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Health Hazards and the Workplace

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WASHINGTON—Seven years after Congress approved the Occupational Safety and Health Act, the Federal Government this week laid out an enforcement plan that, if upheld by the courts, could have a significant impact on the health hazards found in the workplace.

Up to the present, although the Occupational Safety and Health Administration has been subjected to an almost endless barrage of criticism by businessmen, many experts agree it has been largely ineffective in confronting the health problems created by industrial processes.

In more than six years of operation, for example, OSHA has managed to get into effect regulations limiting exposure of only 17 of the more than 1,500 carcinogens that scientists believe are present in the nation's factories, hospitals, chemical plants, beauty shops, mines, cleaning stores and even office buildings.

A report by the General Accounting Office last spring said that at the existing pace it would take OSHA more than a century to regulate substances already identified as hazards and that new and dangerous products were being added to the environment every day.

Thus, "the General Accounting Office report concluded, 'the bleak health conditions, which Congress sought to improve (in the Health Act of 1970) still exist, and many may be getting worse.'"

But on Monday, Labor Secretary Ray Marshall and Dr. Eula Bingham, the head of the OSHA, made a proposal that would provide a drastic change in the agency's approach to health problems and a great increase in the pressure on business to confront these problems.

Mr. Marshall and Dr. Bingham recommended the Federal Government's first comprehensive plan to control the hundreds of substances that cause cancer and the abandonment of the present substance-by-substance approach. Under the plan, model fill-in-blank regulations would be established for carcinogens. More important, perhaps, the proposal provides that the Government will argue on a once-and-for-all basis that any substance that

in the past have been argued and rearranged as each individual carcinogen came under regulation.

One issue the Government wants to decide as a general policy is what kinds of proofs will be required to declare that a given substance causes cancer. The second issue is what action the Government will expect a business to take after a substance is declared a carcinogen.

As spelled out in the 278-page Labor Department proposal, evidence developed during specifically defined tests on mammalian animals could be the basis for determining that a toxic substance is a carcinogen and, once so determined, that the exposure limit "will be set as low as feasible."

Assuming the new comprehensive cancer proposal survives the expected challenges by business and industry, the potential impact of the plan is enormous. During the last 75 years of increasing industrialization, for example, deaths from cancer have risen from 64 per 100,000 in 1900 to 162.8 per 100,000 in 1970 and 171.5 per 100,000 in 1975. Cancer is now killing about 1,000 persons per day in the United States and each year 250,000 new cases are diagnosed.

Somewhere between 80 percent and 90 percent of these cases, scientists now believe, are triggered by substances in the environment of America, many of which originally are generated in the workplaces regulated by OSHA.

While the human anguish behind these statistics is impossible to qualify, the costs can be estimated. According to some studies, about \$1.8 billion a year is spent in the United States solely for hospital care for cancer patients; \$3 billion to \$6 billion a year is spent for all kinds of treatment of cancer and perhaps \$12 billion a year is lost in earning power and productivity because of cancer.

Mr. Marshall referred to these broader costs to society—some of which are reflected in higher health-care premiums paid for the general population—when asked whether he had calculated what the new comprehensive enforcement plan would cost industry. The Secretary said that he believed the policy, when implemented, would save money.

Dr. Eula Bingham

But the proposal could result in tremendous increases in Government pressure on industry to limit the sources of cancer-causing agents and would cost money—far more money, than the public's money, if it buys what industry sells. The industry, representing a segment of industry that would be particularly affected, said that it shared the Government's concern in wanting to see occupational exposure to carcinogens. But it denounced the plan as being more than an attempt by a regulatory agency to devise a "quick fix" for dealing with the admittedly difficult task of reducing the risks of occupational health hazards. No such formula will provide the right answer.

The potential significance of the OSHA proposal does not end in the workplace. Other Federal agencies such as the Consumer Product Safety Commission, and the Environmental Protection Agency—regulate carcinogens on a substance-by-substance basis. Should this approach survive legal challenges—which past industry cases would suggest is likely—they, too, could begin a broader, speedier, cleanup drive.

In a memorandum accompanying the proposal, OSHA said that it was courting full discussion. Written comments should be sent to the OSHA Docket Office, Docket No. H-100-82212, United States Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20540 by Dec. 8. A public hearing has