

OSHA's Morton Corn talks to CE

The Occupational Safety and Health Administration head tells of his aggressive plans to upgrade the agency, and gives his opinions on a number of touchy issues facing the chemical process industries.

□ Formidable—that's the best way to describe the problems that buffet Morton Corn, assistant secretary of labor in charge of the Occupational Safety and Health Administration. Perhaps never before has an agency made so many enemies so fast—from industry, labor and even other government bodies. Billed by its critics as a nitpicking nonproductive enforcer, the agency has been blasted by winds of controversy since its inception five years ago.

Corn admits that there are people in his agency who believe that, due to the controversial and evolving nature of the health and safety field, OSHA will be challenged on everything it does.

But Corn, for one, certainly doesn't see his agency's woes as insurmountable. He's reorganizing his staff, starting in-house training programs, spearheading a massive revision of consensus standards (adapted from voluntary standards-setting groups, such as ANSI), and placing more emphasis on long-neglected areas such as worker health. And he's trying to overcome OSHA's image as a political tool.

"OSHA must be a professional agency, buffered from political whims," he maintains.

In a recent interview with CE, the agency chief discussed his views on where the agency should be going and how it should get there:

CE: Why is OSHA now putting so much emphasis on health?

CORN: In the past, OSHA has

done little in the health end. When I entered the agency, I was greeted with a compliance staff of 1,050 safety officers, 135 health officers and 113 apprentices. Of 81,000 inspections last year, 7,000 were for health. Of the 100 most frequently violated standards, only one was health oriented.

But the perception of the public seemed to be that we had the most impact to achieve in health. So, I made the policy determination that we would increase our level of activity in health but hold the level on safety. I've set a short-term goal of an equal number of health compliance officers and safety officers, building up the health staff to the 1,050 level.

CE: Some sectors of the chemical process industries, such as chemicals, feel singled out as an OSHA target with regard to worker health. Is this your intention?

CORN: I don't think I have singled out the chemical industry—I've singled out the chemical problem in industry. I believe there is a problem out there with the working population exposed to a whole variety of chemicals. We must have some obligation from manufacturers and users of chemicals to assure people who work with those chemicals that they are safe. That is where I believe the burden of proof belongs.

You need only go into any plant, not necessarily in the chemical industry, and get a list of materials received at the loading dock for the last six months. That's a very

humbling experience. You see tens of thousands to hundreds of thousands of pounds of dozens, if not hundreds, of chemicals. That's the question I'm addressing, not the chemical industry. The chemical industry just uses a lot of chemicals, so naturally we come to it. But I don't think we're focusing on it.

CE: Do you have any firm figures on the actual extent of the health problem?

CORN: We don't have good figures. There is a great dichotomy between the results of a study that the National Institute for Occupational Safety and Health (NIOSH) had performed that indicated a very great incidence of industrial disease when diagnosed by industrial physicians, compared with the figure that the Bureau of Labor Statistics (BLS) came up with, which is based on a sampling of what physicians in general report. BLS estimates 2,000 cases per year; the health community estimates 100,000-400,000. We could say that those are the limits—the boundary conditions—and the real incidence is in between.

CE: How do you plan to narrow this uncertainty?

CORN: We will have a statistical unit soon that will be the funneling point between BLS and OSHA.

And I've hired the first biostatistician/epidemiologist in OSHA. I didn't think we'd make any progress as an agency until we got some of those rare people on board. I think that they are the key to this. They



Photo: Gwendolyn Stewart

understand how to sort out occupational factors.

CE: *How do you plan to carry out health inspections in the chemical process industries? Will you concentrate on companies with the worst record? Will you look at specific chemicals or types of operations?*

CORN: That is evolving. The agency is almost starting from scratch in the health area. Right now, we're looking at certain substances, and we're answering complaints. That essentially will tie up our limited health resources for the next year and a half. So we're not going to have too much flexibility until we build up our numbers.

CE: *How are you doing in building up those numbers in your health ranks?*

CORN: We are hiring, but we can't hire industrial hygienists. We get very few—we get beginners. We're starting a three-year career-development program that will begin in September. Over an about-three-year period, with about ten weeks of classroom training, we will grow our own compliance officers. We are just facing the facts that you can't hire qualified industrial hygienists.

