

part of the coke oven standard, especially since such a concept would most likely be quickly extended to other OSHA standards. Yet, OSHA was sympathetic to the dilemma the unions raise in the absence of such economic protection, workers, fearing loss of their jobs, would be unlikely to take the very medical exams that they needed to protect themselves. OSHA therefore decided to issue the final coke oven standard without any mandatory removal requirement and to consider further rate retention but as a separate issue.

III. Status

OSHA has since decided to form an ad hoc advisory committee to address this issue not just in the context of coke oven emissions but as a basic part of what OSHA will require in all standards regarding employers' medical surveillance programs. The issue is particularly prickly, however, because of its impact on collective bargaining relationships. Numerous delicate questions regarding seniority, working conditions, skill ladders, etc., will be introduced but OSHA is still committed to a thorough and open examination of exactly what rate retention would involve.

IV. Critical Dates

Fall 1977 — When the advisory committee completes its work, OSHA will have to decide whether to require rate retention or not.

THE OSHA-NIOSH RELATIONSHIP

I. Statement of Issue

Should the OSHA and NIOSH relationship be changed and, if so, how?

II. Background

The research capacity relating to occupational safety and health is not located in OSHA. Instead, under the OSH Act of 1970, there was a separate National Institute for Occupational Safety and Health created in a different Department. Worse, NIOSH is several levels down in the HEW bureaucracy, with different objectives, a different set of bosses, insufficient resources and geographic separation. It is no surprise that, despite the good intentions of the current agency heads, the efforts at coordination still are not yielding proper results.

There are a number of basic questions to be answered. Where will OSHA get the scientific expertise and background that it needs to operate? NIOSH just does not have enough resources. It is not very responsive to our needs. In effect, it has a separate agenda. In spite of this, does it make any sense for OSHA, on its own, to get deeper into applied research to satisfy its own needs?

Transfer of NIOSH to OSHA has been discussed for a number of years. Until recently, OSHA had been opposed to such considerations on the general grounds that it was against opening the Act to any amendment. Now, with several potential amendments being considered, it might be useful to start thinking of such a transfer.

III. Status

Regular monthly meetings now occur between the agency heads and are supplemented with numerous staff and informal contacts. Still, there is no real system for establishing priorities for research, criteria documents and standards. Both agencies also need to coordinate the collection of data describing health and safety hazards and related matters. Finally, there is a need to forge a stronger joint effort,

through contract and grant programs, to develop the recruiting/training of industrial hygienists and to certify/evaluate safety and health protective equipment.

IV. Critical Dates

There are no pressing decision dates but the question should be considered in conjunction with any proposed legislative changes.

TRANSFERRING MESA TO DOL

I. Statement of Issue

What should the Administration's position be regarding the proposal to transfer the Mine Enforcement and Safety Administration (MESA) to the Department of Labor?

II. Background

Bills to transfer MESA from Department of the Interior to DOL were introduced in both Houses of the 94th Congress. The House passed a MESA transfer bill, which also contained several amendments to the Federal Metal and Nonmetallic Mine Safety Act, by 309-86; the Senate bill mandating transfer and strengthening mine safety laws was reported out of Committee but did not receive floor consideration before Congress adjourned. Both bills also contained provisions delineating jurisdictional areas between OSHA and MESA, a point of contention with the mining industry, unions and the agencies. The Ford Administration and the mining industry opposed MESA transfer, maintaining that the Interior Department had the requisite experience and expertise to administer mine safety laws, segments of organized labor, especially the United Mine Workers and the United Steelworkers, pressed for transfer to DOL, claiming that Interior's responsibilities for energy resources development conflicted with its safety duties.

III. Status of Work on the Issue

If the basic issue is to support transfer to DOL, a number of corollary organizational issues will require decisions; a series of issue papers on MESA transfer have been prepared by DOL during discussions with OMB and Interior this year.

IV. Critical Dates

Although the sponsor of the MESA transfer bill in the House, Congressman Dominic Daniels (D. N.J.), has retired, it is likely that similar legislation will be introduced in both the House and Senate immediately after Congress resumes. The issues to be resolved include the Administration's position on the transfer issue, the administrative location of MESA within DOL if transfer is approved and the position to be taken regarding the provisions which add OSHA-like features to the current mine safety laws (e.g. employee walkaround rights, general duty clause, etc.).

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