

For Your Information

General Policy

RTG

DOL AGENCIES SHOULD COORDINATE SIMILAR ENFORCEMENT ACTIVITIES, TASK FORCE SAYS

The Labor Department needs a mechanism to ensure the coordination of similar enforcement activities performed by the department's various agencies, including the Occupational Safety and Health Administration, a task force established by former Labor Secretary Ann McLaughlin concluded.

The group recommended the formation of an "ongoing working group, chaired by the deputy secretary, to oversee the implementation of the various agency enforcement plans and to develop a department-wide system... for monitoring compliance goals of the secretary," according to a draft report on the task force's work obtained by BNA.

The task force, headed by Deputy Labor Secretary Dennis Whitfield, was composed of the 11 assistant labor secretaries who served under McLaughlin during her 13 months at the Labor Department. The former labor secretary established the group to study ways in which to improve the consistency of the Labor Department's enforcement activities. DOL is charged with enforcing more than 180 statutes.

Common Elements Noted

In spite of the "diverse nature" of the department's enforcement programs, the task force nevertheless identified some "common elements" in the course of its review, the report said. "Nearly all agencies relied on some form of data or information system to assist them in measuring compliance and targeting inspections. The agencies all had systems for communicating their enforcement goals to the public. Most agencies mounted compliance assistance programs. And all the agencies had defined approaches triggering investigations or inspections."

Despite these similarities, however, the task force found that the agencies "generally operate independently of each other," according to the report. There are no mechanisms for ensuring that agencies coordinate their common activities or share successful enforcement techniques. Task force members also drew attention to the agencies' failure to implement strategic planning processes for enforcement and to the absence of a system for reviewing regulatory compliance with enforcement goals at the secretarial level.

In addition to the formation of a working group to oversee implementation of agency enforcement plans, the task force recommended that the secretary assign a special assistant to the deputy secretary to "undertake a systems analysis of each agency's enforcement program," the draft report said. The group also suggested that the secretary require each agency to develop a strategic enforcement plan based on the systems analysis.

As far as individual agencies are concerned, the group concluded that "even though some coordinated activities could enhance departmental enforcement efficiencies, for the time being it is appropriate for the different agencies to independently direct their enforcement functions primarily because the statutory mandates and regulated communities are so diverse."

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Hazardous Materials**USE OF POLYVINYL CHLORIDE PIPE ABOVE GROUND IN COMPRESSED GAS SYSTEMS CALLED DANGEROUS**

RENO, Nev.—(By a BNA Staff Correspondent)—A handful of Western states is leading efforts to alert other state

regulators and employers about the dangers of using polyvinyl chloride pipe in above-ground compressed air or gas systems.

State job safety officials in Arizona, Washington, and New Mexico last year issued hazard alerts to employers in those states warning of the dangers of using PVC pipe in compressed air or gas systems.

One of the chief proponents of the effort to ban use of unshielded PVC pipe in compressed gas systems is Jack Cannova, president of Tempe Industrial Supply Co., in Arizona, who attended the three-day meeting in Reno of the Occupational Safety and Health State Plan Association Jan. 31 - Feb. 2. Cannova, who sells plastic pipe and valves, said he has been campaigning against PVC pipe use in gas systems for over a year.

The safety hazard associated with PVC pipe in compressed air and gas systems stems from the pipe's mode of failure, Cannova told association members representing 24 OSHA state-plan states. If the unshielded pipe is struck while compressed gas is in it, even at pressures below its rated capacity, it can explode, sending jagged pieces of pipe flying in all directions, he explained. "When the rigid vinyl piping system fails, it fails in the mode of shrapnel; it breaks into a lot of pieces," he said.

High Velocity

PVC pipe failures can send shards of pipe flying into the workplace at velocities of 2,300 feet per second, according to Cannova, a speed he said exceeds that of bullets fired from some guns. Unlike metal pipe and other kinds of plastics, PVC pipe is brittle and shatters when overpressurized, he noted.

A hazard alert from the Washington Department of Labor and Industries noted that one PVC pipe explosion hurled a piece of pipe 60 feet across a warehouse and pierced a roll of paper. Another explosion in an underground PVC pipe system left a crater four feet deep, according to the department.

Despite printed warnings from PVC pipe manufacturers not to use the product in compressed air or gas systems, Cannova said he found it in widespread use in industrial facilities throughout Arizona. He estimated that up to 80 percent of all compressed gas or air systems may be using either traditional black iron or the newer PVC pipe.

Washington's Department of Labor and Industries issued its hazard alert in May 1988 to employers and employees in the state warning of the explosion hazard of PVC pipe when used in compressed air or gas systems (18 OSHR 492). Similar alerts have been issued in Arizona and New Mexico. Cannova urged that other states follow the lead of those three and warn against use of PVC pipe.

In May 1988, OSHA Regional Administrators were advised of the hazard in a memorandum from Edward Baier, director of the agency's Directorate of Technical Support. Although the memorandum was to have been distributed to officials in state-plan states, several at the OSHSPA meeting said they never saw it.

Cannova said that in place of unshielded PVC pipe, metal pipe, or a plastic pipe known as ABS, should be used in compressed gas or air systems. When ABS pipe fails, it tends to develop slits, like metal pipe, that relieve the gas pressure inside the pipe without exploding, he explained. ABS stands for acrylonitrile-butadiene-styrene.