CE: *How do you plan to measure improvements in occupational health?*

CORN: Well, that's what we are playing with. We have contracts out with several "think firms" to assist us in this formulation, and our own policy group is working on it.

I don't think you can measure health impact from hard statistics—you can't wait through a 15-year incubation period to see if you're changing the cancer rate or the pneumoconiosis [lung disease caused by dust inhalation] rate. So we're going to use surrogate measures. I propose measuring the number of persons removed from risk—our field people are already collecting data on this. Of course, there is an assumption of continuity of exposure.

CE: *Since industry has a practical limit on the dollars it can spend on safety and health, what is the rationale of OSHA's pushing for costly engineering noise controls rather than protective gear, when perhaps the money could be better spent on controlling more-dangerous hazards?*

CORN: Of course, I think we should pick the more-dangerous haz-

ards first. But the question has implicit in it that protective gear is as effective as engineering controls. All my experience suggests protective gear is nowhere near as effective as permanent changes. The protective gear must be worn all the time, and any letup affects the person. The supervisor must constantly provide control. The devices themselves have a lot of problems. For instance, with ear plugs or ear muffs, there are infections. There's irritation due to dust. When you add together the constant surveillance, the discomfort, the built-in inadequacies, you reach the conclusion that the devices are an interim solution.

It may take some firms longer to do the job the right way—that's related to the economic facts brought up in the question. So, I'll stretch it out. Our scenario in the inflationary impact statement for noise is 15 years for some industries. And I'll invoke a never-before-used clause of the act that says we can enter into agreements with employers to experiment where a solution doesn't exist. I'll do whatever I can to bring about change.

CE: *What are your views on setting standards on a chemical-by-chemical basis?*

CORN: In the short term, the single-agent-standard approach will serve us well—we have so few standards now. But in the long run, we have to search for other ways of handling this problem. Some of our efforts focus on looking for those ways. But I'd rather not open that up for general discussion until I have a little more to show.

CE: *What is the status of the program to complete standards on 400 chemicals?*

CORN: It is moving. The ketone A package has come forth, and the ketone B group is almost ready.

CE: *Do you care to comment on the project's timetable?*

CORN: No, I don't.

CE: *In setting standards, will OSHA adhere to the action-level concept, in which firms must start certain procedures when worker exposures reach half the standard?*

CORN: I think our staff is convinced that the action level is not an across-the-board concept. For certain compounds, it imposes an un-

necessary burden on the employer. It revolves on the issue of what happens at the level of the standard. If what happens is not a major effect, then I don't think the action should be invoked at half the level. So each of the standards is being looked at for the relevance of the action level.

CE: *Which items are in OSHA's highest priority category?*

CORN: Lead is high priority. We are vigorously pursuing coke-oven standards and cotton-dust proposals. We're getting ready for proposal on sections O and P—that's a revision of consensus safety standards. Vigorously preparing sections D [walking and work surfaces] and L [fire protection and anhydrous ammonia] for promulgation. And we're vigorously pursuing noise, arsenic, and ketones, and trying very hard to get a resolution of the ground-fault circuit-interrupter safety standard. And there are some I'd rather not mention that are not even in the perception of the public at this point—however, I have alerted those segments of industry and labor that will be impacted.

CE: *Will OSHA do resource-assessment studies—for example, on the number of hygienists and industrial physicians available—to determine how quickly industry can comply with the medical requirements of the standards-completion project?*

CORN: I wouldn't want to say that we'd do that routinely. We do a whole economic assessment. And part of that could be resources.

CE: *Will there be an inflationary-impact assessment of the sum of the effects of all of the standards for chemicals?*

CORN: We're not doing that yet—that hasn't been built into OSHA's framework. But I am very sympathetic to that kind of impact study. Certainly, the total impact of regulations on different sectors is what the people in those sectors have to deal with. But we just don't have everything under our jurisdiction to do that kind of study. It would have to be done by the Council on Wage and Price Stability, or some umbrella organization.

CE: *What are you doing to foster cooperative efforts among OSHA, NIOSH, labor and industry in standard-setting?*

CORN: I've invoked many things.

I'm totally committed to getting rid of the perception that industry, labor and OSHA are adversaries.

