General Policy

SENATE REJECTS OSHA AMENDMENTS; WILLIAMS PROMISES OVERSIGHT HEARINGS

The Senate rejected by a vote of 47 to 40 Senator Peter H. Dominick's (R-Colo) attempt to significantly amend the Occupational Safety and Health Act.

In the May 7 Senate debate, Senator Harrison A. Williams (D-NJ) successfully tabled Dominick's proposal to tack the OSHA amendments onto the non-profit hospital bill (S 3203), which subsequently was passed by a vote of 63-25.

Williams, chairman of the Senate Committee on Labor and Public Welfare, was joined in his effort by Senator Jacob Javits (R-NY), ranking minority member of the committee. Williams said that Dominick's amendment was unrelated to the bill being considered. Further, he noted the amendment's proposals (Current Report, May 2, p. 1507) "could well serve to hamper or render ineffective functions which Congress clearly intended should be carried on to implement the law."

Williams referred to a request he made in June, 1972, that the General Accounting Office make investigations into various aspects of OSHA and said further "several reports from GAO, relating to the development of standards for toxic substances, the dissemination of OSHA standards to covered employers, the administration of the small business loan program, and the safety program for federal employees, have been completed and have been sent to members of Congress. In addition, GAO will be making available very shortly to the Committee the results of most of the remaining areas of its present studies, including an extensive analysis of the entire OSHA compliance program.

Williams Promises Hearings

Williams said when the GAO reports are all received, he intends "to hold further hearings to consider what administrative or legislative changes may be necessary.

Javits said the bill under consideration should not be burdened with unrelated provisions that would delay it for months. "I will rally the minority to get action on hearings since I believe this is the proper way to deal with these problems," he said.

Javits said also that the minority should inform Secretary of Labor Brennan that he already has authority under the law to give on-site consultations either through the department or by contracts.

Dominick said his amendment was an attempt to "get away from the punitive aspects of the law." The GAO reports do not deal with anything in the amendment and adoption of the amendment would not preclude hearings following receipt of the reports.

Although the amendment was not adopted, support was expressed by Senator Carl T. Curtis (R-Neb), who proposed amendments to OSHA, and who called the law "unconstitutional." Curtis noted the Small Business Administration has had very little success in getting approval for construction loans from OSHA. Also he said the law "lends itself to many abuses in the use of governmental powers. It is shot through with provisions and procedures that enable autocrats or, better said, bullies to invade the Constitutional rights of others. It is heavily oriented to favor the use of governmental power by labor union bosses to force their will and their terms on management. It must be changed," he said.

Senator William Scott (R-Va) said he supported the amendment but it did not "go as far as I would like," adding that he wanted small businessmen removed from coverage under the law.

Strong support for the amendment was expressed also by Senators Paul Fannin (R-Ariz) and John Tower (R-Tex).

Business Support

On May 3, J. M. Walterndorf, president, National Association of Wholesaler-Distributors, Washington, D.C., sent a telegram to all members of the Senate urging their support for the amendment.

Health Hazards

OSHA WILL PROPOSE NO DETECTABLE LEVEL EXPOSURE FOR VINYL CHLORIDE

Occupational exposure to vinyl chloride would be limited to "no detectable level" as determined by a sampling and analytical method capable of detecting the substance at concentrations of one part per million with an accuracy of one ppm ± 50 percent, under a standard to be proposed by the Occupational Safety and Health Administration.

The proposed permanent standard was signed by Assistant Labor Secretary John H. Stender on May 6 and is scheduled for publication in the Federal Register on May 9 or 10. OSHA issued an emergency temporary standard for vinyl chloride setting an exposure limit of 50 ppm on April 5 (Current Report, April 11, p. 1411).

The 50 ppm emergency standard drew fire as "premature" from the president of the United Rubber Workers (Current Report, April 18, p. 1443).

OSHA said the methodological sensitivity included in the proposed permanent standard "appears to be the most feasible and generally available." A method of one ppm sensitivity was recommended to OSHA by the National Institute for Occupational Safety and Health.

To minimize the number of persons at risk, a requirement would be established for regulating areas where vinyl chloride is manufactured, reacted, stored, handled, released, repackaged, or used, including operations with polyvinyl chloride containing detectable levels of vinyl chloride. Access to the areas would be limited to authorized employees.

Monitoring

A program of monitoring would be required to establish whether there are detectable levels of vinyl chloride

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in regulated areas and to permit determination of employee exposures on an individual basis. Provision would also be made for an opportunity to observe monitoring by employees or their designated representatives, as required by Section 8(c)(3) of the Occupational Safety and Health Act.

