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NATIONAL SAFETY CONGRESS **TRANSACTIONS**

labor safety

NATIONAL SAFETY COUNCIL
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Labor Sessions

CONSOLIDATED REPORT OF LABOR CONFERENCE ACTIVITIES

By THOMAS A. DILLON

Retiring Chairman, National Safety Council Labor Conference; Business Representative, Int'l. Ass'n. of Machinists, District 55, Joliet, Ill.

This brief report covers a few of the highlights that have been accomplished by the Labor Conference and its standing committees this past year. I want to publicly acknowledge and thank the chairmen and members of all committees who worked long and hard to produce a successful year.

The Labor Conference had a full year of activity. The spring meeting was held last May in Montreal, Canada. The third day was devoted to safety training and meeting with top labor officials from Eastern Canada.

The Awards Committee continues its function of evaluating all applications, reports, documentary evidence and materials, and met last August to judge the applications for 1970.

During the past year there was a dip in membership, followed by an upswing, and the number of union organizations now affiliated with the National Safety Council totals 597. The president of the Pulp and Sulphite Workers conducted a membership drive among all his locals which resulted in a 700 per cent increase.

Articles prepared by members of the Fire Protection Committee and the Off-the-Job Committee have been featured in the Council's "Labor Safety Newsletter." A special insert called a "FACT O GRAM" was sent with every issue of the newsletter, and information relating to the Occupational Safety and Health Act was incorporated. Now, "OSHA UP TO DATE" is inserted.

The Labor Conference is cooperating with other conferences of the Council in a special water safety promotion project, and material concerning this has also been regularly featured in the newsletter.

The Occupational and Environmental Health committee provided an article on "Environmental Pollution and Control" which was authored by Paul Falkowski, of United Steelworkers Local 6500, Sudbury, Canada.

Some members of the Labor Conference participated this past September in the Seventh Biennial Health and Safety Conference of the Canadian Labour Congress.

At every meeting of the Labor Conference reports are presented by the Canadian Labour Congress, by AFL-CIO, and the International Association of Governmental Labor Officials on their safety activities. The Labor Conference maintains close liaison and relationship with these organizations.

The Occupational and Environmental Health Committee is concerned with keeping the Council's labor members advised of existing occupational health data that are of interest to labor. Work now in progress encompasses research to prepare an article on fluorides in the atmosphere and their effects on the human body in connection with lung cancer. The Committee is also concerned with undertaking efforts towards reducing the eight hour exposure to noise from a dbA reading of 90 to 85.

The Off-the-Job Safety Committee maintained its regular column in the "Labor Safety Newsletter." The Committee set up a schedule of subjects to be covered during the coming year. An important project of this Committee is securing the training and certification of motor vehicle mechanics. The American National Standards Institute has a working committee on this subject.

The Program Committee met last Feb-

ruary and again in May to plan the labor sessions to be held at the National Safety Congress and Exposition.

The labor press is using much more accident prevention material and releases in their publications. The Publications and Publicity Committee of the Conference, besides being concerned with getting more of these releases used throughout the labor press, is also working to provide publicity that will stimulate unions in affiliating with the Council and taking an active supporting role in the safety movement.

The Government, Labor Agencies, and Standards Committee is considering the proposed DOT regulations on the labeling of hazardous materials and will distribute material on this to the committee members prior to their 1972 Spring meeting for study. The Occupational Safety and Health Act is of concern to this Committee, and it is studying various aspects and changes as they occur or loom in the future.

Under the aegis of Promotion of Safety Training and Education Committee, promotional information and articles have been placed in the "Labor Safety Newsletter" regarding courses conducted by the U. S. Department of Labor and the National Safety Council.

WHAT THE NEW OCCUPATIONAL SAFETY AND HEALTH ACT MEANS TO YOU

By GEORGE C. GUENTHER
Assistant Secretary of Labor, Occupational Safety and Health Administration,
U. S. Department of Labor, Washington, D. C.

When President Nixon signed the Williams-Steiger Act on December 29, 1970, he emphasized the participation of everyone in achieving its passage. This included Democrats and Republicans, management and labor, a broad spectrum of federal and state agencies, the medical and industrial hygiene professions, and many others who are concerned with the quality of the environment in the American workplace. The legislative process involved all of these groups working together. Our implementation program has been and will continue to be based on the same philosophy of maximum involvement of everyone. Lacking this kind of broad participation, we cannot possibly achieve our objectives.

Organized labor has contributed much to the legislative and implementation process.

What has OSHA done to date? Organizationally, we started back in December 1970 with the nucleus of the former Bureau of Labor Standards. At that time, the Bureau of Labor Standards had only seven regional offices and 21 maritime district offices. Today, OSHA is an organization with 10 regional offices, 48 area offices, and three maritime district offices. As of August 31, 1971 the OSHA staff is 781, an increase of 481 people. Five hundred are in the field, of which approximately 360 are compliance officers. The balance of 281 are in the national office.

Our first priority mission under the Act is the establishment, as provided by Section 6(a), of initial standards. Section 6(a) provides two years for the initial promulgation of occupational safety and health standards. Contrary to charges from some of our critics that we are very slow, we introduced the initial standards package one month after the effective date of the Act and published it in the *Federal Register* on May 29, 1971. After a 90-day familiarization period, the standards became generally effective on August 27, 1971.

Now we recognize, and I am glad that

labor recognizes, that there are many improvements necessary, many modifications, many additions needed for the initial standards package. It is only the beginning. We welcome the input of labor organizations and of any organization in leading us down the road to a complete set of occupational safety and health standards.

Our second major mission is to set up a program to enforce the standards. As I have said, the organization is now in place. Our compliance officers have all received initial training. We also have plans for retraining at the end of this fiscal year. We published in the *Federal Register* on September 4, 1971 our compliance regulations. These regulations covered many controversial issues raised by the Act. Our objective in establishing compliance regulations was to concentrate on safety and health issues and avoid involving ourselves in collective bargaining issues. We believe we have been successful in that regard, with the cooperation of labor and management. We will attempt to make this a continued basic operating philosophy.

We have established what we refer to as a Target Industry Program. Secretary Hodgson in the beginning of the year charged us with attacking the worst problems first. In an effort to carry out this philosophy, we selected five industries whose injury frequency rates were far above the all-industry national average of about 15. The targeted industries are longshoring, lumber and wood products, meat and meat products, roofing and sheet metal, and miscellaneous transportation equipment (primarily, the manufacturers of mobile homes and snowmobiles). Representatives of labor and management from each of these industries met in consultation with us and are in the process of developing a major coordinated move in an attempt to solve their problems.

We have made clear the priorities on which we will base our inspections. First of all, our compliance officers will respond to accidents that involve catastrophes and fatalities.

Secondly, we will respond to valid complaints from employees who believe that hazards exist in a particular workplace. Up to October 15, 1971, we had received 953 such complaints. We have responded either by investigation or a letter explaining the reason for not investigating. We will not permit a backlog to develop, involving complaints received from employees.

Overall, we feel that the complaints we have received are, by and large, quite responsible. Perhaps the most significant factor from our analysis of these complaints is that a great majority of them have to do with health hazards. Safety, over the years, has concerned itself to a great extent with machine guards and mechanical devices for the protection of workers from traumatic injury and death. We are finding that there is an excessive amount of interest in health hazards such as dusts, mists, vapors, etc., that involve primarily health hazards.

Our third inspection priority is the investigation of target industries, and we have dedicated ourselves to be sure that we inspect every workplace in these industries by the end of this fiscal year.

Our fourth inspection priority is to cover a random cross-section in all industries of all types, all sizes of establishments and in all regions of the country. This type of coverage should let people know that OSHA is in business and is trying to do its best to do its job.

Through September we have conducted in excess of 5,000 investigations in establishments employing over one million employees. We have found more than 12,000 violations. And in these cases we have issued somewhat more that 2,000 citations. Twenty-one per cent of the establishments inspected were found to be in compliance. The proposed penalties as provided by the Act total in the neighborhood of $165,000. Under the Act employers and employees have the right to contest citations, and the Commission already is the second busiest commission in Washington, second only to the National Labor Relations Board.

Our third major mission, and the one to which we are currently devoting our primary attention, involves the state programs. The Act provides a direct invitation to states to assume full responsibility for setting their own safety and health standards and for operating their own programs. This can happen as long as they meet certain very specific con-

ditions. The Act also provides for the preemption of state safety programs unless these certain conditions are met.