This was a relatively closed agency. I have gone public with just about everything we're doing. We're getting the views of labor and management before the standard is issued. We're saying here it is, here's the best we think we've got, do you see problems with it? You have already had an opportunity on the proposal. You've had an opportunity in the hearing and an opportunity for comments. We're at the end of the line now, let's go around once again before the standard goes out.

All those steps have been injected in the last seven months. Now if that doesn't lessen the feeling that this is a mysterious edict that comes out of Washington, then really I don't know what else to do. I'd welcome further suggestions.

CE: *Will OSHA push for standards that set firm exposure limits, or will the agency lean toward describing work practices and controls?*

CORN: We are moving toward both—our standards include the exposure limit we seek to achieve; but we are increasingly considering specific engineering controls that we have confirmed can be used across-the-board. It's not one or the other, it's really a combination of both.

CE: *Do you believe that there are safe threshold levels for chemical carcinogens?*

CORN: I don't think there are. I be-

lieve it's a continuum of response. The single-hit theory in the radiation field leads me to believe that we're dealing with similar circumstances with chemical carcinogenesis—but I can't prove it.

CE: *How do you feel about the no-detectable-level concept for safeguarding against chemical carcinogens?*

CORN: Well, I think that's a moving target, and the people out there need a constant target. In general, I'm not in favor of phrasing regulations "no detectable level," because next week somebody's going to come along and detect something lower.

CE: *How do you plan to promulgate health standards more quickly?*

CORN: I can't change the process—it's dictated by law. But I can change the number of people addressing it. We're expanding the health-standards group by 20, and Congress, I'm told, is authorizing additional positions. We're changing the management structure in the agency; we've broken the health-standards group into subgroups. We're trying to draw on the outside world and on our sister agency [NIOSH] for toxicologists, physicians and health specialists, and we are trying to recruit such people.

CE: *What then—under your new setup for more-quickly promulgating standards—would you consider a reasonable time period from start to finish?*

CORN: Our people think 14 to 18

months is the minimum time with the procedures that are inherent in the process. It's been taking in excess of 22 months—in many cases, much longer.

CE: *By 1980, NIOSH expects to develop about 100 criteria documents on chemicals. How would you be able to handle this flow?*

CORN: We've discussed our concerns with NIOSH, not only because of the number but because we at present have no input to their priority system. Criteria documents are determined by NIOSH without consultation with OSHA. Therefore, we receive many of them, superimpose our priorities, and put several of them on the shelf, because our priorities from field experience do not suggest the same ones that NIOSH's system suggests. I think it is essential that the two agencies reach a joint priority system.

CE: *What is the status of the agency's efforts to revise the consensus standards adopted when OSHA was first formed?*

CORN: I felt a great deal of our credibility was embodied in that long-talked-about and never-initiated effort to revise consensus standards. It's taken a huge effort on the part of the agency, but the standards are coming. We're now consolidating the comments and the hearings on sections D and L. That will come forth as a proposal probably by the end of September. We're on a December schedule for revision of the

☐ Morton Corn, the congenial 42-year-old OSHA chief, comes across as tough but realistic in his quest to safeguard workers. "I'm not saying there aren't bonafide management/labor differences of interest in industry. But let's cut health and safety out of that."

Trained as an undergraduate at The Cooper Union in New York City, Corn received his bachelor's degree in chemical engineering in 1955. This background nourishes his view that good engineering is a key facet in solving health and safety problems: "Anyone can engineer a solution; but can you engineer a good solution at a reasonable cost?"

After garnering master's and doctor's degrees in both industrial hygiene and sanitary engineering at Harvard University, Corn joined the faculty of the University of Pittsburgh in 1962. Before being tapped for OSHA last December, he most recently held posts there as professor in the Dept. of Occupational Health and adjunct professor in the Dept. of Chemical Engineering.

"This job's a killer," Corn confides at the end of another long day. "But I don't think a year is enough for what I've started," alluding to the uncertainty of being a Presidential appointee in an election year.



sections on machine guarding and small tools. And then we'll start the next section. We're just going to keep going until we revise them all.

CE: *Many chemical manufacturers would prefer performance standards over specifications standards. Will OSHA move in this direction?*

CORN: That's the direction I'd love to go. That is the thrust of all of the revisions of consensus safety standards—we are trying to frame the revisions on the basis of satisfactory performance to the extent we can. I don't like locking people into specifications standards. Our goal is to abate a condition. If there are other ways of doing it, and we can evaluate those ways, then those options should be in there. But how to do that is what we're struggling with.