Where detectable levels of vinyl chloride are monitored, two programs would be triggered, one an engineering and work practice program to reduce levels below detectability, and while this is going on, a respiratory protection program for employees in the regulated area.

Engineering controls and work practices are favored methods of compliance because they tend to avoid contamination of the ambient air in the workplace, according to OSHA. Accordingly, it is proposed to require the institution of engineering controls and of work practice methods as soon as feasible, and to require the use of respirators pending the institution of such controls, to supplement such controls where they are insufficient to reduce concentrations of vinyl chloride below the detectable level, in specified work situations and in cases of emergency.

The proposal for continuous flow and pressure demand types of respirators was based on the recommendations of NIOSH, which observed leakage through chemical cartridge respirators at high concentrations of vinyl chloride.

A requirement would also be established for the provision and use of protective clothing for employees in the regulated areas. The protective clothing would minimize skin contact with vinyl chloride vapor, and would provide some measure of protection from splash of liquid in the event of a spill or rupture of equipment. Food, beverages, and similar products would be prohibited in the regulated area.

Written operational and emergency plans would be required, along with employee training in routine and emergency duties. Specific requirements would be established for emergency actions and for routine maintenance and decontamination operations, including vessel entry, which are known to present particular hazards.

The purposes of operational and emergency plans and training are to apprise employees of the hazards to which they may be exposed, of the precautions they must take to avoid such hazards, and to familiarize employees in the procedures to be followed in emergencies.

Medical Surveillance

Comprehensive requirements for employee medical examinations are proposed, including necessary tests. Some additional guidance is included for the convenience of physicians. The proposed requirements were recommended to OSHA by NIOSH as reasonably appropriate to detect liver dysfunction which may be indicative of, or predisposing to, the development of liver angiosarcomas.

Records of monitoring, medical examinations, and entry to regulated areas will be proposed, with provision for access by appropriate OSHA and NIOSH officials. Specific provisions for employee access to monitoring records are included, as well as the requirement to furnish a copy of medical records to an employee's physician on the employee's request.

Establishments conducting vinyl chloride operations would be required to identify themselves to OSHA, and to report incidents (accidents) resulting in the release of vinyl chloride.

The vinyl chloride standard to be proposed by OSHA appears in the Full Text section of this report. Comments are invited until June 10.

Recordkeeping

BLS REPORTS 5.7 MILLION INJURIES, 5,500 FATALITIES IN 1972 OSHA SURVEY

There were nearly 5.7 million recordable work-related injuries and illnesses during 1972 in private nonfarm industries, according to final estimates of the 1972 survey conducted by the Bureau of Labor Statistics under the Occupational Safety and Health Act.

The nonfarm category includes industries other than railroads and coal, metal, and nonmetal mining. Preliminary statistics released by the BLS in January revealed that on the average one out of every 10 workers experienced a job-related injury or illness during 1972 (Current Report, January 24, p. 1067).

The final estimates confirmed the accuracy of the preliminary estimates. In the industries surveyed, the incidence rate (number of injuries and illnesses per 100 full-time workers) for all recordable cases was 10.9, indicating an injury or illness for one of every 10 workers.

In addition to updating the preliminary estimates reported in January and providing estimates of fatalities, the latest BLS report includes greater industry detail at the four-digit Standard Industrial Classification level in manufacturing and the three-digit level in nonmanufacturing.

Additional Data

Other key findings from the 1972 survey were as follows:

(1) The highest incidence rates were generally concentrated in units of 100-249 employees. Reporting units with less than 50 or more than 1,000 employees tended to have lower incidence rates than units in the mid-size classifications.

(2) Only about three in 10 cases of work-related injuries and illnesses resulted in the loss of a workday.

(4) About 24.7 million workdays were lost during 1972, a loss of nearly 100,000 employee years of work in addition to fatalities.

(5) Occupational injuries represented 96 percent of the total cases. Occupational illnesses accounted for the remaining 4 percent.

(6) Six of every 100 fatalities were due to occupational illness.

(7) An estimated three out of every 10 establishments had at least one recordable occupational injury or illness. These tended to be large establishments and employed about 75 percent of the work force in the private nonfarm sector.

(8) Contract construction, with only 6 percent of the employment in the industries covered by the survey, accounted for approximately 10 percent of the recordable injuries and illnesses, nearly 567,000.

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