During the initial phase of the Act and in order to continue state workplace protection, whether it be good, bad or indifferent, and in order to give the states a chance to continue their programs so that a base can be provided for a future, more effective program, Section 18(h) of the Act provides that states may apply to the Secretary for permission to continue for about a year and a half, or until December, 1972. I am pleased to report that 37 states and the District of Columbia, Puerto Rico, and Guam have all received permission to operate under Section 18(h) of the Act. This is a primary indication of the early interest of the states for participating in this program.

At the same time the states under 18(h) agreements continue their own standards and their own programs, the Secretary of Labor also has the basic responsibility to enforce our OSHA program. This produces a dual situation within a state, with state enforcement on one side and federal enforcement on the other. We have worked out a coordinating arrangement with responsible state agencies in these 37 states and territories, and as far as I can tell this type of program is working well.

During this development of planning period, the Act provides for grants to the states. To date we have made grants to 47 states running to a little less that $5 million to assist them in evaluating where they are today and determining where they must go in order to meet the basic criteria of the Act. These states have approximately nine months in which to make their determination as to whether or not they are going to come on board the program. In those states where they do not, the federal program will obviously expand and move forward in those particular states. If they do move forward and come up with an acceptable plan, the federal responsibility will lessen.

The essential criteria for the states is that they develop a new and different kind of state program which will be at least as effective as the federal program. And we intend to prove by our evaluation of the state plans that these criteria will be met.

We consider training to be the single most important and long-range aspect of the Williams-Steiger Act. To date our training effort have been somewhat limited. We have conducted, thus far, what we believe to be 35 very effective instructor training courses in construction safety. The original group of courses was 25; the demand for further training has induced us to extend it to 35. We now have almost 1,000 trained instructors ready to conduct construction safety training courses for construction foremen and supervisors.

We are in the process of establishing a training institute in Chicago for short-term training for employees and employers. We are seriously considering contractual arrangements with a large number of people, including organized labor, for training employees. We have been cooperating with your special institute training program and we have been invited to participate in some meetings in Washington. We are interested in participating on as broad a basis as possible. We hope this will assist you in carrying on your part of the voluntary program to train your own people.

We need to know the true facts about injuries, illnesses, and fatalities in the workplace. Because of the work of the ANSI Study Committee, we were able to implement a new recordkeeping system in July. This system essentially requires that we record all illnesses and injuries involving more than first aid treatment, whether or not time is lost. This new system should provide us with a valid and reliable national profile of job injuries, illnesses, and fatalities.

One other program now in the embryonic stages in Washington is a new approach recognizing the nature of the complaints that we have received, such as the heavy emphasis on health hazards and recognizing the many unknowns in the health area. In cooperation with NIOSH, we are working out a new approach to health hazards. We expect to be announcing this within the next several months.

Now, I would like to comment on the role of organized labor in the program. We recognize the differences of opinion during the time of the passage of the Act. Despite these

differences, labor has been highly cooperative. There are, however, a number of issues on which I wish to comment. First, OSHA is in business to insure safe and healthful working conditions. Our program and actions are based solely on that premise. We have not, nor do we intend to water down the Act, as some have charged. We have been and will continue to be responsive to the comments of organized labor. We do object, however, to press campaigns, rather than comments directed to us. In several cases, material has been released to the press quoting letters sent to us which we either received weeks later or never received at all. If you have a gripe, bring it to us. Please do not bring it to the news media first. After that, if you are unhappy, what you do with it is up to you.

It has been charged that we have discriminated against organized labor by not hiring their candidates for positions in OSHA. There can be no question that our requirements were for early instant expertise in order to get the Act in motion as quickly as possible. Therefore, the initial group of compliance officers hired required educational and experience background. We did not hire many representatives of organized labor in that group. Our long-range intention, however, is to lower the entry requirement levels to permit applicants with less qualifications to enter the program and progress upward through a well developed training program. As an interim approach, we are working on a correspondence course to permit candidates to become qualified by satisfactory completion of this type of course. This course should be available later this fiscal year. Eighty-three applicants have been officially submitted to us by the AFL-CIO. They are being considered. However, I will point out to you that the present cost reduction program severely limits our ability to hire now. We also hope for new ceilings which will permit the resumption of hiring capable labor candidates. Another limiting factor on our ability to hire is long-standing civil service requirements. We are now working with the Commission and the unions in an effort to do our best to enable more labor candidates to join our program.

One particular aspect of our compliance activities is referred to as the "walk-around."

Section 8(e) of the Act provides that "A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection 8(a) for the purpose of aiding such inspection."

I am happy to report that our experience with this provision of the Act has been very gratifying. Employee representatives have, by and large, provided responsible support to the inspection process. We anticipate that meaningful accident prevention efforts can be accomplished with all of us working together in the spirit of the Act which the Congress intended.

PRESENTATION OF LABOR SAFETY AWARDS FOR 1970

By ROBERT M. FARRELL
Safety Director, Operating Engineers Local 150, Countryside, Ill.; Chairman, Labor Conference Awards Committee

The labor safety awards program is a long-desired and hoped-for objective of the Labor Conference.

While the Labor Conference of the National Safety Council was officially established in 1956, it was not until 1960 that the Conference gave final approval to an award plan designed to give tangible recognition for outstanding safety efforts by union organizations and individual members of the labor movement.

The awards were first presented at the National Safety Congress held during 1961, honoring union organizations and individuals for outstanding efforts during the year 1960.

Since that time the program has been continuous, and over the years it has been observed that the safety programs and efforts of unions have become increasingly sophisticated, skilled, and complex in order to more adequately fit into the overall national accident prevention movement.

This awards program is now in its eleventh year of operation. During that time the Labor Conference has given a grand total of 122 awards—41 citations given to individuals and 81 awards given to union organizations.

There are two categories of awards. The award for union organizations has been designated the "Harry Read Memorial Award for Labor Organizations." It was named in honor of the late assistant to the secretary-treasurer of AFLCIO for his superb efforts in promoting labor participation in organized safety, for his tireless service on the National Safety Council's Board of Directors, and for his work as one of the founders of the Labor Conference.

There are three levels for the "Harry Read Memorial Award." These are:

Award of Honor
Award of Merit
Award of Commendation

The awards given to individuals are called "Citations," and there are also three levels of achievement for these:

Citation for Distinguished Service to Safety
Citation for Outstanding Service to Safety
Citation for Meritorious Service to Safety

In 1966 the Awards committee liberalized the awards program so that not only persons connected with union organizations but also those with federal or state governments or holding public service membership in the Council could receive recognition. The Awards committee of the Labor Conference has made a particular point of encouraging former recipients of awards to maintain continuity and to consistently upgrade and improve their programs, as well as engage in additional safety activities so they can qualify for additional awards.

It must be noted that when a union organization—or a person—has received an award, then their activitiy must be of a significantly higher level over a period of time before they can receive another award. Some unions have received all three levels of awards. You can be sure that when a union receives two or more awards they really deserve the recognition.

The award application and entry forms are mailed automatically to all labor organizations affiliated with the National Safety Council. These application forms are mailed in February of every year, and the deadline for submitting your application is July first of every year.

One important thing should be pointed out—every winner was consistent in filling the application and entry forms correctly, they got the necessary endorsements from their international union headquarters, they answered every question in detail, and they furnished ample supporting documentary evidence in binders so the judges would have something tangible upon which to base a decision. You cannot qualify for an award unless you absolutely observe these requirements and conditions.

To be numbered among the unions and individuals selected from across the United States and Canada for an award is a distinctive honor. I urge you to make your plans now to submit your entry by the July first deadline in 1972. The Awards committee wants to see more qualified union organizations and individuals in the "winners circle"—where they rightfully belong!

ACCOMPLISHMENTS OF LABOR SAFETY AWARD WINNERS FOR YEAR 1970

By THOMAS A. DILLON
Business Representative, International Association of Machinists, District 55, Joliet, Illinois, and Retiring Chairman of National Safety Council Labor Conference.

This year we are pleased to announce that 10 labor safety awards have been granted to five unions and five individuals for outstanding safety activities during 1970. To be selected among the unions and individuals from across the United States and Canada for a 1970 award is a distinctive honor, and the winners represented here today are a select group who can be justifiably proud of their accomplishments in accident prevention and health preservation.

