE WHO "BELONG." THAT'S NOT TRUE, OF COURSE, FOR THE LABOR MOVEMENT IS A PEOPLE MOVEMENT. THE PEOPLE WHO ARE MEMBERS OF LABOR UNIONS ALSO ARE MEMBERS OF COMMUNITIES, OF CITIES AND TOWNS, OF STATES. THEIR INTERESTS IN A SAFE AND HEALTHY WORKPLACE ARE THE INTERESTS OF THEIR FRIENDS AND NEIGHBORS AND THOSE WITH WHOM THEY COME INTO CONTACT, WHETHER OR NOT THEY ARE MEMBERS OF UNIONS.

SAFE AND HEALTHY WORKPLACES MAKE COMMUNITIES BETTER PLACES IN WHICH TO LIVE, AND TO RAISE FAMILIES, IN MUCH THE SAME WAY THAT GOOD SCHOOLS, PLEASANT PARKS, SPORTS TEAMS, SYMPHONY ORCHESTRAS AND LIBRARIES MAKE COMMUNITIES BETTER AND MORE ATTRACTIVE. AND SO IT IS, IN BOTH THE SO-CALLED "NARROW" INTEREST OF ITS MEMBERS AND IN THE CLAIMED "BROADER" INTEREST OF THE COMMUNITY AT LARGE THAT ORGANIZED LABOR HAS PLAYED A SIGNIFICANT ROLE IN THE DEVELOPMENT OF A SAFE AND HEALTHY WORKPLACE.

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ORGANIZED LABOR'S THRUST, AND THAT OF THE STEELWORKERS, HAS BEEN TO PURSUE FEDERAL LAW IN ATTEMPTS TO SECURE THESE GOALS. FOR, IF THE TRUTH BE TOLD, IN HEALTH AND SAFETY, AS IN SO MANY OTHER AREAS, MANY OF THE STATES HAVE BEEN MUCH LESS PROGRESSIVE THAN HUMAN DIGNITY DEMANDED THEY BE.

FEDERAL LEGISLATION IN THE SAFETY AND HEALTH FIELD HAS INDEED BEEN RELATIVELY RECENT. IT WAS IN 1941 THAT THE FIRST NATIONAL COAL MINE SAFETY ACT WAS PASSED IN A NOTORIOUSLY DANGEROUS INDUSTRY. NOT UNTIL A QUARTER OF A CENTURY LATER WAS A SIMILAR LAW PASSED TO COVER U. S. HARDROCK MINERS -- THE METAL AND NON-METALLIC MINE SAFETY ACT OF 1966.

YET, IN THE NATION'S OVERALL WORK FORCE, NEARLY 15,000 PERSONS CONTINUED TO BE KILLED ON THE JOB EACH YEAR AND MORE THAN TWO MILLION DISABLED. UNTOLD MILLIONS MORE -- NO ONE CAN EVEN REALLY GUESS HOW MANY -- WERE BEING EXPOSED TO WORKPLACE SUBSTANCES THAT EVENTUALLY WOULD CAUSE THEIR PREMATURE DEATHS.

A MAJOR BEEKATTHROUGH CAME IN LATE 1970, WITH THE APPROVAL OF THE OCCUPATIONAL SAFETY AND HEALTH ACT -- THE LEGISLATION CREATING THE FEDERAL AGENCY KNOWN AS OSHA, WHICH IN THE INTERVENING YEARS HAS BORNE SO MUCH OF THE BUSINESS COMMUNITY CRITICISM DIRECTED AT THE SO-CALLED FEDERAL "REGULATORY JUNGLE."

IN THE EARLY DAYS OF ITS IMPLEMENTATION, EVEN THE MENTION OF THE AGENCY WAS GUARANTEED TO DRAW GROANS FROM BUSINESSMEN. THEY FELT THEIR RIGHT TO MANAGE WAS BEING USURPED BY ILL-INFORMED FEDERAL INSPECTORS WHO COULD COME IN AND DISRUPT PRODUCTION WHENEVER THEY LIKED -- AND WHO COULD WRITE CITATIONS FOR THE MEREST TECHNICAL VIOLATIONS OF THE THOUSANDS OF REGULATIONS.

SURE, IT'S TRUE THAT IN THE EARLY DAYS OF OSHA, MANY OF THE VIOLATIONS CITED WERE TECHNICAL IN NATURE -- "NIT-PICKING," THE BUSINESSMEN USED TO SAY. AND THEY USED THAT CRITICISM TO TRY TO EMASCULATE OSHA, TO STRIP AWAY ITS POWER TO SEE THAT WORKERS SPENT THEIR TIME IN CLEAN, SAFE AND HEALTHY WORKING ENVIRONMENTS.

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10.

WHAT THE OSHA CRITICS FAILED TO SEE THROUGH THEIR TEARS WAS THE LONG LIST OF RIGHTS THAT WORKERS NOW HAD: THE RIGHT TO HAVE THEIR EMPLOYERS KEEP THEM INFORMED OF THEIR RIGHTS UNDER THE ACT AND THE FREEDOM FROM DISCIPLINE FOR EXERCISING THOSE RIGHTS; THE RIGHT TO BE TOLD WHEN CONCENTRATION LEVELS WERE BEING EXCEEDED AND WHAT MEASURES WERE BEING TAKEN TO REDUCE THEM; THE RIGHT TO REQUEST -- AND GET -- A SPECIAL INSPECTION OF A CLAIMED HAZARD, AND TO BE TOLD THE RESULT; THE RIGHT TO PARTICIPATE IN HEARINGS ON EMPLOYER REQUESTS FOR VARIANCES FROM STANDARDS. THERE WERE OTHER RIGHTS, TOO. IN SHORT, THEY AMOUNTED TO THE RIGHT TO A SAFE AND HEALTHY WORKPLACE.

11.

A LOT OF PEOPLE HAD A HAND IN ENACTING THAT 1970 ACT. I AM PROUD INDEED THAT THE ACT'S MAJOR SPONSOR IN THE SENATE, HARRISON A. WILLIAMS, JR., CITED THE UNITED STEELWORKERS AS BEING "PARAMOUNT" IN ITS ENACTMENT. OUR UNION'S LEGISLATIVE DIRECTOR, JOHN J. SHEEHAN, CHAIRED THE AFL-CIO TASK FORCE ON JOB SAFETY WHICH COORDINATED LABOR'S EFFORT TO SECURE THIS BILL -- THE FIRST MEANINGFUL FEDERAL STATUTE TOUCHING UPON THE HEALTH AND SAFETY OF MOST OF THE NATION'S WORK FORCE -- UNIONIZED OR NOT.

THE LEGISLATION CREATING OSHA DOESN'T STAND ALONE ON OUR LIST OF HEALTH AND SAFETY CONCERNS FOR THOSE WHO WORK IN THE MYRIAD WORKPLACES OF THIS NATION. THE STEELWORKERS ALSO PLAYED A MAJOR ROLE IN PASSAGE OF THE UPDATED 1977 FEDERAL MINE SAFETY AND HEALTH ACT, WHICH UPGRADES AND COMBINES THE BETTER FEATURES OF PREVIOUS LAWS.

IN A DIRECT WAY, THAT LEGISLATION STANDS AS THE FULFILLMENT OF A PROMISE MADE BY THE USMA IN 1972 WHEN 91 MINERS -- NEARLY ALL OF WHOM WERE MEMBERS OF OUR UNION -- WERE KILLED IN MAY IN AN ACCIDENT IN THE GRISLY MISMAMED SUNSHINE MINE IN KELLOGG, IDAHO.

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ORGANIZED LABOR CONTINUES ITS PUSH IN THIS FIELD.

THE MOST RECENT FEDERAL LAW IS THE TOXIC SUBSTANCES CONTROL ACT, THE PURPOSE OF WHICH IS TO ALLOW THE PRETESTING OF POTENTIALLY HAZARDOUS NEW SUBSTANCES ABOUT TO ENTER THE MARKETPLACE.

WHETHER WE ARE AT THE END OF THE TREND TOWARD HEALTH AND SAFETY LEGISLATION AT THE FEDERAL LEVEL REMAINS TO BE SEEN. WE KNOW ONE THING, HOWEVER, THAT WE ARE BEGINNING TO SEE THE POSITIVE EFFECTS OF THIS LEGISLATION. NOT ONLY WILL WE CONTINUE TO STRENUOUSLY OPPOSE ANY EFFORTS TO DILUTE IT, BUT WE WILL PUSH FOR ADDITIONAL LAWS IF WE SEE THEIR NEED IN DEALING WITH NEW WORKPLACE HAZARDS.

WHY SHOULDN'T WE CONTINUE TO PUSH, IN FACT, GIVEN OUR VIEW THAT UNIONS ARE PEOPLE-ORIENTED ABOVE ALL, WE SIMPLY MUST PUSH AHEAD. A GREAT DEAL REMAINS TO BE DONE, AND THAT INCLUDES WORK BY THE FEDERAL GOVERNMENT. AS JUST ONE EXAMPLE, THERE IS THE QUESTION OF FEDERAL ACTION ON WORKER'S COMPENSATION -- A CRITICAL ITEM AND ONE THAT I WANT TO RETURN TO IN JUST A MOMENT.

BUT FIRST, STAYING BRIEFLY WITH THE SUBJECT OF HEALTH, WHAT I THINK WE'RE DEALING WITH HERE IS THE PHENOMENON THAT KNOWLEDGE BREEDS KNOWLEDGE. AND WHEN THIS KNOWLEDGE IS ACTED UPON, PEOPLE BENEFIT AND COMPANIES BENEFIT, AND COMMUNITIES BENEFIT. LET ME ILLUSTRATE.

