

OSHA COMMUNIQUE

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OCCUPATIONAL HAZARDS JULY 1979

Latest developments in the implementation of the Occupational Safety and Health Act of vital interest to industrial safety directors.

First December 1978, then May 1979, and now "late summer" is the target for issuance of OSHA's carcinogen policy, which was proposed in October 1977. Even late summer may be too optimistic, Washington sources told *Occupational Hazards*. They believe OSHA may wait until the Supreme Court reaches a decision on the benzene standard before issuing the carcinogen policy. However, OSHA Director of Health Standards Grover Wrenn denies that OSHA will wait for the court ruling.

The U.S. Department of Labor announced that new assignments have been given to Frank Greer, special assistant for public affairs to OSHA-boss Eula Bingham, and Donald MacKenzie, director of OSHA's Office of Field Coordination and Experimental Programs. Greer moved up to special assistant to Labor Secretary Ray Marshall, and MacKenzie was appointed regional administrator for Region II, encompassing New York, New Jersey, and Puerto Rico.

Amid increasing union dissatisfaction with its construction safety and health efforts, OSHA-chief Eula Bingham's announced formation of an 8-man task force to "examine steps OSHA can take to focus our resources on the most serious hazards in the construction industry." The task force, chaired by Region VIII Administrator Curtis Foster, will review its findings with top OSHA, labor, and construction industry officials.

In May, the executive council of the AFL-CIO Building and Construction Trades Department, which comprises 17 unions and 4.5 million members, passed a resolution calling for passage of a Construction Occupational Safety and Health Act and a new Labor Department agency to implement it. The council charged that in the past year OSHA inspections had decreased by 45 percent while fatalities increased by 500. The labor organization also complained that Civil Service rules prohibit persons with construction experience from being employed as compliance officers and of duplicate and inconsistent enforcement of safety and health regulations.

International Union of Operating Engineers Presi-

dent Jay Turner called upon Assistant Secretary of Labor — OSHA Eula Bingham to create a separate division within the agency to deal with construction industry standards and enforcement activities.

On June 4, OSHA's revised Industrial Hygiene Field Operations Manual became effective. The manual, the product of a 2-year review by OSHA and NIOSH staff members, interprets OSHA standards and guidelines for OSHA inspections and citations. Among the revisions:

- Sampling for hazardous substances will be conducted the length of a workshift, minus one hour, to allow OSHA industrial hygienists time to set up equipment.
- An "other" rather than a "serious" citation will be issued to an employer who brings an employee's exposure to a serious substance, as indicated in the manual, below the permissible exposure level through use of a respirator rather than through required engineering controls. A written compliance program is still required.
- Referrals from compliance officers which document health hazards will receive the same inspection priority as complaints. Previously, complaints received higher priority.
- Excessive employee exposure to substances for which NIOSH, the Environmental Protection Agency or the National Cancer Institute have made exposure control recommendations may be cited under the OSH Act's general duty clause (Section 5(a)(1)).

Chairman Timothy F. Cleary will serve a second 6-year term on the OSH Review Commission. He was renominated by President Carter and confirmed by the Senate on April 26. Cleary's new term will expire April 27, 1985. He will continue to serve as Commission chairman. At his confirmation hearing before the Senate Labor and Human Resources Committee, Cleary said the Commission has a backlog of 402 cases, 116 of which have been voted on but await the completion of written opinions. ■

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