Citation for Meritorious Service to Safety to

HENRY E. WEISBACH, Ontario Federation of Labour, Don Mills, Ontario, Canada.

Brother Weisbach has been a leader in the accident prevention and health preservation field throughout Canada since 1961. He has been directly responsible for leading labor and management together for effective safety and health work. Brother Weisbach was appointed to the new Labour Safety Council by the Ontario Minister of Labour and is one of the seven labor representatives on the governing body of that Council. He has prepared safety training courses and been a speaker at many safety conferences in Canada. He also works extensively in off-the-job safety and continually encourages unions to extend some effort in this area.

Citation for Meritorious Service to Safety to

ADOLPH GROSSMAN, Business Representative, Local No. 3, Bakery and Confectionery Workers Union, Long Island City, New York.

The judges were impressed with the excellent safety and health inspections of bakeries that Brother Grossman and his safety committee conduct throughout the New York City area. An inspection report is always sent to top management of the bakery pointing out the things that should be corrected and asking management to handle the corrections immediately or to advise when they will be corrected. Brother Grossman and his committee have worked cooperatively with management on hearing loss programs in the various bakeries and have reduced the noise hazards substantially over the past couple of years. Brother Grossman's safety committee has met cooperatively with management over the past several years and his effective leadership has resulted in a very efficient labor-management safety program in con-

tracted companies in the New York area.

Citation for Outstanding Service to Safety to

CHESTER L. EVANS, Local No. 1825, State, County, and Municipal Employees Union of Bangor, Maine.

The judges felt that Brother Evans was especially deserving of this award because his normal work is as a maintenance mechanic. Therefore, all of his safety and health work was done primarily on his own time. He submitted a proposal for a safety program to the membership of the Local which was approved by the membership, and he was appointed as chairman and instructed to get a safety program moving. He tried to get the hospital administration interested in cooperating, but the administration declined. Consequently, he formed a union safety program.

He set up an accident and unsafe condition reporting system. He sold the safety program to the Commissioner of the Department of Mental Health and Corrections, which was effective in convincing the hospital administration that it should participate. Brother Evans and his committee were directly responsible for improving the x-ray personal protection, establishing inspections and accident investigations, and developing a policy for the safety program for the hospital.

The Maine State Employees Suggestion Awards Board cited Brother Evans for his safety work with their Certificate of Merit and a check for $75. As a result of his untiring effort to initiate the safety program and get it rolling, the hospital now provides for time during his regular work day to work on safety and health matters.

Citation for Distinguished Service to Safety to

PAUL FALKOWSKI, Local 6500, United Steel Workers of America, Sudbury, Ontario, Canada.

The judges were extremely impressed with the dedicated work of Brother Falkowski that has taken place over the last several years. This is the first year that anyone has ever applied for an award for Paul. Brother Falkowski is Chairman of the Safety and Health Committee of Local 6500, which represents 17,790 members and 60 departmental subcommittees covering 19 plants in an area of approximately 50 square miles around Sudbury.

There are 402 Safety Committee members in the Local. Because of Brother Falkowski's untiring efforts it is now possible for labor in Canada to present evidence during inquest proceedings of all fatal accidents. In addition, all inquest proceedings now follow uniform regulations, which was not the case previously.

The General Safety and Health Committee meets every month and oversees the activities of all of the 60 departmental committees. Paul handles all of the correspondence with management and government officials for the entire local safety program. In 1970 he was appointed to a select committee by the Ontario Government for the purpose of revising the Mining Act. Paul has directed several research programs, such as the effects of nickel dust on the human body. As a result of this research, victims of lung cancer caused by this dust are entitled to workmen's compensation benefits. Because of his environmental work, the U. S. Government invited him to attend the second International Clear Air Congress in Washington, D. C. in 1970.

He instituted several court actions against corporations for violations of safety laws, and all his cases have been successful. Brother Falkowski is a member of the Executive Safety and Health Committee of the Ontario Federation of Labour; he established the Sudbury Regional Safety Council and became president of this Council in 1970. He has appeared many times on radio and television in Canada relative to his safety and health projects and obtains substantial newspaper coverage for his work. He was an instructor at the safety school in Bathurst, New Brunswick, and he conducted a safety and health seminar for the International Union.

All of these accomplishments are even more astonishing when you realize that Paul Falkowski is a full time employee of the International Nickel Company, works 40 hours a week in the Iron Ore Recovery Plant, and does all of his safety and health work on a voluntary basis.

Citation for Distinguished Service to Safety to

WILLIAM F. MARTIN, President and Business Manager. Local 150, International Union of Operating Engineers, Countryside, Illinois

Brother Martin has been president and business manager of Local 150, which has a membership of 12,000, for the past nine years. After being elected president, he immediately appointed a full time safety director with complete authority to correct any unsafe conditions involving members of his union. Since that time his union and his safety director have been providing safety training to his members and also members of other unions, contractors, and associations.

Brother Martin has always insisted that his union be active with safety and health organizations that can contribute training and education to his officers and business representatives. Brother Martin has seen to it that his union is active on several city and state safety code committees, and he supported his safety director 100 per cent on all decisions relative to these committee meetings. He always makes sure that there is sufficient budget and manpower to carry out the safety and health activities for his union, and he provides superb office space and training equipment for this work. His local union is one of the few in the country that provides a qualified safety and health director to assist in carrying out the work of organizations such as the National Safety Council and the American National Standards Institute.

If we could only get more local union presidents to support our safety and health work throughout the United States and Canada our labor safety and health efforts would receive a tremendous shot in the arm. We hope other local presidents will follow Bill's leadership.

Award of Commendation to

UNITED RUBBER WORKERS, LOCAL NO. 26

This local union has a union safety committee which works with a management safety committee which meets monthly. The local assists in the investigation of accidents and maintains accident reports in the union office. The agreement requires these reports for the union. The safety committee members attended safety training courses which were offered by the AFL-CIO and the Maryland Department of Labor and Industry. The union and the Weaver Service Equipment Company cosponsored an automobile inspection project, and they were assisted by the Safe Teen Chapter. The local also sponsors occupational safety training courses for the union members and off-the-job safety training courses covering home, electrical, power mower, etc.

The local publicizes safety and health in its paper on a regular basis. The "Safety First" column in the paper is used extensively to urge its members to support various safety bills at state and federal level.

Award of Commendation to

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL NO. 3, Flushing, New York

Local No. 3 participates in a joint labor-management safety program which covers 10,000 members and approximately 1,000 construction sites. This joint program has a labor-management committee which meets monthly, has an agenda for each meeting, prepares and circulates minutes of the meeting, investigates accidents, keeps accident records, and continuously inspects work areas. Safety training sessions are held at the job sites and at the meeting halls. Visual aids such as movie and slide films are used.

The joint program publishes and circulates three-color safety posters, safety pamphlets, calendars, and safety articles in the local's newspaper.

Award of Merit to

UNITED AUTO WORKERS, LOCAL 838 Waterloo, Iowa

Local 838 earned the Award of Commendation last year for its efforts in 1969. In addition to the excellent safety program that the local had in 1969, the local has become more active in community safety. The local has conducted a water safety training program, a first aid course for citizens of Waterloo, and an automobile safety check. One of the safety committee members has completed the Red Cross Instructors course and an instructors' course for closed chest cardiac resuscitation. A committeeman has been teaching this course in the community.

Under the new contract with the company, the local obtained a new safety representative. This man will be trained for a period of three months. He will represent the union in step two of the grievance procedures. They have also obtained the authority for a union safety man to take readings on threshold limit values.

Award of Honor to

INTERNATIONAL ASSOCIATION OF MACHINISTS, LOCAL NO. 851 Joliet, Illinois

This outstanding local has won the Award of Honor in 1963, 1966, and 1969. Since winning their latest award just last year the local has negotiated additional safety clauses in their new contract. They now have a new card system of reporting unsafe conditions. These cards are in boxes at all time-card racks and are in triplicate form. An employee describes the hazardous condition he feels exists, has his supervisor initial the form, and take one copy for himself. The originals go to the safety committee, and if the condition is not corrected quickly, the committee takes action. Supervisors have been much more effective in correcting conditions, since they do not want to see cards bearing their initials appear before the committee meetings.