FOR MANY YEARS IN THIS COUNTRY WE SEEMED TO EQUATE A DIRTY ENVIRONMENT WITH ECONOMIC PROGRESS. POLLUTED STREAMS AND BLACKENED SKIES MEANT MEN AT WORK. WE DIDN'T SEEM TO REALIZE THAT ILL HEALTH, BOTH OF THE WORK FORCE AND OF THE COMMUNITIES AT LARGE, WERE A BY-PRODUCT; OR, IF WE DID, WE TOOK IT AS A NECESSARY EVIL.

GRADUALLY, WITH THE DAWN OF THE ENVIRONMENTAL AGE, WE FOUND THAT CLEANING UP THE ENVIRONMENT WENT HAND-IN-HAND WITH SAFER AND MORE HEALTHFUL WORKING CONDITIONS. WE FOUND, TOO, THAT CLEANER FACILITIES WERE MORE EFFICIENT, MORE PRODUCTIVE. COMPANIES FOUND THE INCENTIVE TO BUILD NEW FACILITIES OR EXPAND AND MODERNIZE OLD ONES UNDER THE PRODDING OF THE COALITION OF FORCES -- PUBLIC AND PRIVATE -- THAT CLAMORED FOR A CLEAN-UP.

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AGAIN, THE LABOR UNIONS UNDERSTOOD THE IMPORTANCE OF THE FEDERAL ROLE IN THIS SCENARIO. LABOR COOPERATED WITH THE ENVIRONMENTAL PROTECTION AGENCY IN SEEKING ENFORCEMENT OF THE CLEAN AIR ACT, IN HELPING TO SEE THAT LATER AMENDMENTS DID NOT DILUTE ITS EFFECTS, AND IN SECURING PASSAGE AND IMPLEMENTATION OF OTHER CLEAN-UP LEGISLATION.

THE STEEL INDUSTRY PROVIDES A NUMBER OF GOOD EXAMPLES.

LET ME CITE JUST ONE. RECENTLY A GREAT DEAL OF ATTENTION HAS BEEN GIVEN TO PLANS BY ONE MAJOR STEEL PRODUCER TO SPEND MANY MILLIONS OF DOLLARS TO REDUCE AIR POLLUTION FROM A LARGE FACILITY.

INITIALLY, IT WAS PRESSURE FROM THE LOCAL UNION AT THAT PLANT AND COMPLAINTS ABOUT THE HEALTH OF THE WORK FORCE THERE THAT BROUGHT ABOUT ACTION ON A CLEAN-UP. KNOWLEDGE BRED KNOWLEDGE. WE LEARNED ABOUT ONE DANGER AFTER ANOTHER. WITH EACH NEW REVELATION, WE DEMANDED ACTION TO ALLEVIATE THE PROBLEMS.

YET KNOWLEDGE CAN BE FRIGHTENING, TOO. TAKE THAT TIME BOMB WE KNOW AS CANCER. OUR KNOWLEDGE OF POTENTIALLY HAZARDOUS SUBSTANCES IN THE WORKPLACE, AND IN PARTICULAR WHICH ONES ARE POSSIBLE CARCINOGENS, SEEMS TO BE GROWING SO MUCH FASTER THAN OUR ABILITY TO PROTECT THE WORKERS THAT IT IS A SOURCE OF GREAT FRUSTRATION AND CONCERN.

WE FEEL THE NEED TO ACT IMMEDIATELY, BECAUSE OF THE UNCERTAINTY OF LONG-TERM EFFECTS OF THESE SUBSTANCES.

AND THE ESCALATION OF TECHNOLOGY -- NUCLEAR ENERGY, CHEMICAL WASTE DISPOSAL, AND A HOST OF SIMILAR QUESTIONS -- ADDS TO OUR KNOWLEDGE AND PUSHES US TO SEARCH FOR SOLUTIONS.

ONE RESPONSE HAS BEEN TO INCREASE SUBSTANTIALLY OUR STAFFS WHOSE JOBS ARE DIRECTLY RELATED TO INDUSTRIAL HEALTH AND SAFETY QUESTIONS -- NOT TO MENTION OUR LEGAL STAFFS TO HELP DEAL WITH THE SUITS THAT GREATER EFFORTS ON WORKPLACE HEALTH AND SAFETY INEVITABLY CAUSE.

ORGANIZED LABOR KNOWS, AFTER ALL, AS DO YOU, THAT JUST BECAUSE A STANDARD IS WRITTEN INTO A LAW DOESN'T NECESSARILY MEAN THAT STANDARD WILL BE MET. ENFORCEMENT IS AS IMPORTANT AS ENACTMENT.

IF WE HAVE SEEN A HOST OF IMPORTANT OCCUPATIONAL SAFETY AND HEALTH AND ENVIRONMENTAL HEALTH LAWS PASSED AT THE FEDERAL LEVEL IN THE PAST COUPLE OF DECADES, WE ALSO HAVE SEEN AN UNRELENTING EFFORT TO RESTRICT OR BLUNT THE EFFECTIVENESS OF SOME OF THOSE NEW LAWS. THIS HAS BEEN PARTICULARLY TRUE CONCERNING THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

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16.

ON MARCH 7 OF THIS YEAR, REPRESENTATIVES FROM 14 BUSINESS AND POLITICAL GROUPS ATTENDED A "STOP OSHA" CONFERENCE IN WASHINGTON, D. C., SPONSORED BY THE AMERICAN CONSERVATIVE UNION, ALTHOUGH PARTICIPANTS APPARENTLY WERE UNABLE TO DECIDE THEN ON A UNIFIED LEGISLATIVE STRATEGY TO TRY TO AMEND THE ACT, THE MEETING DID GO OVER PLANS FOR A TRAVELLING "STOP OSHA" SPEAKERS BUREAU, A MONITORING GROUP TO TRACK OSHA-RELATED LEGISLATION, AND A NATIONAL "STOP OSHA" SEMINAR IN WASHINGTON FOR BUSINESS LEADERS.

THIS IS NOT REALLY NEW. IN CONGRESS AFTER CONGRESS SINCE OSHA WAS ADOPTED IN 1970, WE HAVE SEEN LEGISLATIVE EFFORTS TO END ITS COVERAGE OF SMALL EMPLOYERS AND CRIPPLE THE AGENCY BY RESTRICTING IT'S APPROPRIATION. TO DATE, MOST SUCH EFFORTS HAVE BEEN BEATEN BACK, ALTHOUGH, FROM OUR POINT OF VIEW, THERE HAS BEEN A CONSTANT NEED FOR GREATER FUNDING. OSHA INSPECTORS ARE STILL TOO FEW TO HANDLE THE MASSIVE RESPONSIBILITY THAT IS THEIRS.

17.

THE GROWING AWARENESS IN THE UNITED STATES TODAY THAT INFILTRATION IS INDEED A CRIPPLING PROBLEM HAS LED TO YET ANOTHER FORM OF ATTACK ON THE OCCUPATIONAL SAFETY AND HEALTH LAW AND ITS ADMINISTRATION. IT'S THE INCREASING DEMAND FOR "COST EFFECTIVENESS" AND FOR "COST-BENEFIT ANALYSIS," AS APPLIED TO HEALTH AND SAFETY STANDARDS.

THE U. S. FIFTH CIRCUIT COURT OF APPEALS RECENTLY RULED VOID THE NEW STANDARD ON BENZENE ISSUED BY THE SECRETARY OF LABOR -- BENZENE IS A KNOWN CARCINOGEN -- ON THE BASIS THAT THE SECRETARY HAD NOT QUANTIFIED THE NUMBER OF LIVES THE STANDARD WOULD SAVE, AND AT WHAT COST.

NOW, IN PASSING OSHA, CONGRESS DID NOT SAY THAT SUCH QUANTIFICATION HAD TO BE MADE FOR EACH HEALTH STANDARD. IT SAID, RATHER, THAT WHERE TOXIC SUBSTANCES ARE CONCERNED, IT IS THE SECRETARY'S DUTY TO SET THE EXPOSURE LEVEL TO ENSURE, ON THE BASIS OF THE BEST AVAILABLE EVIDENCE, THAT NO WORKER WILL SUFFER MATERIAL IMPAIRMENT EVEN IF EXPOSED TO THE SUBSTANCE FOR HIS OR HER ENTIRE WORKING LIFE. THE ONE CONSTRAINT IS THAT THE PERMISSIBLE EXPOSURE LEVEL BE "FEASIBLE." THAT IS, CAN BE MET THROUGH ENGINEERING AND WORK PRACTICE CONTROLS.

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SINCE PASSAGE OF THE ACT, FEW NEW HEALTH STANDARDS HAVE BEEN ESTABLISHED. THOSE THAT HAVE BEEN PROMULGATED, HAVE COME ABOUT ONLY AFTER THE MOST CAREFUL AND PAINSTAKING STUDY AND AFTER INTERESTED PARTIES HAVE HAD THE BROADEST CHANCE TO EXPRESS THEIR VIEWS ON PROPOSALS FOR THE REGULATION OF SUCH SUBSTANCES AS VINYL CHLORIDE, COKE OVEN EMISSIONS, ARSENIC, BERYLLIUM AND LEAD. COST FACTORS CLEARLY WERE TAKEN INTO CONSIDERATION, AND LIBERAL TIME DEADLINES WERE ESTABLISHED FOR THE INSTALLATION OF ENGINEERING CONTROLS BY AFFECTED INDUSTRIES.