Take a staircase, for example. The real question is: What load will it withstand? But how would the person charged with compliance determine that, and how would a compliance officer charged with evaluation determine that? It's much easier to go in and measure so much high . . . that's why you've got specifications standards.

CE: *We understand that you are making efforts to classify serious chemical hazards. Will you elaborate on this?*

CORN: Well, there is a table that has gone through our advisory committee that lists the substance, the mode of action in the body, and the level at which it is believed that a serious citation should be issued. The compliance officer will go down the list to see how a particular chemical agent acts, take measurements and check the guideline to determine whether to issue a serious citation. Once these guidelines are put in our manuals, the information will be provided to all those we deal with.

CE: *When might that be?*

CORN: The advisory committee has approved the list. It is now being put in a format to go out as a field directive. I think we're talking of a time frame of a month or two.

CE: *You mentioned to us in June that you were trying to pinpoint those health and safety areas that had the highest death rates. Please describe this effort.*

CORN: I'm trying to relate the haz-

ards to the problem, but good data are very hard to obtain. We're working from workmen's compensation data and from Blue Cross/Blue Shield data. I've got people looking at numerous possibilities of discovering where the hazards are. We've got to know where to put our efforts. Now I'm talking about the sub-divisions: I'm after those statistics, desperately after them. I'd like to be able to tell our compliance officers, here's why we're stressing cranes . . . they're where the action is.

CE: *Some industry safety experts maintain that about 90% of industrial accidents occur as a result of unsafe acts, rather than unsafe work conditions.*

CORN: I take issue with that. The figure stems from a book that is very largely flawed in its logic. There are no data to support this.

I concede that the behavior of the person contributes to the acts—as does the physical condition. I do not think sufficient data are available to assign percentages to either of these factors.

CE: *In light of the alleged leukemia hazard that confronts styrene-butadiene-rubber workers, what is your response to labor's push for an emergency standard?*

CORN: NIOSH is exploring the validity of the link. There are many chemicals in such facilities. We are accumulating data and are making inspections of SBR plants. Until I get some guidance as to what the agent is, I'm reluctant to move with an emergency standard. I'm not casting doubt on the problem. What I'm saying is I don't have enough data at this point to know what to regulate.

CE: *The National Cancer Institute has recently issued warnings on chloroform and trichloroethylene because they have produced cancers in test animals. What are your plans for these chemicals?*

CORN: I have not acted on them either. We are evaluating the nature of the animal data.

There are people who think that the minute I hear any word of such things, I should immediately act. I'm impressed with all the wheels that turn when we act, and I feel a great responsibility to have enough information to feel that any action is a responsible one.

CE: *What is your position on legislation that would exclude small businesses from OSHA's scrutiny?*

CORN: There's no rational basis to an exclusion—the problems cut across all establishments. Ninety percent of these establishments under our coverage employ 25 or fewer people. I'd rather not exclude them, but recognize that a small business has problems associated with compliance. In fact, we have just published recommendations on how to ease the difficulties, and are now implementing many of these suggestions. To me, this is an eminently sensible way to proceed.

CE: *Why does OSHA seek onsite consultation rights similar to the privileges given in OSHA-approved state plans?*

CORN: I think consultation has a lot to offer. The image of OSHA as a punitive police organization has to be moderated with a helping hand. Offering help with educational material, for example. Letting people clearly know their responsibilities.

Currently, 35 states have onsite consultation programs. I will have a report on each state plan—I've asked for information on the nature of requests, how long the reporting takes, what kinds of hazards are being discovered—the whole breakdown of what's happening out there. It's a new area and it's going to take a great deal of thought as we inch our way along.

CE: *Since your position is filled by Presidential appointment, depending on the results of the November election, the succeeding administration may replace you. How has this uncertainty affected the agency?*

CORN: There's a great anxiety in the agency. I have been telling people all my efforts are based on the belief that OSHA must be a professional agency: We've changed job descriptions, we're reorganizing, we've started projects, we're changing our operations manuals. It's going to be awfully hard to stop these things if you believe in them as an organization. I've been telling the organization and the public not to personalize the organization—focus on what OSHA is and what you want it to be.

Larry J. Ricci