Lost time accidents have decreased from 39 in 1969 to 27 in 1970. Two members of the safety committee are first aid instructors, and they have taught several classes for members of the Volunteer Fire Departments and the Boy Scouts. Pamphlets on handling and storage of guns and safe hunting rules were distributed to the membership and to schools in the community.

The local conducted five bicycle safety rodeos for the benefit of various public schools and nearly 3,000 children. Automobile safety check lanes were set up in four different cities.

Award of Honor

UNITED STEEL WORKERS OF AMERICA, LOCAL 6500, Sudbury, Ontario, Canada

This is the sixth year in a row that this local has applied for an award and it has been granted an award each year.

The description of the safety program given previously for the award for Paul Falkowski does not need to be repeated for this award. One of the strongest points that can be said regarding the increased activities this local has enjoyed over the previous year is the fact that the budget for this safety committee's activities for 1970 was $11,252 above that budgeted in the year 1969.

OPPORTUNITIES FOR SAFETY EDUCATION AS SEEN THROUGH THE EYES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

By EDGAR F. SEAGLE, M.S.P.H.
Sanitary Engineer Director and Special Assistant to the Director, National Institute for Occupational Safety and Health, Health Services and Mental Health Administration, Public Health Service, DHEW, Rockville, Md.

One of the principal responsibilities of the Department of Health, Education, and Welfare (HEW) under the Occupational Safety and Health Act of 1970, P.L. 91-596, is manpower development through training. There must be an adequate supply of qualified safety and health personnel to work for industry, state labor and health departments, the U. S. Department of Labor (DOL), HEW, and other involved agencies to implement the broad spectrum of provisions of the new law. The provisions apply to every employer engaged in a business affecting commerce who has employees. The purpose of the Act is to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.

To help meet this goal, the Act created within HEW a National Institute for Occupational Safety and Health (NIOSH). This was accomplished by using the existing Bureau of Occupational Safety and Health as a nucleus and expanding its operations to meet the needs of the Act. The new Institute is located administratively within the Health Services and Mental Health Administration of the Public Health Service. Its staff numbers in excess of 475 persons and continues to increase. Its budget ranges from $17.8 million in FY-71 to an anticipated $39 million in FY-73. This institute is charged with carrying out the manpower responsibilities of HEW under P.L. 91-596, as well as many other responsibilities such as research on occupational safety and health problems including psychological, motivational, and behavioral factors; hazard evaluations; toxicity determinations; special industry-wide studies of chronic or low-level exposure to hazardous substances; and others. NIOSH Regional Offices are located in the same cities as those of the Occupational Safety and Health Administration of the U. S. Department of Labor, and they also help in training and recruitment.

Manpower Status

At the present time there is an estimated shortage in occupational safety and health manpower of 5,000-10,000 safety professionals, 10,000 industrial hygienists, 3,000 occupational health physicians, 10,000 occupational health nurses, and 8,000 occupational health scientists. Unfortunately, these shortages, or need for personnel, cannot be used interchangeably with the demand for safety and health personnel. The demand is tempered by how many positions actually exist or will be set up and how active the recruiting is for these positions by the private sector and government. However, it is generally agreed that the demand will intensify, and HEW through NIOSH is initiating educational programs to help provide the needed manpower.

Training Programs

The NIOSH training programs range from inhouse short courses to support for graduate training. For many years NIOSH and its predecessor organizations have presented short courses in many facets of occupational health and industrial hygiene. The

courses are planned, developed, and conducted by NIOSH's full-time staff of specialists in this field. Highly specialized courses of one to several weeks' duration are presented with no tuition or registration fee charged. These short courses are designed to upgrade those already in the field or orient new persons.

The various levels of capability in occupational safety and health will probably follow this pattern:

Technicians—high school graduates further trained through short courses and associated extern programs in industry and state occupational safety and health agencies. These persons will be valuable assets to the professionals.

Paraprofessionals—junior college graduates with Associate Degrees in Science or specially developed curriculums in occupational safety and/or health. This program offers the potential for training a large number of operating-level personnel in a short time who will be needed by both government and industry.

Professionals—college graduates with baccalaureate degrees in science or engineering. These graduates could secure professional competence and positions through experience and/or post-graduate study. For those who choose post-graduate study at the Masters Degree or Doctoral level there is an increasing need for management capability or research endeavors. At the present time, there are a number of graduate curriculums in both occupational safety and health, and additional ones are being developed as the need for gradua.es intensifies.

Institutional Support

HEW is authorized to give institutional support through grants or contracts for the development and presentation of suitable occupational safety and health curriculums. In FY-71 a total of 18 institutions received 21 occupational safety and health training grants supported at a total cost of $1,473,193. These programs ranged from training in systems safety engineering to industrial psychiatry, to occupational factors in health, to industrial biostatistics, and many other topics. Because of increasingly rapid technological changes and industrial expansion, problems in occupational safety and health have become more diverse and difficult to manage. Consequently, training and research in a wide range of areas become necessary.

More recently (FY-72) the following institutions have received approval for proposals for various types of training in occupational safety and health. All but two of these have been funded and are either underway or in preparation.

1. University of Oklahoma. An intensive 20-week course utilized to provide additional manpower in occupational safety and health until significant numbers of A.S., B.S., and M.S. graduates can be produced. This program consists of 12 weeks of didactic training, including plant visits, and eight weeks of internship with official agencies or other appropriate occupational safety and health programs. It is estimated there would be about 100 trainees per year from such a program.

2. California Community College System. This program involves the development of a two-year curriculum in occupational safety and health suitable for presentation by junior colleges.

3. Indiana University of Pennsylvania. This program would lead to a B.S. degree in occupational safety and health to prepare graduates for safety positions in industry and elsewhere. About 20 students per year is estimated.

4. Auburn University. This program offers an occupational safety and health curriculum leading to the B.S. and M.S. degree. Its principal emphasis would be on the safety aspects but would be balanced by occupational health courses. Estimated number students per year is 25.

5. University of Michigan. This is an M.S. degree program with emphasis on fitting the man to the job. This human factors curriculum leads to the M.S. degree, with an anticipated 20-25 students per year.

6. New York University. An M.S. degree program in industrial safety is offered, with an estimated 20 students per year.

7. Temple University. This program in occupational safety and health leads to the M. S. and Ph.D. degree, with an estimated six to eight students per year.

Other institutions are making application for participation in these important training endeavors.

One can say that a good start has been made in expanding the availability of occupational safety and health training at various levels. Cooperation with the U. S. Department of Labor in this area has been excellent, and the outlook for the future in developing more opportunities for safety and health training looks good. However, making training available is only part of the picture. To truly increase manpower, we must attract new students to the curriculums and programs developing in the safety and health field, and one way to do this is through long-term loans, and/or stipends. These are being planned and, in addition, it is proposed that support be given to nursing schools for a last year option in occupational health nursing. The Occupational Safety and Health Act of 1970 is truly the most important legislative item to happen to occupational health in the U. S., and training is unquestionably one of the critical responsibilities of HEW under the Act.

YOUR OPPORTUNITIES FOR SAFETY EDUCATION— AS SEEN THROUGH THE EYES OF THE U. S. DEPARTMENT OF LABOR

By EARL D. HEATH, Ph. D.
Director, Office of Training and Education, Occupational Safety and Health Administration, U. S. Department of Labor, Washington, D. C.

Section 21(c) of the Occupational Safety and Health Act of 1970 states: "The Secretary, in consultation with the Secretary of Health, Education and Welfare, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses."

Section 21(b) of the Act authorizes the Secretary of Labor to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this Act.

The training program of the Department of Labor has a double thrust. First, we are responsible for developing programs to train employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful conditions. Second, we are recruiting and training compliance officers who will be implementing the legislation in the field.

First, I will discuss how the Occupational Safety and Health Administration (OSHA) is organized to carry out its training and education responsibilities.

Within the Office of Training and Education are three divisions, each of which performs a specific function. One of these is concerned with "sensing the environment," that is, determining just how many individuals need training, the types of training they need, how such training should be provided, establishing training priorities, and forecasting training requirements. This division is also responsible for overall planning and programming. A second division is concerned with the development of the "software," or

specifications for "software" when training program materials are not developed internally. A third division is responsible for seeing that the target populations receive the training that has been designed for them. This is done in several ways. One is by conducting the training ourselves as in the case of the training of compliance safety and health officers. Another is by contracting with a training organization to conduct the training. Still another is by working with employer and employee organizations and with states to assist them to conduct the training themselves. We expect that a great deal of our training will be accomplished by this latter method.