THE VIEW TODAY'S PROPONENTS OF FAR MORE STRINGENT "COST-BENEFIT" ANALYSIS, WHO WILL BE GIVEN A HUGE BOOST UNLESS THE U. S. SUPREME COURT OVERTURNS THE FIFTH CIRCUIT'S BENZENE RULING, AS THOSE PERSONS AND ORGANIZATIONS WHO AND WHICH SIMPLY OPPOSE GOVERNMENTAL REGULATION. IT IS NO COINCIDENCE, TO BE SURE, THAT OSHA IS A PRIME TARGET OF THE RIGHT-WING POLITICAL MOVEMENT IN THE UNITED STATES. IT IS UNFORTUNATE THAT THE MENTALITY OF THE BOYS OF THE COUNCIL ON WAGE AND PRICE STABILITY -- THE GUYS WITH THE GREEN EYESHADES, I'VE TERMED THEM ON OCCASION -- PLAYS INTO THEIR HANDS. THE FACT IS, LADIES AND GENTLEMEN, THAT EVEN IF IT WERE POSSIBLE TO PRESENT A REALISTIC ESTIMATE AS TO HOW MANY LIVES MIGHT BE SAVED BY LOWERING THE EXPOSURE LEVEL TO A CERTAIN CARCINOGEN FROM A TO B, WHO IS GOING TO BE THE ONE TO SET THE MONETARY VALUE ON THOSE LIVES? IS THAT REALLY SOMETHING THAT WE SHOULD ASK OF THE SECRETARY OF LABOR?

NO. ONE CAN'T PLACE A VALUE ON A LIFE. STRINGENT "COST-BENEFIT" ANALYSIS SIMPLY IS NOT APPLICABLE TO HEALTH AND SAFETY. WE IN LABOR BELIEVE THAT THE ARGUMENTS BEING MADE FOR SUCH ANALYSIS IS A SMOKESCREEN DESIGNED TO DISGUISE THE ATTACK TO DESTROY THE LAW ITSELF.

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ONE OF THE REASONS FOR OUR SUSPICIONS IS THE INCONSISTENCY OF THE ARGUMENTS BY OSHA AND NSHA OPPONENTS. THEY OFTEN CONTEND, FOR EXAMPLE, THAT CITATIONS AND ENFORCEMENT AREN'T THE WAY TO A SAFER, MORE HEALTHY WORKPLACE. RATHER, THEY MAINTAIN, IT'S EDUCATION AND TRAINING THAT ARE REALLY IMPORTANT. YET, IT'S THESE SAME PEOPLE WHO ARE LOBBYING IN THE CONGRESS IN FAVOR OF AN AMENDMENT TO THE MINE SAFETY AND HEALTH ACT OF 1977 THAT WOULD ELIMINATE, FOR STONE WORKERS WHO ARE COVERED BY THE LAW, THE REQUIREMENT THAT A COMPANY PROVIDE ITS WORKERS WITH EIGHT HOURS OF TRAINING EACH YEAR.

UNDER THE WAGNER ACT MORE THAN FOUR DECADES AGO, WORKERS GAINED THE RIGHT TO ORGANIZE AND TO ENGAGE IN COLLECTIVE BARGAINING. AFTER A TURBULENT BEGINNING TO THAT PROCESS, WORKERS AND EMPLOYERS FOUND THAT COLLECTIVE BARGAINING WAS MUTUALLY BENEFICIAL. IN THE STEEL INDUSTRY, FOR EXAMPLE, BOTH SIDES HAVE BEEN ABLE TO COOPERATE TO MEETING COMMON PROBLEMS, WHILE NEGOTIATING RECORD BENEFITS FOR WORKERS IN AN ENVIRONMENT WHICH HAS NOT BEEN DISRUPTED BY AN INDUSTRYWIDE STRIKE IN THE PAST TWO DECADES.

HE HAD THOUGHT, IN FACT, THAT COLLECTIVE BARGAINING HAD PRETTY WELL BEEN ACCEPTED AS AN INSTITUTION FOR GOOD IN AMERICAN SOCIETY. YET, RECENT OCCURRENCES HAVE CONVINCED US THAT THERE ARE THOSE WHO DO NOT SO CONSIDER IT....WHO ARE OUT TO DESTROY UNIONS AND UNIONISM. WE HAVE SEEN IN THE LAST COUPLE OF YEARS AN INCREASED FLIGHT OF INDUSTRY TO THE LARGELY UN-UNIONIZED SUNBELT OF OUR OWN NATION, AS WELL AS OVERSEAS. WE HAVE WITNESSED A PUSH -- UNSUCCESSFUL, SO FAR, -- FOR A SO-CALLED "RIGHT-TO-WORK" LAW IN MISSOURI, AND WILD DISTORTIONS USED IN THE FIGHT AGAINST MODEST LABOR LAW REFORM PROPOSALS IN THE CONGRESS. WE HAVE SEEN A NUMBER OF ATTEMPTS BY INDUSTRY TO TAKE AWAY PAST BARGAINING GAINS OF WORKERS AND TO RENEGE ON BARGAINING COMMITMENTS. WE HAVE WITNESSED NEW AND FRIGHTENING WORKING RELATIONSHIPS BETWEEN MAINLINE BUSINESS AND INDUSTRY ORGANIZATIONS AND THOSE OF THE EXTREME POLITICAL RIGHT WING. THIS GROWING INTRANSIGENCE ABOUT UNIONS IS ALSO REFLECTED IN AN ATTITUDE TOWARD GOVERNMENT AND GOVERNMENT REGULATION.

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WE ARE, I FEAR, AT A DANGEROUS JUNCTURE...ONE AT WHICH THE POSSIBILITY OF REAL CONFRONTATION COULD BE ACCELERATED IF BACKSLIDING OCCURS ON SAFETY AND HEALTH. THE NEW LAWS HAVE HELD OUT TO WORKERS THE PROMISE OF A MORE HEALTHY WORKPLACE...IT IS SOMETHING THEY WANT, NEED AND DESERVE.

ONE OF THE TRENDS IN SAFETY AND HEALTH TODAY IS THE GROWING WORKER AWARENESS OF POTENTIAL HAZARDS, AND THE GROWING DEMAND TO KNOW SPECIFICALLY AND UNEQUIVOCALLY THE HAZARDS TO WHICH HE OR SHE IS EXPOSED. NO LONGER WILL WORKERS ACCEPT ROUTINE ASSURANCES FROM THEIR EMPLOYERS THAT ALL IS WELL. WORKERS SHOULD BE WORRIED, GIVEN THE EXTENT OF THE VAST NEW ARRAY OF POTENTIAL KILLERS ENTERING THEIR PLACES OF WORK EACH YEAR.

WE IN THE UNITED STEELWORKERS OF AMERICA SEE THIS GROWING CONCERN DAY BY DAY. NOT ONLY DO WE ENCOURAGE IT, BUT WE DO ATTEMPT TO CHANNEL IT PRODUCTIVELY THROUGH INCREASING NUMBERS OF INFORMATIONAL SEMINARS, LEADERSHIP CLASSES, AND SUMMER INSTITUTES THAT DEAL WITH SAFETY AND HEALTH. OUR UNION, TOO, IS WORKING WITH UNIVERSITIES, SUCH AS GEORGE WASHINGTON UNIVERSITY IN WASHINGTON, D. C., TO TRAIN WORKERS IN THE FIELD ON THE DETAILED PROVISIONS OF HEALTH STANDARDS ON COKE OVEN EMISSIONS AND LEAD. THIS WORK IS FUNDED THROUGH GRANTS

FROM NCUA

ANOTHER UNIQUE ARRANGEMENT TO WHICH THE UNITED STEELWORKERS BECAME A PARTY LAST FALL IS ONE WITH THE UNIVERSITY OF PITTSBURGH. DR. DAVID PARKINSON, A MEMBER OF ITS GRADUATE SCHOOL OF PUBLIC HEALTH, IS NOW SPENDING HALF OF HIS TIME AS A MEDICAL CONSULTANT TO OUR INTERNATIONAL UNION, SUPPLEMENTING A STEELWORKERS HEALTH AND SAFETY STAFF THAT ALSO NOW INCLUDES TWO INDUSTRIAL HYGIENISTS. THIS ALSO PROVIDES UNION ACCESS TO THE UNIVERSITY LIBRARIES, LABORATORIES, AND OTHER FACILITIES, WHILE BRINGING THE UNIVERSITY CLOSER TO WORKPLACES WHERE ACTUAL OCCUPATIONAL HEALTH PROBLEMS EXIST.

AS I INDICATED, THE INFORMATION EXPLOSION IN THE SAFETY AND HEALTH FIELD HAS BROUGHT AN INCREASED AWARENESS TO WORKERS. ATTEMPTS TO DO ANY TURNING BACK OF THE CLOCKS ON THIS FRONT -- SUCH AS THOSE RECENTLY SEEN IN RESPECT TO COLLECTIVE BARGAINING -- WILL, I CAN ASSURE YOU, NOT BE TAKEN LIGHTLY BY WORKERS.

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THE NATIONAL SAFETY COUNCIL ESTIMATES THE DIRECT COST OF WORKPLACE INJURIES AT NEARLY \$21 BILLION FOR 1978. TEN TIMES MORE WORK DAYS ARE LOST EACH YEAR BECAUSE OF INJURIES THAN BECAUSE OF STRIKES. BUT, JUST AS INDUSTRY INTRANSIGENCE ON THE COLLECTIVE BARGAINING FRONT HAS ACTUALLY PROVOKED A NUMBER OF STRIKES IN THE LAST COUPLE OF YEARS, THE SAME RESULT CAN BE EXPECTED IF EFFORTS ARE MADE TO TAKE AWAY HEALTH AND SAFETY GAINS.

LET ME POINT HERE TO ONE SPECIFIC AREA IN WHICH WORKERS' RIGHTS ARE BEING ATTACKED. IT IS THAT OF SUING MANUFACTURERS OF FAULTY EQUIPMENT OR HAZARDOUS SUBSTANCES. STATE LEGISLATURES ACROSS THE NATION ARE TODAY BEING PRESSURED TO DISALLOW THIRD PARTY LIABILITY SUITS BY WORKING AMERICANS. WHY SHOULD THIS BE SO, WHEN SUCH SUITS SERVE NOT ONLY TO COMPENSATE WORKERS FOR WRONGS, BUT HAVE THE SALUTATORY EFFECT OF ENCOURAGING MANUFACTURERS TO PRODUCE SAFER PRODUCTS FOR WORKPLACE USE?