We recognize that with some 57 million workers as the ultimate target population for our training effort, it will be necessary to reach them through an intermediate group made up of such sub-groups as OSHA national office personnel, regional and area office staffs, compliance safety and health officers, state departments of labor and industry, employee organizations, trade associations and other employer organizations, and colleges and universities. Thus, it is toward these groups that we are focusing our major attention.

The training activities generated to date by employee organizations such as the AFL-CIO and other employee organizations, and by various employers are commendable and are encouraged.

OSHA has provided support to many employee and employer groups that have conducted training for their employees. Our staff has participated in literally thousands of meetings throughout the nation. One specific example was the technical assistance we extended to the National Association of Manufacturers in their sponsorship of a closed-circuit video-taped television broadcast explaining the Occupational Safety and Health Act. More than 10,000 business representatives in 27 cities viewed the program, reportedly the largest audience ever for a presentation of this kind. Kinescopes of selected portions of this four-hour telecast have been prepared and used extensively since that date, one of them dealing with the compliance procedures under the Act.

Some specific training accomplishments to date are:

1. Seven classes of Federal compliance safety and health officers were completed during FY 1971, with 185 completing programs of instruction ranging from three to four weeks.

2. One class of 37 Federal compliance safety and health officers who had already completed their basic orientation as CSHOs, completed a special one-week course which highlighted safety and health standards in the construction industry.

3. The first series of twenty-five one-week courses in safety and health for instructors in the construction industry was begun during FY 71 and completed July 17, 1971. The 40-hour program of instruction was completed by 647 instructors. As of this date, these instructors have taught some 10,000 construction supervisors.

4. A second series of ten one-week courses for instructors in the construction industry is now underway and is scheduled for completion by mid-December. A third series will begin shortly after January 1, 1972.

5. Thus far during FY 1972, we have completed four courses for Federal compliance safety and health officers and one course for state inspectors from states with which OSHA has negotiated Section 7(c)(1) agreements. Two more classes will be completed by December 31, 1971.

6. Eight different contracts or modifications to existing contracts were negotiated during FY 1971. Two of these relate to instructional materials and instructional services for the construction industry. One is for an evaluation of the effectiveness of the construction safety and health training course. One is for support services for the Target Industry Program, one is for training support for state inspectors, one is for the development of a new program of instruction for compliance safety and health officers, and one is for the development and presentation of a series of 30 one-day seminars on employee rights and responsibilities under OSHA.

The final contract is for the development of programmed instruction materials on the safety and health standards for use by foremen in industry. This is an effort to reach

personnel who may find it difficult to attend a formal type of training. It will be available to others as well.

OSHA is exploring the development of one or more correspondence courses designed primarily for those who desire to improve their knowledge of safety and health standards and practices and thus place themselves in better competitive positions for jobs in the occupational safety and health field.

OSHA has conducted some of its training in conjunction with NIOSH. NIOSH hosted a two-day service laboratory orientation at Salt Lake City on July 7-8, 1971. NIOSH has also conducted five sessions on occupational health for compliance safety and health officers at its Cincinnati, Ohio facilities. We look forward to a continuing and productive relationship with NIOSH in the training area.

OSHA is also represented on various NIOSH committees, including one that evaluates training grant applications in the areas of occupational safety and health. OSHA personnel also participate with NIOSH in site visits to colleges and universities which make application for training grants.

OSHA has negotiated for a training facility near O'Hare International Airport in Chicago, Illinois, which will be turned over to us by mid-December and will become operational by mid-January. All training for Federal and state compliance personnel will be conducted there, along with training in the areas of construction, maritime, and general industry. We plan to offer courses for both employee organizations and for employer groups there as well.

To determine precisely what this nation's requirements are for occupational safety and health manpower, the following tasks will need to be undertaken:

1. Identify and describe the spectrum of professions, sub-professions, and skills required to implement the Act fully. Examples of occupational safety positions include safety engineers, safety managers, safety officers, safety inspectors, and safety technicians. Examples of occupational health positions include occupational physicians, health physicists, occupational nurses, toxicologists, occupational ophthalmologists, occupational optometrists, environmental health engineers (e.g., industrial hygienists, sanitary engineers, and ventilation engineers), industrial chemists, physiologists, and human engineers. This is only a partial listing. It is necessary to know precisely what types of personnel are required and in what numbers at Federal, state, and municipal levels, in private industry and in employee organizations, to support fully the provisions of the Act. A survey to provide this information has not yet been accomplished.

2. Once identified and described, these professions, sub-professions, and skills should be described in terms of the formal educational requirements and the work experience increments that are necessary to permit the occupant to function effectively in the position. Each should be described in terms of the level of proficiency required to perform optimally on the job.

3. Estimates of manpower requirements should be developed and verified. It is essential that studies be made of staffing patterns in the various organizational elements which employ occupational safety and health personnel. It is essential, too, that data be obtained not only on current requirements, but that forecasts of future requirements be developed as well.

4. It is important that we know something of the nature of the individuals who work in occupational safety and health primary and secondary roles. How did they come to enter the field? How long do they tend to remain in it? And, why do they leave? This information is needed for forecasting purposes.

5. Other questions relating to occupational safety and health manpower which remain to be answered are those associated with the types of professions, sub-professions, and skills from which personnel can be transferred into occupational safety and health positions with a minimum of additional formal and on-the-job instruction.

OSHA is working on the obtaining of this information and the answers to these questions.

OPPORTUNITIES FOR SAFETY AND OCCUPATIONAL HEALTH EDUCATION— AS SEEN THROUGH THE EYES OF LABOR

By GEORGE H. R. TAYLOR
Executive Secretary, AFL-CIO Committee on Safety and Occupational Health, Washington, D. C.

The Executive Council of the AFL-CIO in its policy statement on occupational safety and health has this to say on the matter of worker training under the 1970 Occupational Safety and Health Act:

"Organized labor must . . . shoulder much of the responsibility for realizing the full potential of this Act. . . . At a plant level, we must equip ourselves to understand and use intelligently and with discernment the important rights and protections which are provided for workers by the Act. Our accredited safety representatives must be well trained and capable of dealing efficiently with the particular problems of their work environments." I have taken the liberty of expanding the scope of the subject of these remarks to embrace occupational health as well as safety.

During the course of the long battle for a meaningful national occupational safety and health law, we in organized labor had become increasingly aware that if and when such a law were enacted, this would not end the play, but merely Act One. The next and equally important elements of the story which is still unfolding would be the policies which give life to the statute and the financial resources made available by the Congress for its implementation.

A most important part of such implementation, we felt, would be the manpower training programs: first, those which would provide an adequate conveyor belt of individuals to carry out the purposes of the Act, and for programs increasing the skills of such personnel; second, to train workers to understand the rights and obligations as provided by the Act and to deal preventively with the safety and health hazards they face daily at their jobs.

Our emphasis was naturally on the second consideration, although the AFL-CIO and its affiliates have worked hard, individually and collectively, to try to convince the Congress of the vital need for skilled manpower administering the occupational safety and health act at the Federal level, together with appropriations commensurate with the scope of a law which is aimed to achieve clean and healthy conditions in 4.1 million American workplaces for 57 million workers.

We realized that gearing up to this large a program would not take place immediately, by the very nature of things. Therefore, a great measure of responsibility in seeing that the purposes of the Act are satisfied, particularly during the earliest years of the Act, would rest upon labor.

Sec. 21 (a)(2) of Public Law 91-596 authorizes and directs the Secretary of HEW through the Institute for Occupational Safety and Health to, among other things, conduct informational programs "on the importance and proper use of adequate safety and health equipment."

Subsection (c) of Section 21 directs the Secretary of Labor in consultation with the Secretary of HEW to (1) "Provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful conditions in employments covered by this Act," and (2) "Consult with and advise employers and employees, and organizations representing employers and employees, as to effective means of preventing occupational injuries and illnesses."