THE RATIONALE IS THAT THERE IS A SYSTEM OF WORKER'S COMPENSATION THAT SHOULD BE THE EXCLUSIVE REMEDY FOR WORKERS. LET ME ADDRESS BRIEFLY THIS SUBJECT FOR THE PASSAGE OF AN ADEQUATE FEDERAL WORKER'S COMPENSATION STANDARDS BILL IS AT THE VERY TOP OF THE LIST OF UNFINISHED BUSINESS ON THE SAFETY AND HEALTH FRONT AS FAR AS THE UNITED STEELWORKERS OF AMERICA IS CONCERNED.

FEDERAL STANDARDS IN THIS AREA ARE DESPERATELY NEEDED, AS I RECENTLY TESTIFIED BEFORE A SENATE COMMITTEE, FOR, AFTER A BRIEF FLURRY OF PARTIAL REFORM BY STATES AFTER THE NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS ISSUED ITS 19 MINIMUM ESSENTIAL RECOMMENDATIONS SEVEN YEARS AGO, STATE LEGISLATURES HAVE DONE EXCEEDINGLY LITTLE IN A CONSTRUCTIVE VEIN SINCE 1975. IN FACT, FOUR STATES ACTUALLY REDUCED THEIR WORKER'S COMPENSATION COVERAGE LAST YEAR.

NOT ONE STATE MEETS THE 19 RECOMMENDATIONS OF THE STUDY COMMISSION, AND THE AVERAGE STATE MEETS ONLY 12. THE DEFICIENCIES ARE ESPECIALLY GLARING IN THE AREA OF OCCUPATIONAL DISEASE COVERAGE -- WITH NOT A SINGLE STATE ADEQUATELY COVERING THIS INCREASINGLY CRUCIAL AREA.

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THE SAD...YES, TRAGIC...FACT IS THAT AS FEW AS FIVE PERCENT OF THE WORKERS WITH OCCUPATIONAL DISEASES ARE GETTING ANY HELP AT ALL FROM THE WORKER'S COMPENSATION SYSTEM, ACCORDING TO THE 1977 INTERDEPARTMENTAL TASK FORCE. AND OF THOSE, A SUBSTANTIAL PORTION HAVE DISEASES THAT ARE OF A SHORT-TERM OR NON-CRITICAL NATURE, SUCH AS DERMATITIS.

WE ARE TALKING ABOUT NEARLY HALF A MILLION WORKERS WHO ARE AFFECTED BY OCCUPATIONAL ILLNESSES EACH YEAR. ACCORDING TO NIOSH ESTIMATES, SOME 100,000 DEATHS EACH YEAR ARE FROM WORK-RELATED ILLNESSES -- 60,000 OF WHICH ARE FROM OCCUPATIONAL CANCERS. YET, ONLY SOME 30,000 RECEIVE ANY WORKER'S COMPENSATION, WITH MOST OF THOSE BEING THE LESS SERIOUS, TEMPORARY CASES.

AS WAS INDICATED BEFORE, THERE ARE THOSE WHO ARGUE THAT "COST-BENEFIT" ANALYSIS CAN BE STRICTLY APPLIED TO THE HEALTH AND SAFETY FIELD...THAT ECONOMIC MARKET MECHANISMS AND INCENTIVES SHOULD BE USED TO JUDGE WHETHER OR NOT A NEW HEALTH STANDARD IS TO BE ESTABLISHED. WE DO NOT AGREE THAT SUCH ECONOMIC THEORIZING OUGHT TO OVERRIDE THE BEST MEDICAL AND SCIENTIFIC KNOWLEDGE IN SUCH MATTERS.

IN THE AREA OF WORKER'S COMPENSATION, ON THE OTHER HAND, THERE MIGHT WELL BE THE OPPORTUNITY TO STIMULATE GREATER CONCERN FOR HEALTH AND SAFETY THROUGH MARKET FORCES. WHEN ORIGINALLY DESIGNED, IT WAS PARTIALLY JUSTIFIED ON THE BASIS THAT ITS ECONOMICS WOULD PROMOTE A LESSENING OF WORKPLACE HAZARDS. THE HODGE-PODGE OF RESTRICTIONS AND LIMITATIONS BY THE STATES, HOWEVER, HAS VIRTUALLY NEGATED THAT EFFECT. COMPENSATION BENEFITS TO WORKERS...AND THUS COSTS OF EMPLOYERS...HAVE BEEN SO LAX, AND IN THE CASE OF OCCUPATIONAL DISEASES ALMOST NONEXISTENT, THAT EMPLOYERS HAVE FELT LITTLE OR NO EFFECTIVE PREVENTIVE PRESSURE FROM THE SYSTEM.

COMPENSATION COSTS, RATHER THAN BEING BORNE BY EMPLOYERS, HAVE BEEN BORNE BY THE DISABLED WORKERS THEMSELVES OR BY OTHER SOCIAL BENEFIT PROGRAMS. THE TIME HAS COME FOR THE WORKER'S COMPENSATION SYSTEM TO ASSUME A FAIR SHARE OF THE COSTS OF OCCUPATIONAL INJURIES AND ILLNESSES IN OUR NATION. ONCE AGAIN, HOWEVER, WE CANNOT RELY ON THE STATES TO DO THAT JOB. IT WILL ONLY COME ABOUT WITH ACTION FROM THE CONGRESS. THE FACT THAT THE CARTER ADMINISTRATION FAVORS THE CONCEPT OF FEDERAL STANDARDS LENDS HOPE TO THE PROSPECT FOR SUCH LEGISLATION.

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IN CONCLUSION, I WANT TO STRESS THAT THE PREVENTION RATHER THAN COMPENSATION OF OCCUPATIONAL INJURY AND DISEASE MUST BE OUR GOAL. AND THE REFORM OF THE WORKER'S COMPENSATION SYSTEM MUST BE DONE WITH THAT IN MIND.

THE COMPLEXITY OF TODAY'S TECHNOLOGY GUARANTEES THAT PREVENTION OF JOB-RELATED HEALTH AND SAFETY PROBLEMS WILL NOT BE EASY. IT WILL TAKE THE COOPERATION OF ALL OF US WHO ARE INVOLVED WITH THE PEOPLE AND THE PROCESSES OF AMERICA'S WORKPLACES. BUT MORE, IT WILL TAKE OUR COMMITMENT.

THOSE OF US HERE TODAY, AS WELL AS THOUSANDS OF OTHERS IN LEADERSHIP CAPACITIES IN LABOR, INDUSTRY, OR THE HEALTH PROFESSIONS, SURELY KNOW OF THE SUFFERING THAT RESULTS FROM JOB-RELATED ILLNESS AND INJURY. SOME OF THE VICTIMS -- SUCH AS THOSE STRUCK DOWN BY CANCER CAUSED BY COKE OVEN EMISSIONS, OR LEAD-CAUSED KIDNEY DISEASE -- HAVE, I KNOW, THEMSELVES MADE EVERY EFFORT AND PERSONAL SACRIFICE BEFORE THEIR DEATHS, TO CHANGE THINGS SO THAT OTHERS WOULD BE SPARED THEIR SUFFERING.

WE MUST DO NO LESS.

THANK YOU VERY MUCH.

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L1A03422

Mr. Lloyd McBride

Safety Expo/79, June 26, 1979

Question & Answers

Q Would OSHA be more effective if their enforcement provisions were extended to include employees, and by that I believe the gentleman has reference to the fact that it's the employer's responsibility to see that the standards are adhered to and that the employee is in a subordinate role there.

A Well it's been my experience that Management looks upon the right to manage as a very sacred aspect of the employee-management relationship and if I understand the question correctly, should Government then become a layer of enforcement on employee conduct between Management and the employee. I think that would be rather difficult. I think that in many cases Management would resist it as a further imposition on their right to manage and generally speaking Management would insist upon the right to establish the code of conduct and compliance with the various work rules and safety procedures that have been devised either as a result of the law or the result of Management decisions. So my response to that would be probably it would not be accepted by Management. I don't know that it would be resisted by workers.

Q You stressed heavily workplace hazards but made no mention of unsafe acts. What is organized labor doing to stop employees committing unsafe acts? Isn't this a major concern of organized labor?

A Well any time a worker is injured it's a matter of concern to all of us, and the question of training and safety and work procedures can contribute to making a safe worker or the absence of training can contribute to so-called unsafe acts. I would hold that adequate training as to safety procedure is a part of the job training. Now in terms of supervision to ensure the worker conducts themselves safely in all aspects, that probably is kind of a utopian idea. Of course if horse-play results in injury there are penalties that go with that that can be imposed by Management. Yes, when someone gets hurt, it's bad, whether that's the result of an unsafe act, an unsafe procedure, absence of proper training, absence of proper supervision, or whatever the contributing causes, it's a bad thing and I certainly would not hold that employees should not bear or share the responsibility for conducting themselves properly within the framework of the training that they have received.

Q Why is the union movement so seemingly interested in maintaining a punitive as opposed to helpful system of occupational safety and health where Management has hopefully risen to the needs of its people?