In addition, Sec. 21 (a)(1) gives the Secretary of HEW, after consultation with the Secretary of Labor, the responsibility of conducting education programs designed to "provide an adequate supply of qualified personnel" to operate the Act.

The Secretary of Labor, as provided by Sec. 21(b), is empowered to carry forward short term training programs for personnel already employed.

In relating the opportunities provided for organized labor embodied in Section 21, there are three principal areas:

1. To reach as many of our union members as possible at the outset and acquaint them with their rights and responsibilities under the Act.

2. To develop training programs of greater length and more complexity for shop stewards, business agents, chairmen of safety committees, full or part time safety personnel. These people would be the seed corn for their own unions, locals, and plants. They would be expected to conduct safety orientation and safety courses with workers who could not spare the time or money to attend the established training sessions away from their own localities.

3. Within our unions there lies a unique potential manpower resource to assist in the conduct of this Act. Although the Department of Labor has reported that about 6,000 persons have applied for positions in the enforcement end of the Occupational Safety and Health Administration in the Department of Labor, a large majority of these have had little or no experience in a plant environment. They may, however, have had a college education leading to a bachelor's degree or higher, in contrast to most union workers who on an average have progressed no further than the fourth year of high school. We felt that many of our union members possessed competent experience as safety committee chairmen and other responsible experience which would allow their consideration on an equal basis with those with greater educational but less practical background.

Moreover, it was our opinion that hundreds of our union members with some experience could be specially trained to qualify them for jobs in the enforcement field working for OSHA.

In the longer view, we looked forward to advanced courses in specialized fields of occupational safety and health for union members who had successfully completed the basic course. Every union has particular safety and health problems which would require specialized skills in assessing and dealing with them.

As the Departments of Labor and HEW began to implement the Act after April 28, our activities included the following:

1. Preparation and wide distribution of an informational handbook by the AFL-CIO. Affiliated internationals such as the Pulp and Sulphite Workers, Boilermakers, Textile Workers, the Industrial Union Department, and others were also active in the dissemination of such basic materials.

2. Conferences with the Assistant Secretary for Occupational Safety and Health and his Director of Training, and with the Director of the National Institute for Occupational Safety and Health of HEW and his training head, in which our concepts of training programs for workers under the Act were set forth and discussed.

3. Submittal of names of selected applicants for compliance positions with the Labor Department from a number of unions for consideration by OSHA.

In these activities, we hoped to accomplish these objectives: provide basic information on the rights and protections afforded workers under the Act as quickly as possible; develop orientation and training programs, and obtain positions with OSHA for as many qualified union members as possible.

The first of these objectives, I believe, has been accomplished. The AFL-CIO has already distributed some 60,000 of its handbooks. They have gone to all elements of affiliated unions, to conferences, work shops, and other specialized activities connected with informing workers about the new Act. We are receiving requests for hundreds more every day. We are preparing a short and handy pamphlet for workers who need something they can carry with them for ready reference in answering questions about the Act.

In addition, the Industrial Union Department of the AFL-CIO has printed and dis-

tributed thousands of its pamphlet "Work Without Fear."

Expanding the opportunities for worker training programs under Sec. 21 has been, unfortunately, another story. We had been given some reason to expect as a result of our conversations with OSHA that there would be developed, with full coordination between labor and HEW, both orientation and advanced training programs for workers, to be conducted regionally by the two Departments without relying upon corporate entrepreneurs.

Instead, a contract for a one-day orientation course was awarded to the Boeing Corporation. As a result, the AFL-CIO was forced to inform all affiliates that this program was not endorsed by their parent organization. Thus, the decision was forced upon us to develop our own training programs.

The AFL-CIO and the Industrial Union Department thereupon drew up plans for a five day (now shortened to four days) basic training program in occupational safety and health. The first pilot session was held on September 21-25 at the Labor Studies Institute in Washington, D. C. Recruitment for ten four day courses leading to a certificate of completion is now underway, with applications handled through the Labor Studies Center.

Finally, in the problem of obtaining equitable consideration for union members applying for compliance positions with the Labor Department we have recognized that, while some of these applicants might be immediately qualified, others are not but could be in a relatively short time. In attempting to solve this problem we will urge rewriting of the civil service qualifications to specifically mention such responsible safety backgrounds as chairman or member of a safety committee, member of a safety or occupational health advisory committee, or member of technical standards producing committees as equally qualifying an applicant.

We earlier discussed with OSHA the possibility of special courses for potentially qualified union members to enable them to meet the specifications for some of the low to medium GS ratings and the opportunity for in-house upgrading training. It is hoped that the proposal by OSHA's Director of Training to establish a correspondence course for such persons will be ready for use this month as promised.

In conclusion, I hope that what has been described here demonstrates that organized labor is in deadly earnest about meeting the need of its people to know how to assess, deal with, and above all else, prevent deaths, injuries, and accidents. We hope that both OSHA and NIOSH will coordinate their worker training efforts and that they will assist our own in a way that will bring all three elements working on the same side of the street, pooling their resources in the process.

The opportunities for training workers under PL 91-596 are as wide as the vision of the government agencies in whose hands the Congress has reposed the responsibility for its administration. All affected elements should keep their vision fixed on the noble and humane goal of a clean and healthy work place for all Americans. Achievement of this ultimate objective will be enhanced or impeded in direct ratio to the degree of mutual confidence between organized labor and the Departments of Labor and HEW.

STATE PARTICIPATION IN FEDERAL OCCUPATIONAL SAFETY PROGRAMS

By ROCCO ALBERTO
Commissioner, Massachusetts Dept. of Labor and Industries, Boston, Mass.

A criticism of Federal intrusion into the area of occupational safety and health in those states which have long-established legislation, programs and expertise.

Massachusetts, in its approach to legislation pertaining to the occupational safety and health of workers gainfully employed in all places of employment within its Commonwealth, has historical significance. In relation not only to other states, but also on the Federal level, the Commonwealth of Massachusetts has pioneered, through the wisdom and foresight of its legislature, practically all the firsts in occupational health and safety legislation in the Western Hemisphere. In brief, some of Massachusetts' firsts would include the first factory safety and health inspector, in 1867; the first Department of Labor, in 1869; the first protective laws for women, in 1874; the first machine guarding legislation, in 1877; the first mandatory requirement for the ventilation of gases, dust, and fumes from the workers' environment, in 1887; the first mandatory requirement for the provision of sanitary facilities in factories, in 1887.

Added to the above, Massachusetts has continuously pioneered landmark legislation for the protection of its workers and leadership in the provision of workmen's compensation, minimum wages, equal pay, age discrimination practices, and other protection of the worker's individual rights in his everyday employment.

This progressive legislation in the occupational safety and health areas over a hundred year period has been mainly achieved by the sincere concern of labor and management to provide a safe working environment for its citizens. The basic function of this cooperation is indicated in the Department's title designation as Labor and Industries, a unique statutory organization in that its efforts are directed to represent both management and labor in all phases and factors related to employment problems. This joining in cooperative effort of the prime factors of labor and management have the result and effect of providing a safe and healthful workplace for its gainfully employed citizens in all places of employment.

Thus, with this proud heritage behind it and the continuing success of its present day occupational safety and health laws, rules and regulations in protecting its workers, it was with great anticipation we awaited the adoption of P.L. 91-596, the Occupational Safety and Health Act of 1970. Cooperation of Massachusetts with the Federal government in the occupational safety and health area had been effective for over a quarter century, as one of the six states whom the Federal government believed through their safety and health legislation and enforcement capabilities were competent to conduct inspections of contractors performing Federal supply contracts under the Walsh-Healey Public Contract Act relative to the workplace environment or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. In the past 15 years, close cooperation has existed between the Massachusetts Department of Labor and Industries and the Bureau of Labor Standards in the enforcement of the on-shore operations of the Federal Longshoreman's Act under Massachusetts General Laws.

Close coordination and cooperation was achieved with the Atomic Energy Commission in enforcing its safety and health re-

quirements under the provisions contained in our Industrial Bulletin No. 5, which contains the rules and regulations for the protection of the health and safety of employees from occupational diseases caused by ionizing radiation. The Department also had effective and coordinated activities with other Federal agencies in the area of the Public Health Service, General Service Administration, U. S. Army Engineers, U. S. Department of Labor, Wage and Hour Division, Women's Bureau, Bureau of Mines and allied Federal agencies concerned with employment activities.