A Well I suppose that question can be recognized for what it is. It seems to be a little bit self-serving, but my experience is that persuasion,

moral responsibility, won't always work, that quite often when dollar signs get in the way of safe practices or safe procedures for a safe workplace, then quite often it's the dollars that are not sacrificed and quite often it's the safe workplace and the safe procedures that are sacrificed, not always. I can illustrate it this way: some years ago our union instituted an workers' compensation committee as a requirement for each of our local unions and this committee was required and had the obligation of advising all the workers of that local union of their rights under the Workmen Compensation Law of the day. We found that we were now as a result of the information gained by that committee in the plants, we were now having a situation where workers were getting paid for the loss of a finger. They were getting paid for the loss of a hand and in some cases you might find this hard to believe that companies in many cases were perfectly willing to let the statute of limitations run out on a person who had lost a leg and then say to them well it's too late, the statute of limitations has run out, you don't have a claim. By the process of our union advising workers as to their rights under the State laws we found that that automatically brought on-stream safety committees from the companies, joint safety projects, enforcement of safety rules and even when it took a little longer to do a job to do it safely. The fact that we were now collecting on worker injuries made for a safer workplace. I don't know that it follows that every employer has to be penalized, or should be thinking in terms of penalties, but it is a good way to get employers' attention who might otherwise not be concerned about safety. Most employers now I think are of a mind to do whatever they can reasonably to protect their workers' safety and health. But in all fairness, there are some who just don't care, and for those that don't care there has to be rules and rules without enforcement procedures or without penalties quite often are no rules at all so far as the person or the organization that doesn't really care about it and there are a few.

Q This is a variation on a theme that was brought up earlier but it may be interesting in that it focuses the earlier question a bit more. Very often concern is registered over the wearing of personal protective equipment or refusal to wear same, and this question is what is your position in the use of discipline for employees who violate safety rules and refuse to wear protective equipment on a continuous basis. I think you've covered that in setting a tone but I think the question of individual pieces of personal protective equipment does come up from time to time and you might want to put some emphasis on that specific.

A Yes there have been disputes in plants about the requirement to wear safety shoes, and the requirement to wear safety goggles, and various other safety equipment and often those disputes are fought out in the grievance procedure and quite often they get to the grievance procedure again because Management retaining under collective bargaining agreements for the most part the right to manage and the obligation to live

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up to the safety and health clauses of the contract, to provide proper equipment, carries with it the obligation on the part of the employee to wear and use the proper safety equipment. When an individual realizes that they do put themselves in peril and they quite often are disciplined and then the question of whether that in itself was proper application of the management rights as resolved in the grievance procedure. We have tried to make that concept a joint effort, a joint arrangement, so that when an agreement has been reached as to certain equipment that is to be furnished by the company and worn by the employee, or used by the employee, it carries with it a penalty to not adhering to the rule. It's not the same in every plant because contracts are not the same, practices are not the same. Generally unions are committed to the idea that safety equipment and clothing that has been established as needed is required to be worn by the individual employee and that they lose their discretion about that.

Q What priority will safety and health have in negotiating labor contracts?

A Well it varies with the degree of the problem. Based upon the experience of the workers in a given situation safety and health can be put as a top priority, somewhere near the top, or in some situations where things have been going good where the type of operation is one that has not resulted in bad experience for the workers, it's kind of accepted as a subtle issue. What it really amounts to I suppose is that emphasis is put where the trouble is and if a plant has a bad safety record you find quite often that workers are not interested in getting hurt, they want to put something into the agreement that would tend to insure against their being hurt or killed and so the priority in that kind of an issue is determined by the experience at the plant involved.

Q Do you and your unions agree there is some need for regulatory reform in Washington? If so, in what area?

A Well, I'll put it this way. I think the union movement is as disillusioned with the bureaucracy establishment in Washington as any other group in our society. We have witnessed the same things that you have witnessed. We have not been able to get redress of the things that we think should have been attended to and we are advocating regulatory reform perhaps in a different direction than some of you might be but we are not any more happy than a great many of you. If I understand the question if we can simplify the bureaucratic process if we could find a way to get to the heart of the problem and get something decided as opposed to forever being considered we might all be better off.

Q Very often regulatory reform raises the question of deregulation. When you were talking about differences before between your views and perhaps some of the audiences. In terms of deregulation how do you see those views differing?

A Well again it depends upon in what area and I suppose whose ox is being goaded. In terms of environmental regulations which is a subject is quite often discussed and cussed and the subject of a lot of other treatment, I'm convinced if we did not have an environmental protection agency we'd still be experiencing a higher death rate, a greater lung disease, we'd still be trying to get somebody to do something about a very bad situation environmentally. It seems clear to me that unless we have a federal regulation dealing with the protection of our society against those that would pollute the air that we breathe and the water that we drink, unless we have that kind of regulation then we're not going to have any protection. So in that sense I'm firmly convinced that we have to have a degree of regulation. I think we have to have a degree of regulation in occupational safety and health so that in terms of those areas there is obviously a very serious need or regulation by government. Left to our own devices I think we'd kill each other off in our greed of chasing the buck so I think we have to be protected against our own selves in that respect. I'm sure that people can point to abuses in regulation and if we address the abuses perhaps we can find some, first I suppose agreeing on what the abuses are, if we can address those then maybe we can find an answer to it but there is a need for regulation.

Q Carcinogens versus cost of human life, what about the cost of unemployment if carcinogens are banned?

A Well again if we can't find a way to produce the things that we need without subjecting people to cancerous causing agents then I think we just have to find another way. Now it's perfectly all right for the management person sitting in the front office checking out the balance in the company funds to say well we've got to have sacrifices but it's not going to be me and it's not going to be my family. It's going to be somebody I hire to go out and work in this workplace where they're exposed to the carcinogens. Well I suppose somebody has to do it but as a minimum it seems to me that the people who are exposed to those carcinogens should be told very clearly and without equivocation that that hazard is there and if under those circumstances if it's a product that we just can't get by without then I think we have to engage in the protections that are available, whether they are engineering processes or various other devices to protect against exposure. I just can't accept the idea that anybody in order for us to get by, has to be exposed to known carcinogens to the degree that we're talking about here. It seems to me that we've just got to deal with that problem.

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Q Why do labor unions feel that matters that are covered by statute are candidates for collective bargaining, especially in the area of safety and health?

A Well because of our experience. It's the workers that we represent who are being hurt and who are dying and who are getting killed, and it's their insistence upon whatever layers of protection that they can obtain through collective bargaining or through legislation that causes those issues to go onto the bargaining table, and if the employer or Management can find a way to make those issues disappear we'll all be better off. But as long as they're present and as long as the workers are aware of those hazards and those dangers and it's the worker that is really paying the price for it then you'll probably find that those issues are going to be on the collective bargaining table, as well as the subject of legislative effort.

Q Apparently in your speech you made a reference to an illusion to the idea of 19 minimum essential requirements for workers' compensation spelled out by the Presidential Commission appointed several years ago, are not being met by the States. This question, is it true that Wyoming does meet the 19 basic workers' compensation requirements.

A Well if it does, it's news to me. I won't dispute it if someone is absolutely certain that Wyoming does meet the 19 points, I won't dispute it. It's just something that I'm not aware of.

Q What do the the Steelworkers feel is the most pressing occupational hazard, the one accorded the highest priority, and what is the least pressing?

A I'm afraid I can't answer that. This changing with the new materials and toxic agents that are coming on-stream I think is a constant concern about the health question. The accidents, the injuries, are a matter of concern, but there the worker quite often has a degree of responsibility and can protect themselves by being informed and by safe practices, and in that area we probably are on the way to having an informed work force that can do a better job of protecting themselves against injury. It's those unknown substances, the carcinogens that we are not aware of, the new agents, or where the employer is using a toxic agent and is not willing to let the employee know the hazard is there, and some of the horror stories we get and have actual knowledge of I think would just curl your hair, and that's a term that doesn't come easy to me. We have had experience in lead where there is a callous disregard for the work force where people who have had their nervous system destroyed obviously by lead and the employer raises their hand, "who me? It couldn't have happened here. We don't know how that person could have gotten lead poison to the point that they suffered a deterioration of their nervous system. Not here." And that's the only place that the worker is exposed to lead eight hours a day or longer. But it couldn't happen in that place, so the employers say.

Q So it's these agents that are rather insidious, that you can't see, that sneak up on a person and destroy their health, I suppose that's the major concern right now.

A Does you union keep any record of illnesses and injuries among its membership? If not, why don't you?

A Well we keep records of injuries, we're trying to develop a way of keeping records of occupational illnesses. We're having trouble getting accord on what is an occupational illness because quite often an employer will dispute that the illness could be even remotely connected to employment. We do have studies that are made as a result of our health benefit programs and there are statistics that are available that are brought into play from time to time. We are using more of our resources in the safety and health field and we have expanded our staff. We have not go into the process and we're not geared as a union to have access to all the facts. Really the employees has those. Sometimes we can get them, sometimes we can't.

Q Do you instruct your members to run to OSHA on complaints or should they seek changes through company supervisors and safety committees. Is there a published union policy on this?

A Well we advocate joint safety committees and joint safety programs and we advocate the airing of problems take place first on those joint safety committees. Quite often the fact that safety committees don't function as well as they do is that Management will put a lid on how far a safety committee can go. Usually they can go as far as they want to so long as it doesn't cost anything. They can make recommendations or they can advise, but when it comes to spending or making a determination that is going to cost money then somebody else has to do that. Quite often the frustration that takes place between the calling of a circumstance to the attention of the Management side of the joint safety committee and the time that it takes before that problem is addressed by the Management and the expenditure of money will cause frustration on the part of the worker and the worker will go to OSHA. We don't discourage that. We do encourage calling it to the attention of the Management first in the joint safety meetings.

Q You seem to believe that there is a zero risk level for toxic exposures. Can you as industry really afford to spend the money necessary to do this and still remain competitive in world markets?

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A I don't know that we can reach a zero risk or that I'm really saying that. Of course there is a need to be competitive and there is a need for industry to be profitable. Take away the profit and the industry disappears, but there is also a need to protect worker health and somewhere in that balance of the scheme of things is what we're seeking. It doesn't help us if we cause an employer to discontinue business. It doesn't help the worker and that's not our purpose but we feel that we are compelled to push and strive and do everything that we know how to try and make the workplace as safe as it can reasonably be. Now at that point of course quite often the feathers fly--what is reasonable. The employer tends to say well it's reasonable, but it's only reasonable if we can afford it, that makes a degree of sense. But we find that quite often employers will draw a line well below what they can afford in terms of worker protection against the hazards of employment. There is no magic answer to it obviously, there is no pat solution. It will be our purpose to continue to push for a safe workplace.

Question from audience (unintelligible)

A Well, we have been trying to deal with foreign competition to make it fair. We again this gets back to the bureaucracy, in Washington we have a group of people who are absolute free traders, who think that it doesn't make any difference if industry after industry disappears in this country and our ability to compete worldwide is influenced to a very substantial degree by our trade policy. I don't think that we can expect the work force of America to reduce itself to a coiled status and accept whatever comes in order to keep body and soul together. I don't think that our society will let that happen. I don't think that the workers of this country will let that happen. I think that workers will respond to concrete evidence to concern by the employer for their safety and health and they will tend to work towards a safe place once there is evidence of concern and a desire to treat with the problem, whatever that problem might be. But quite often you know there is so much distance between the ivory tower and the workplace that the worker isn't made aware of the effort on the part of management if it's there, to correct the unsafe condition. I think, in order for it to work, there has to be one, a program to correct the problem, and two, a program to let the worker be aware of whatever is being done, rather than, you know, it's none of your damn business, because the worker is curious and he is going to want to know and they'll keep pushing until they find out.

Q There is another question here while you're on the international aspects and it is, are you communicating with your fellow workers in other countries regarding occupational safety and health?

A Yes, we've had our unions affiliated with the International Metal Workers Federation and we sit in conference with representatives from workers throughout the free world and we exchange ideas and discussions and have seminars on safety and health problems that we've experienced

A In our various countries and we find that there is, again it's all shades--some countries are far ahead of us and others are far behind us. We do exchange views; we do have appreciation of the problems that workers face in the safety and health areas throughout the world.

Q How would you mark Eula Bingham's report card thus far?

A Well I think she is one hell of a gal. I think she is working hard at her job; she is doing, I think, a commendable job, and I applaud her.

Q Do you doubt there is a regulatory jungle and on the basis of previous testimony, you don't doubt it. Would you comment on that?

A If you're talking about a regulatory jungle in OSHA, I disagree. If you're talking about a regulatory problem jungle in the overall sense, I agree. There are many areas where it could be truthfully said that there's a regulatory jungle. I don't want to put myself in a position of saying that we've reached that kind of situation with respect to occupational safety and health. I think we have a long way to go to reach an arrangement that does proper credit to the problem in occupational safety and health.

Q According to a recent General Accounting Office report, a majority of employee complaints to OSHA result in an inspection which finds no or minor violations. Don't you think this is diluting the effectiveness of OSHA since in some areas 80% of inspectors' time is being spent on such complaints?

A Well I think that gets back to communication. Why does a person go to OSHA--because they feel they have not had their problem dealt with in their relationship with their company. That's why they go, and again getting back to not only trying to do something about it but communicating to the worker what is trying to be done or what is the program, I think will keep the worker from going to OSHA and keep them in the frame of mind that the problem is being dealt with and a solution can be reached. If they become frustrated or if they don't know what the employer is doing and if they feel they are not getting a fair shake, they will go, and in these cases where they are not justified where the complaint is investigated and held to be without merit, it does present a useless effort and it does keep the system from working as well as it might otherwise. But again, if the worker is informed and is aware of what's being done, it will reduce the amount of calls upon OSHA that are needless.

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Q Would you give us your thoughts on the Task Force, the Presidential Task Force, on Occupational Safety and Health recommendations?

A I'm not prepared on that. I'm sorry, I will pass on that.

Q If a union votes to strike because members are disciplined in a fair way for failure to conform to OSHA regulations, should OSHA be given recourse to cite and penalize that union for non-compliance, thereby helping industry to enforce the standard?

A Well if Management is prepared to deed over to the union the responsibility for seeing that the plant is running in a safe manner then I would say all right let's share the responsibility and be penalized for the things that go wrong. I have yet to find any Management willing to deed over to the union any enforcement of the rules or any of the historically Management functions, and I don't quarrel with that. I think there is a clear line to be drawn and that there are definitely responsibilities that are exclusively Management. We agree to this all the time, but with that authority and with those responsibilities, and that Management can't have it both ways. Management can't say to us we're going to run the plant and you keep yourself on the other side of that line and at the same time when they get in trouble, say well it's the union's fault. They didn't make the worker do what Management wanted them to do. The union doesn't have that function and Management doesn't want us to have that function and so far as I know the union doesn't want that function. It's entirely proper that Management should manage and unions negotiate conditions of employment and then enforce the contract. That's the role of the union--not to manage the plant, not to enforce the rules. As I understand, our relationship with our employees is we expect the Management to enforce the rules and it wouldn't work any other way. Believe me, as critical as we've been of Management, I'd be the first to admit that if we were running the plants they'd be loused up a lot worse than they are now. We don't know how to do it. We do know how to represent workers. That's our effort and that's where we have some knowledge. I'd be the first to admit that we don't know how to run the plants and we're not trying to run the plants.

Q A final question: In our company safety is not negotiable. Are you saying it should be?

A If it works, I don't care how it comes about, as long as it results in a safe workplace. I would assure that company that if it doesn't work they are going to have a problem. They'll probably negotiate it some place, maybe after the fight is over. Maybe they'll negotiate it with OSHA, I don't know, but if it works, fine, but this illustrates the point I was just making. Here is a Management who says we won't bargain about safety. We'll do it, we're responsible for it, we're

going to administer, we're going to make the rules and we're not even going to deal with the union about it. That illustrates I think a very strong point of view. I can only say amen if it works. If it don't, look out.

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"Occupational Health and Safety Trends: Their Impact on Industry"

R. F. Schubert, SAFETY EXPO/79 Conference
June 26, 1979, New York, NY

Ladies and gentlemen, I am particularly pleased

to speak to you today on "Occupational Health and Safety Trends: Their Impact on Industry."

My industry, the steel industry, has long been a pioneer in both occupational health and occupational safety. In fact, it was a prime mover in the formation of the National Safety Council in 1913. Do you know who dreamed up the slogan "safety first"? As much as I hate to compliment a competitor, it was U.S. Steel.

But the steel industry's commitment to occupational health and safety goes far beyond mere slogans. Listen to these words from an address at an American Iron and Steel Institute meeting in New York.

Dr. Thomas Darlington, speaking on health and safety issues, said: "That it pays to safeguard a workman from loss of limb or other accident by covering gears or placing guard-rails (around) pulleys and belts is a conclusion that is obvious ... Not so obvious but just as far reaching in its results is the safeguarding of employees against disease ... Matters relating to health that should be worked out within the plants (include) ... good ventilation with prevention of fumes, dust and smoke, or proper disposition of them ..."

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Those words could have been spoken at the AISI annual meeting last month -- but they weren't.

Dr. Darlington was speaking in 1912 -- and ladies and gentlemen, that was quite a few years before the Occupational Safety and Health Act of 1970 mandated concern over worker safety and health. Sixty-seven years ago the steel industry was already committed to the improvement of worker health and safety, and it's maintained that commitment ever since.

Let's review the record. In 1907, just a few years before Dr. Darlington delivered that speech, there were 82 accidental disabling injuries in the steel industry for every 1 million hours worked. On-the-job injuries were costing steelworkers almost seven days of working time -- 6.9 to be exact -- for every 1,000 hours worked.

No wonder the industry was classified as "extra hazardous." No wonder steelworkers were considered to be in an extremely dangerous occupation.

A lot of people say that 1907 was a pivotal year. It was the year that a serious, concerted safety movement first got under way in the United States. In those days, a worker in the steel industry who bought life or accident insurance had to pay an extra premium. But soon thereafter, the industry's safety programs were making the mill a less hazardous place to work.

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In 1937, it was reported that disabling injury accidents per million hours worked had fallen to less than 9 (8.86) -- as compared with 82 in 1907. Over the same period, lost working time declined from nearly seven days (6.9) per 1,000 hours worked to slightly more than two (2.04). Insurance companies recognized this progress, and believe it or not, by 1937, the average steelworker was a preferred risk.

The intervening years have seen even more improvement in both safety and health in the steel industry. Many steel companies, including Bethlehem, have for years been pointing to statistics showing that steelworkers are involved in far more disabling accidents off the job than during working hours.

I've recited these historical statistics for two reasons:

First, I wanted to remind you that the steel industry's "credentials" were earned a long time ago in the area of occupational safety and health.

And second, I wanted to suggest that in spite of all the truly sobering challenges ahead of us, the record shows that we can meet them through hard work and cooperative effort. We've done it before; we can do it again.

It isn't only a matter of altruism. Within my own company -- Bethlehem Steel -- we know that high productivity goes hand-in-hand with close attention to worker safety and health. That's one reason why we've had a large staff of environmental health and safety professionals for more than thirty years. We're proud of them and the work they've done.

Furthermore, several years ago, we went even further and established an in-house industrial toxicology and epidemiology program -- the first of its kind in the American steel industry.

Bethlehem -- and I'm sure I can say this of the entire steel industry -- intends to stay in the forefront of the occupational safety and health movement!

Now I want to turn to several trends that we at Bethlehem Steel think will be important in the 1980s.

We see three major emerging trends.

First, we expect that there will be continuing improvement in the quality of the health and safety regulatory process.

Second, we see an intensification of labor's involvement in health and safety issues.

And third, we believe that there will be more frequent and more candid communication among those who are concerned with occupational health and safety.

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I think that most of us here today would agree that the Occupational Safety and Health Administration is now a permanent part of the landscape. That's not to say that some of us don't have reservations about certain specific ways in which OSHA has made its presence felt. I have some major concerns, but I believe in the importance of worker's health and safety, and in the need for OSHA.

In the absence of OSHA, I'm sure that some companies wouldn't voluntarily put enough emphasis on employee safety and health. It's sad but it's true. Competitively speaking, it makes sense to require all companies to follow a common set of safety and health regulations.