With this background of coordinated and cooperative operational activities with many Federal agencies, the receipt of the provisions of P.L. 91-596, shortly after its enactment on December 29, 1970, was eagerly awaited.

Review and evaluation of the provisions of P.L. 91-596 in early January 1971 indicated that the logical and applicable provisions of the Federal Act and its state participation requirements were approximately a verbatim copy of the Commonwealth of Massachusetts statutes pertaining to occupational safety and health. In fact, Massachusetts statutes were a little P.L. 91-596. In view of this similarity, immediate action was initiated to acquaint the Secretary of Labor with the capability and competence of the Massachusetts Department of Labor and Industries under its General Occupational Safety and Health Laws to perform its current enforcement function as required in Section 18 of the Federal Act.

Limited guidance and guidelines at that time were available for the information of the states and has not been greatly improved even at this time. Procedures at the Washington level in the dissemination of information to the states have been spasmodic, contradictory, and in some instances unintelligible. Thus the submission of Massachusetts' detailed breakdown of all the sections and subsections of Section 18 of the Federal Act and the direct application of these Federal requirements to current state statutes enforcing the same requirements was not considered at that time by Washington officials.

The entire implementation of the Act at the Federal level impressed us as being one of haste and urgency. Its primary effort appeared to lie in the area of establishing a top-heavy organization. The fact that the Department of Labor was undertaking a national enforcement rule in the area of national occupational safety and health area with a limited inspectional staff of 27 safety and health inspectors would indicate a great need for the cooperation of the over 1,500 state professional inspectional staffs in the occupational safety and health areas. Even the Secretary of Labor himself had expressed this thought in his statement prior to the Act's enactment, as follows: "After all, the real expertise in safety and health in this country is lodged in the private sector and in state government, not in the Federal government. We want and need help from these experts. We know from experience in similar undertakings the adoption of revised safety and health standards under Walsh-Healey and the work we've done relative to the Construction Safety Act that ad hoc committees staffed by safety and health authorities outside the Federal government are invaluable." Yet, the state's capabilities were overlooked and a crash program of recruiting and limited training was initiated, with a target of 500 Federal inspectors by June 1971 and 2,000 by the end of 1972.

Massachusetts had attempted to forestall the Federal army of occupation within its boundaries through the submission of its Section 18 participation program in February of 1971. This plan was determined at the Washington level as being premature, a year ahead of their schedule. Massachusetts now was left with two choices:

1. It could decide not to submit an 18H agreement to assume administration and enforcement from the Federal government. Under such circumstances, Federal standards and Federal enforcement programs would govern in Massachusetts for all workers under the Act, although Massachusetts could assert jurisdiction over areas not covered by Federal standards whether or not a plan was submitted. This would result in very limited state jurisdiction in any occupational safety and health area. Acceptance of this choice by Massachusetts could only be considered a retreat from this state's basic concern for the welfare of its labor and industries.

2. It could decide to submit a plan at any time after the effective date of the Act. This plan would cover all areas of occupational safety and health. Massachusetts decided on this action with the ultimate objective of submitting a plan to the Secretary which would be a little P.L. 91-596 plan, covering all workers and both occupational safety and health issues.

On May 24, 1971 Governor Sargent submitted to the Secretary of Labor his intention to enter into a Section 18H agreement.

The Section 18H agreement was signed by the Commissioner on June 9, 1971. A plan as required under Section 18H was submitted at that time. This agreement allows Massachusetts to continue to enforce its existing standards until December 29, 1972 or until it has submitted its plan under Section 18B and C, which ever is the shorter period.

The plan submitted under the Section 18H agreement requirements presented great difficulties in that Massachusetts more or less was required to state that it was not doing in the field of occupational safety and health what it is already enforcing under its General Laws, and that at a future date it would be enforcing occupational safety and health standards that it presently is enforcing under its General Laws.

Massachusetts' experience in enforcing its statutes and their relation to similar Federal legislation leaves much to be desired. Massachusetts was one of the last states to defer to the Federal legislation under Title VII of the Civil Rights Act of 1964, in its relation to the so-called restrictive laws relative to the employment of women. Thus, with the enactment of P.L. 91-596 a study was made of the congressional power under the Constitution to usurp state jurisdiction.

It was found that Article I, Section 8 states: "The Congress has the power to regulate commerce with foreign nations, and among the several states and with the Indian tribes." With this base of authority regulating the enactment of P.L. 91-596 and the wording connected with Indian tribes, it was with a sense of trepidation that the 18H agreement was signed with the Federal government as a vision persisted of Cochise signing a treaty agreement with the Great White Father, and what happened to the Indians involved is a matter of history.

In signing the 18H agreement, Massachusetts Department of Labor and Industries' Division of Industrial Safety, Occupational Hygiene, and Statistics would receive limited 90-10 grants with the promise of 50-50 operational grants in the future. Again, in the background the words of the ancient philosopher intrude, "Beware of Greeks bearing gifts."

The agreement is predicated on the premise that if an approved Section 18B and C plan is submitted to the Secretary of Labor within the two year period allotted, the Secretary would have one year to determine the state's competency to enforce the plan, whether it contained standards at least as effective as the Federal standards, and whether Massachusetts is living up to its guidelines for approval of its plan. It is at this point he gives up, to Massachusetts, Federal authority for compliance with Federal standards and his authority under Section 8 (inspections, investigations and record keeping), Section 9 (citations), Section 10 (enforcement procedures), Section 15 (imminent danger), and Section 17 (penalties).

Under the Act, the Secretary is given the power to set standards over all covered businesses affecting commerce. This means, for all practical purposes, that the state can set standards only for businesses in intra-state commerce, except for compelling local conditions, or develop standards which are determined by the Secretary to be fully as protective as the equivalent Federal standards.

Thus, if the Secretary adopts a new standard or terminates some already in force, the state will either have to follow suit or produce one which is at least as effective as the Federal promulgated standard. These Federal interim standards will be principally drawn from the American National Standards Institute or other private voluntary standards producing organizations or from the American Conference of Government Industrial Hygienists. It is expected that the Secretary, for two years after April 28, 1971, will utilize these standard producing organizations as

the norm.

Massachusetts is in a favorable position relative to the adoption, amendment, revocation, or suspension of rules and regulations. It is not solely dependent on legislative action to accomplish this purpose. Legislative action in adoption of standards would be a slow and lengthy process. The Massachusetts legislature, again displaying its wisdom, made provisions in Chapter 149 to simplify this process of protective standards for the occupational safety and health of its citizens in their work place environment.

In anticipation of the Federal Occupational Safety and Health Act enactment, the Commissioner, in October of 1970, after a review of the Occupational Safety and Health statutes contained in Chapter 149, G. L., entered the following bills for enactment by the 1971 Massachusetts State Legislature. These bills through legislative action would bridge certain gaps in the General Laws relative to anticipated Federal requirements and provide industry wide coverage other than requirements of the same nature spelled out for certain industries in the current rules and regulations.

1. A bill requiring employers to establish noise control measures and to reduce noise levels to accepted standards by administrative or engineering controls. (Federal WHPC - May 20, 1969)

2. Compressed air pressure reduction for cleaning purposes not in excess of 30 psi. (Federal WHPC - May 20, 1969)

3. Provision of personal protective devices and equipment for all workers exposed to harmful environments. (Many Massachusetts rules and regulations involving hazardous exposure contain such provisions, but it was believed an act in the G. L. for personal protective devices and equipment would be all inclusive for every industry and harmful exposure therein.)

4. A bill to provide additional egress openings in water storage tanks relative to interior structural painting and cleaning. This bill was filed after considerable study by the Division of Occupational Hygiene into many serious incidents involving employees engaged within the confined spaces of water storage tanks due to lack of proper ventilation where personal protective respiratory devices were utilized but were rendered ineffective due to the excessive concentration caused by airless gun spraying.

The Commissioner also prepared for the impact of the Federal Act by initiating in 1968 a program to revise the present excellent Massachusetts safety and health rules and regulations to reflect modern industrial trends and special targeted industries in which the injury frequency and severity rates were high. At present, ready for committee hearings are outlines and guidelines for proposed rules and regulations in the following high hazard areas. These proposed rules and regulations are formulated to provide a comprehensive systems standard rather than a consensus standard in a limited area.