One of the reasons why we at Bethlehem believe that the 1980s will see a more sophisticated and higher quality health and safety regulatory process is that OSHA has already taken steps to eliminate hundreds of trivial and nit-picking standards. Those standards became part of the regulatory scene because the so-called voluntary consensus standards were adopted too quickly. A lot of times they turned out to be actually counterproductive, and worker health and safety hasn't suffered where they've been eliminated.

The scrapping of standards that aren't related to worker health and safety is only the beginning of what we hope will continue -- a more systematic concern with the fundamentals of occupational health and safety.

As you know all too well, regulatory agencies such as OSHA have tended to rely on technical specification standards. This approach dictates how to do it rather than what results are intended.

A firm isn't given leeway to work out the most efficient way to get the job done. It's not free to find the way that's least costly to the firm and -- please note -- least costly to society.

To make matters worse, specification standards usually call for "capital-intensive" techniques. For example, engineering controls rather than adequate personal protective equipment. And this is going on at a time when capital formation is being called the economic challenge of this nation's third century.

Our country just can't afford to ignore the costs of our regulatory policies -- including those in the health and safety area. Let's move away from specification standards toward performance objectives.

Now, there are some people who object strenuously. They insist that society ought to have a "zero-risk" philosophy in such matters as the environment and occupational health and safety.

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But if we stop and think about it for a moment, most of us would agree that a "zero-risk" approach to life just isn't practical or realistic. It isn't the way real people go about their everyday lives.

For example, my favorite sport is skiing. It's a lot of fun, but it surely isn't safe -- especially the way I do it!

Whenever this subject comes up, I like to note that as a society we're capable of reducing automobile deaths to just about zero. All we'd have to do is strictly enforce a 25 mile-per-hour speed limit on all roads, and build automobiles the way the military builds tanks. But we all know it wouldn't make sense. We know that the "costs" would be all out of proportion to the "benefits."

This doesn't mean, of course, that any of us want to go around taking unnecessary chances. Nor does it mean that we should refuse to pay any cost at all to cut down the risks of a given activity. It does mean, however, that we should reduce risks in a manner that keeps the costs from outturning the benefits. The key to it is to try to achieve the desired benefits in the ways that are most efficient and least wasteful.

This brings us right back to the need for greater reliance on performance standards and less reliance on specification standards. I say, "Let's give more discretion to occupational health and safety professionals, engineers, and managers. They're the people who know their situation best. Let them exercise their professional judgment to achieve the desired goals of a regulation on a realistic timetable."

A very important related question, of course, is "How stringent should a standard or objective be?"

In the safety area, a study by the American Enterprise Institute back in 1976 found that OSHA standards were -- quote -- "so unrelated to the major causes of occupational injury that even perfect compliance -- perfect compliance -- would have a limited effect on injuries."

That finding is reinforced by a report of the Interagency Task Force that found that perhaps 25% -- only a quarter -- of all occupational injuries are preventable by enforcement of OSHA standards. Even strict adherence to OSHA standards wouldn't prevent the remaining 75% of injuries to workers. This is because the causes of those injuries aren't covered by standards, or because they involve transient conditions that aren't likely to be detected during inspections. The Task Force noted that most workplace injuries involve important behavioral or organizational factors, and I think that's true.

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In the health area, most of the recent proposed standards that we've reviewed at Bethlehem have looked overly stringent to us. OSHA appears, often with little or no justification, to have moved beyond the prevailing TLV's to much lower exposure limits. This has happened even where the available evidence has shown, according to many scientists, that the present levels are adequate to protect employee health.

In all too many cases, neither the quantity nor the quality of the available scientific evidence seems to have been considered. I'm troubled that, in certain cases, OSHA seems willing to make decisions with far-reaching consequences on the basis of a single study. If that study purports to detect health effects at a lower level of exposure than the existing standard. It has been normal scientific practice to expect one or more additional studies to duplicate a single finding before it is given widespread consideration.

Never-the-less, I'm confident that this sort of standard setting is not the wave of the future. Just last October, the Fifth Circuit Court of Appeals vacated the benzene standard, because OSHA hadn't demonstrated through cost-benefit analysis that the standard was reasonably necessary. Obviously, this was a significant ruling, and it's important for everyone to understand what it did and didn't say.

- Threshold limit values.
- OSHA benzene standard and OSHA beryllium standard.

Neither the Court nor the petitioners from industry said that occupational exposure to benzene shouldn't be regulated. What the Court did say was that if the exposure limit is to be lowered from the present limit of 10 ppm to 1 ppm, OSHA has to develop the data to justify it.

We at Bethlehem believe that the Court's reasoning was correct, and we expect to see further use of the cost-benefit approach by the Occupational Safety and Health Administration.

We're optimistic about the future use of cost-benefit, but we're profoundly concerned about OSHA's tendency to use of "generic standard" approach in the environmental health area. A generic standard, of course, is one which attempts to cover a broad range of substances with a single set of regulations, such as the carcinogen standard currently under development.

One of our principal concerns about the generic standard approach is that it would impose uniform requirements for protective clothing, recordkeeping, exposure monitoring, and the like, regardless of the substance being regulated. We at Bethlehem don't agree with this policy.

We say, "Tailor the standard to the toxicity of the substance ... the nature of its production process ... the frequency of operation ... and the number of employees at risk."

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Does it make sense to require quarterly

environmental monitoring of an operation that takes place briefly, and only two or three times a year? Of course not!

We want to see health standards that allow more room for the professional judgment of the corporate industrial hygienist and the occupational physician.

The second major trend that I think will be important in the 1980s is an intensification of labor's involvement in health and safety issues.

Lloyd McBride, President of the United Steelworkers of America, will no doubt have something to say along these lines when he addresses you this afternoon. I think you're fortunate to have Lloyd as a speaker at SAFETY EXPO/79.

It's entirely appropriate for the United Steelworkers and other labor unions to be concerned about the health and safety of their members. In the steel industry, management long ago recognized that health and safety issues pertaining to our union-represented employees weren't the sole domain of management. In fact, collective bargaining agreements between Bethlehem and the United Steelworkers of America have, since 1942, contained provisions regarding safety and health.

Does this cause "problems" for management?

Does it "complicate" the bargaining process? We've found that it poses no greater challenge to management than any of the other matters that arise in the context of collective bargaining.

What does cause "problems" and "complicate" the process is involvement by OSHA in such areas as walk-around pay, hazard pay, rate retention, and employee access to medical records.

These, I believe, are substantive aspects of collective bargaining. It isn't either necessary or permissible for OSHA to interfere. The parties to the bargaining process are best equipped to develop protective programs and to properly apply them to their particular industry or operation.

The third and final trend I want to talk about today has to do with "communications."

We at Bethlehem believe that during the 1980s there will be a noticeable and necessary trend toward better communication of information on health and safety matters.

For example, if and when significant health or safety hazards are identified, the company has to take the initiative. Among other things, it should promptly begin discussions with affected employees, their union representatives, and the appropriate government agencies.

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The other parties should be equally candid.

When a study shows that a suspected substance or operation doesn't pose a threat to workers, that, too, must be made known promptly. Let's all of us, management and labor, be open and above-board. Let's work together.

Related to the communication problem is the need for industry to improve its health and safety training programs. At Bethlehem, we think it's important that these programs go well beyond the minimal requirements of governmental standards. If our employees are educated to recognize and prevent potential safety and health problems, there will very likely be paybacks in increased productivity and reduced environmental control costs.

For quite understandable reasons, entirely too much litigation has surrounded occupational health and safety in recent years. I tell you, as a lawyer and as an executive concerned about worker health and safety, that time-consuming litigation is counterproductive. It swallows up the resources of competent people from all sides -- labor, industry, government. Those resources could be better utilized in the implementation of sound environmental and health or safety standards, or in employee education and training programs. We can't do our job effectively when we're engaged in the adversary process in the court room!

In this regard, I think that the scientific community and the news media have got to recognize their special responsibilities to provide the public with the plain and simple truth -- don't minimize, don't exaggerate -- tell it just like it is!

Scientists ought to present their findings to the public in the same way they would to their colleagues -- in a sober, dispassionate, and properly qualified manner. Statements to the public that aren't properly explained -- that are over-simplified and over-dramatized -- may be more easily understood, they may attract more attention, but they can do a grave disservice.

The news media, for their part, have a responsibility to avoid sensationalism in the inherently emotion-laden area of occupational health and safety. Society's interests aren't well-served by lurid stories and one-sided treatments.

To summarize, I'd say the key occupational health and safety trends are continuing progress, increasing labor involvement, and better communications. And I'm convinced all are very healthy trends.

I've covered a lot of ground today -- and I think it was really unavoidable. In 1938, Occupational Hazards magazine predicted that there'd come a time when corporate safety and health would encompass the "total environment." There are days when I think that might have been an understatement!

Thank you for having me here today.

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Questions and Answers

Q Did your company participate in Business Roundtable study on economic impact of regulatory agencies. I know the answer is yes you did.

A Yes we did. We found it very useful and illuminating. It was only a part of the spectrum but I think it did show the tremendous burden that is being carried in respect of a limited number of agencies and the Steel industry is particularly vulnerable, obviously in the area of environment as well as safety and health. Hopefully those kinds of numbers will result in two things: one, they will bring home to the executive branch, to the regulatory process, the necessity of striking a better balance in the formulation and regulation of policies and two, whenever Congress concludes that it's time to pass yet another regulatory piece of legislation, there will be an assessment of the burden already being carried in pre-existing programs.

Q One of these questions is so closely related to that: it says what is the total annual cost to U.S. industry for OSHA compliance and to what extent has this contributed to the annual rate of inflation.

A I really don't have that information. There really are two elements to the thing: one is there is a cost obviously for maintaining the program, a cost of adding up the federal budget together with state plan jurisdictions--I think there are 25 or so of them, but then of course substantially beyond that is the cost of compliance. Again I think that responsible managers in business assume an obligation to society with regard to the workplace, but they are very concerned when some of the standards are cosmetic and don't really go to health and safety when there is such a long laundry list that society is imposing of improvements to be made. You can't do them all.

Q Has OSHA effectively reduced the number of accidents?

A One of the problems is the statistical one. You have to recognize that OSHA was required to make some studies early in its infancy with regard to the way in which statistics were gathered by BLS and coming out of those studies were some fairly significant revelations in the process, so that I don't think we have had a sufficient period of time in respect of the new procedures used for collecting data to really make a good evaluation of the impact of OSHA. I have seen some of the data which indicates that OSHA has not improved the numbers, but I really think it's premature until you have a period of time working with the system, the new system for collecting data to make that assessment. I sound like a bureaucrat defending the system

but I think that's the only fair way to look at it.

Q Here's a provocative one. How can society have faith in voluntary efforts on the part of industry when we just experienced the Three Mile Island incident?

A Well, two things: one, I suggested in my remarks that I really did believe it was necessary to have a governmental imprimatur with regard to safety and health and I know that a lot of business representatives present this morning would not concur in that conclusion but I think that the experience of the '60's which indeed led to the conclusion on the part of the legislature that OSHA was necessary was somewhat of an indicator that some kind of governmental presence was necessary. Beyond that however there are a variety of ways to align the program. There are some ways that maximize government involvement in terms of staff personnel and standards. All I'm suggesting is that we ought to provide incentives in one fashion or another to business to use the expertise that they have, the safety and health professional expertise that they have, to maximum advantage reducing the cost and maximizing the impact.

Q I think about the only other thing in respect to Three Mile Island that might be said Dick, is that despite the fact that almost every facility failure that could have happened, happened, and every human error that could have happened, happened, in spite of which we came out with no serious injury to anybody. The thing is a remarkable demonstration of a number of fail-safe mechanisms involved and how much can be done to improve facilities and the procedures in the event of accidents and I think the Three Mile Island thing has served greatly to emphasize those.

A I think Heath is absolutely right and I had gotten away from Three Mile Island and I did want to make that comment. It's like the typical glass--there's water in here and it's either one-third full or it's two-thirds empty. The fact is that many of the procedures did work effectively and to the extent that improvements have to be made, they need to be made and I have to put a plug in, there is no way our society can survive as we now know it without using nuclear over the next 10 or 15 years. It's insanity.

Q Now there are a couple here that invite comment about the particular effect of the OSHA standards on small business. Would you care to make any comment there Dick--those who don't have the capacity or staff that Bethlehem or U.S. Steel or others of that order may have.

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Q Two things: one, the paperwork alone that is mandated not only by OSHA but by other agencies that relate to environment both outside and inside is very significant for the small entrepreneur who is the jack-of-all-trades. Beyond that the expertise simply doesn't reside many times to deal with the requirements that are imposed by the standards. That of course is one of the reasons that OSHA started down the track of providing consultation--consultation that was separated from the enforcement process to try to help small businesses in some of those efforts. That's also the reason that trade associations have been providing assistance. NAM has provided assistance to their membership and the Chamber as well, because the burden is simply enormous on the very small business person who is faced with the whole environmental panoply, the EEO panoply, ERISA and the other alphabet soup that is now part of the business process.

Q There is one here Dick that says would you care to expand on the motivation and training methods used at Bethlehem.

A Yes, and I want to go back and put the small business and large business thing in a little bit of a context because despite the fact that obviously Bethlehem or U.S. Steel or GE or GM have greater resources than the small business person. There is also another cut involved here and that is the larger businesses are those that are generally targeted for inspections. We have had the situation in our shipyard facilities, for example, as well as some of our small manufacturing facilities, we know that some of our competitors are simply not abiding by OSHA standards. Because of our own commitment to be law abiding citizens as well as our general safety and health program we simply assume those obligations but we have gotten out of a couple of businesses including the fabrication of steel when the cost, the totality of cost, whether labor or environment or safety and health weren't being borne by our competitors and we simply couldn't knock it.

Now, safety and health training programs. We have had for many, many years programs that started from the shop floor up to foremen standup safety meetings once a week; job safety analysis, each job in the industry, each component job in the industry segregated out, analyzed and then instructions given to the workers as to how to deal with those job components. Beyond that on an overall basis, efforts to set up competitive programs to reduce the accident frequency rate at each facility over a given period time with top level support from the management and top level cooperation from the union. We're very proud of our program.

Q Do you detect that occupational health, hygiene and safety trusts have had or will have an adverse effect on the EEO programs if less funds for hiring minorities, curtailing of hiring of females due to the hazards of unborn children, etc.

A The first part of that question was I think a little different than the thrust of the second part. I don't think there is anything inconsistent with an affirmative action program in the minority and sexual area and at the same time a strong and vigorous safety and health program, and our experience at Bethlehem doesn't support any inconsistency between those objectives. On the other hand, as a society generally, and particularly let me use the steel industry, if we are required as we have been over the last seven or eight or ten years, to divert enormous sums to environmental safety and health areas even where there is not in our view at least a significant direct cause or linkage to health, we are not going to be able to modernize. We are not going to be able to stay competitive with foreign production or domestic materials in this country. The foreign production competitiveness is particularly acute in our industry. We experienced last year, 20% of our market going to foreign producers. We have not added significant capacity in the steel industry since 1965. That has to rebound particularly on minorities coming into the workplace and minorities and females being promoted in the workplace. There simply are not going to be as many opportunities. And we have seen that happen. I think that minorities and females have a very real stake in striking a better balance and for that matter having an energy policy because they are the ones that are going to get hit first, and the hardest.

Q With numerous setbacks in the courts will OSHA receive new powers, etc., from Congress? What is the mood of Congress with respect to occupational safety and health?

A I think that representatives in Congress are generally more sensitive to two things: one, peoples' reaction against big government and increasing role and intervention of government in society and two. I am hopeful that there is more recognition as I tried to say in my remarks to cost-benefit analysis, and that Congress will be leaning on all of the agencies including OSHA to demonstrate that they have gone through the cost-benefit drill before the propose a new standard. Moreover, I'm hopeful that some of the sunset interest that is currently being displayed will ultimately result in greater oversight of existing standards and regulations and will enforce a cost-benefit analysis in respect to them as well. I guess I'm optimistic but I'm concerned that this pendulum would seem to have swung to a more rational trade-off approach is going to swing back the other way one of these days unless we institute better procedures now--we may not have another chance for many years to come. That's almost inevitable in the cycle of things.

Q What countries have comparable programs to OSHA and how have theirs worked? What has been their experience?

A Last time I looked at this subject was 1974 when I had the occasion to visit some European capitals and probe a bit and since then I have

not paid quite enough attention I must confess to some of these things that I did then. But then my discussions led me to the conclusion that although many countries had taken an initial step in the direction that we had taken in 1970, none of them had the sophisticated program--West Germany was closest at that point--but none of them had the sophisticated program that we had not had. promulgated the extensive regulations and standards that we had. interesting, there is one very significant difference in the whole environmental area that I perceived in the last couple of years that is outside and inside environment, and that is that many countries, including Japan, require fairly high level from new facilities but do not put the emphasis on retrofitting because they perceive that retrofitting is after all an extraordinarily costly process and they tend to limit the retrofitting obligation.

Q Since according to your figures 75% of industrial injuries result from circumstances involving other than OSHA compliance on the part of industry, should OSHA hold employee and labor accountable for failure to comply and include fines?

A That's a very, very controversial area and I think I can make the argument both ways. Overall my own personal feeling, and I don't know how my people feel about this, but my own personal feeling is that I prefer to keep the disciplinary structure within the confines of the management process rather than having a third party involved in disciplining employees and supervisors. My own personal reaction from a labor relations background is that that would complicate matters considerably but there are many people who feel that in as much as indicated by the task force that I cited, a great portion of the accidents really relate to human behaviour that the government agency ought to have a direct impact on that human behaviour through fines. I think that would muddy up the personnel and human relations area substantially however.

Q Wouldn't the occupational environment be better served by scrapping workmen's comp. and making the industrial firm liable for the costs resulting from injuries and/or failure to properly equip the employees?

A Well there is a lot of attention that's been given over the last couple of years in some fashion providing linkage between safety and health programs--OSHA-type programs--and workers' compensation programs, an incentive, in a sense, to improve rather than a penalty approach and I think that deserves a great deal of attention and careful consideration. I don't think, however, that the answer is simply to start at the outset by removing workers' compensation laws. They were passed in order to do two things: one, to provide a rational approach to injury in terms of compensation and at the same time to provide speedy benefits to employees so that they didn't have to wait through the whole litigation process and if you scrap workers' compensation employees would be very vulnerable in the sense that they would have to wait through the entire litigation process before

they received payment to tide them over, payments for health and injury and that type of thing. At the same time I'd also be concerned that as litigious as we are now, we'd become even more litigious and some of the settlement prospects would be terribly exorbitant. I don't think the answer is to scrap workers' compensation I think the answer is to improve workers' compensation and with due deference to my profession to stop the siphon to the legal and medical profession.

Q You seem concerned about employee access to medical records. Is this in conflict to your stated wish which I commend for more open-mindedness in safety and health matters.

A No. Two things: one, it is a subject that is better handled not by the regulatory process but by the bargaining process and secondly I think responsible management does feel an obligation to make employees aware of hazards and risks to which they have been exposed and take corrective action with regard to that exposure. I'm very concerned about passing a law or passing a regulation however that will subvert the whole process of keeping accurate medical information will penetrate the patient-client privilege and otherwise inhibit the kind of interaction that I think is part of responsible management. I am concerned about throwing out the baby with the bath and that often happens when we go the regulatory route.

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