1. Safety in the operation of mobile industrial trucks, tractors, and allied material handling equipment with operator licensing provisions.

2. Safe operation of overhead cranes and auxiliary equipment, including radio controlled cranes and helicopter hoisting operations with operator licensing provisions.

3. Safe operation of conveyors of all types.

4. Safety in welding operations of all types.

5. Safe operation of food handling equipment.

6. Safety in the operation of laser devices and auxiliary equipment.

7. Mill rescue operations.

With the promulgation of the Federal standards, Massachusetts, prior to submitting its 18B plan, will revise its present 21 industrial bulletins to reflect any higher standards contained in the Federal promulgated safety standards so that all Massachusetts rules and regulations will be equally as effective as the Federal standard requirement.

In reviewing the Federal OSHA Act, Massachusetts foresees no great difficulty in implementing the Section 18 requirement, as our Chapter 149 exists as a little P.L. 91-596 in its basic, logical statutory requirements.

The proposed regulations governing submission of state plans in accordance with Section 18B of the Williams-Steiger Act as contained in Part 1902, state plan for development and enforcement of state standards,

will be implemented without difficulty under the current Massachusetts General Laws contained in Chapter 149, especially in Sections 2 to 9 inclusive.

Section 18B provides that any state which desires to assume responsibility for the development and enforcement of occupational safety and health standards relating to issues covered by corresponding standards promulgated by the Secretary of Labor under Section 6 of the Act shall submit a state plan to the Secretary. The Secretary has stated that this policy is to encourage the assumption by the states of the fullest responsibilities for the development and enforcement of their own occupational safety and health standards which will be at least as effective as at the Federal level.

Massachusetts, in developing its 18B plan, will use as its base standards its present 21 rules and regulations published as Industrial Bulletins, plus the additional areas listed previously. Into this base standard rule and regulation structure will be incorporated salient requirements of the Federal standards on the same occupational safety and health issues.

Action will be initiated in October 1971 to prepare various bills for 1972 Massachusetts legislative action to include in the Massachusetts General Laws applicable segments of the requirements of P.L. 91-596 pertaining to protection of the rights of employee participation and protection. These proposed bills will be in accord with an Act promulgated by the 1971 Legislature relative to a legislative review of all the labor laws. Most certainly, one of the most important recommendations of this review will be in the area of substantial increases in the criminal penalties and punitive measures applicable to violations of the Massachusetts occupational safety and health statutes, rules, and regulations. Another important bill will allow the Commissioner to have the authority to grant variances to the rules and regulations. This authorization is of vital importance due to the similar authorization given the Secretary of Labor at the Federal level. The present legislative mandate giving the Department the rules and regulations authority will allow Massachusetts to keep abreast of any present standard changes or new standards promulgated by the Secretary of Labor.

The basic premise of OSHA is predicated on creating the impression among the American public that, prior to the Federal presence, there was no progressive and meaningful action to protect the American workers. This premise has increased the oft-mentioned credibility gap attributed to Federal implementations, not only with those states possessing and enforcing the highest standards of protective legislation in the occupational safety and health areas, but also in the private sector, which, through its voluntary compliance and initiative, have contributed greatly to the occupational safety and health protection of its workers.

There is no question that Massachusetts, together with those states which at the present time possess a progressive and effective occupational safety and health active and realistic program, is eminently equipped to accomplish the objectives of the Federal Act much more effectively than the Federal Occupational Safety and Health Administration. The Federal establishment, by its own admission, does not now possess the manpower or facilities required for the development of standards for all industries, the training and education that is necessary to achieve a better safety performance, and the establishment of requirements for safety and health research.

It appears that two divergent philosophies are being created at Federal and state level in attaining the common objective of the Act. The Federal philosophy of implementation procedures in its embryonic phase, as contrasted to the progressive states' tried and proven implementation of their own safety and health statutes, is already exhibiting inherent weaknesses and generating unforeseen problem areas.

1. The Federal basic reliance on mandatory standards and strict enforcement, or "The big stick with the little carrot." This type of approach has been ineffective in reducing accidents. At best, optimum objectives of the Act are not going to be accomplished by legislating safety by a legislative act or decree. The professional expertise and experience of the progressive states has evidenced that regulatory and punitive action alone is not suffi-

cient. Enforcement of reasonable safety and health standards is necessary, but it is only one of a number of essentials of good accident prevention. Massachusetts has long recognized, through its experience, that a regulatory approach has limited value and has emphasized, with increasing success, the educational approach. By applying the educative and consultative approach backed by enforcemade in reducing accidents. Employer cooperation through voluntary compliance is a peration through voluntary compliance is a primary requisite for successful joint action. As Howard Pyle, President of the National Safety Council, has so aptly stated, "The voluntary safety movement, dedicated to the prevention of accidents, is American in concept, and its strength has long rested in the voluntary participation and active support of all who are in a position to achieve optimum safety performance." This voluntary safety movement in America has proven itself: between 1912 and 1970 the accidental work death rate was reduced 67 per cent, while the gross national product increased nine-fold.

It is noteworthy at this time that the Federal establishment has softened its initial dictatorial role as the sole source of expertise and has grudgingly acknowledged that it needs the assistance of the private sector and progressive state safety and health organizations. Future action at the Federal level in this regard will indicate whether the marriage can be classed as a shotgun wedding or one of partnership in the finest tradition of accomplishing the common joint objective.

2. The Federal acceptance of the national consensus standards as the norm for occupational safety and health compliance leaves much to be desired. These standards normally are concerned with mechanical guarding procedures and mechanical safety and do not normally generate health control measures. Occupational safety and health standards promulgated by the government can only cover those things which are enforceable; namely, some control of the physical conditions and the environment. They do not relate to the individual in the man-machine environmental system. They do not cover certain necessary criteria for successful safety programs such as supervisory training, selection of personnel, job instruction training, and analysis or design of work procedures; nor can standards relate to attitude, morale, and teamwork. Massachusetts has found that the health environment of the worker while performing his industrial task is a primary concern. Modern industrial equipment and its power transmission auxiliaries are so well designed and protected at the manufacturing source that mechanical guarding of moving component parts at its installation site is practically negligible, as the required standards have been built in prior to delivery at the manufacturers' level.

Another problem area in complete reliance on consensus standards would exist in the U. S. Attorney General's warning that certain standards, due to the organization of the standard setting committee, could be subject to antitrust law attention.

3. The emphasis on employer mandatory compliance to effectively reduce physical hazards is misplaced. True, certain responsibilities exist in the employer area, but Massachusetts' experience in the safety area indicates that 85 to 90 per cent of industrial accidents are directly or indirectly related to the human factor and in most cases occur on effectively mechanically guarded equipment. Thus, the safety emphasis should be implemented as a first priority by programs aimed at safety education and training of the employee and the supervisor.

4. In comparison to the Massachusetts enforcement procedures in criminal process, the Federal enforcement by citations and penalties by entire enforcement program will tend to be mired and bogged down by the built-in appeal and review procedures of the Act.

5. The issuance by the Federal agency of citations referring to alleged violations indicate an uncertain and negative approach and is only conducive to appeal procedures. This is further compounded by the statement on the citation that the issuance of a citation does not constitute a finding that the violation of the Act has occurred, unless there is a failure to contest as provided for in the Act, or, if contested, unless the citation is affirmed by the OSHA Review Commission. The progressive states issue their orders in a positive manner and initiate immediate action in the state criminal courts.

6. The citation procedure in establishing penalties of varying amounts at the compliance officer or area director level, and subsequent hearing officer and review commission determination, places the Department of Labor as judge, jury, and prosecutor before recourse can be afforded before an impartial judicial proceeding. Legal representation for the alleged offender appears to be not available until the review commission determination, and it appears to be limited even at that level. The present hearing officer assignments in contested citations leaves much to be desired when their legal background does not indicate any past experience in the occupational safety and health area. The discounts given to reduce penalty assessments is especially repugnant because such discount procedures gives one the feeling that safety and health violation penalties are bartered in a merchandising transaction.

7. Consonant with our past experience of cooperation with Federal agencies, it is a certainty that authority to render decisions and determinations will not be decentralized to the regional administration. Decision making will, of necessity, be still referred to Washington with the inherent delays associated with that level.

8. The adage, "Physician, heal thyself" is very evident in the Federal agency's exempting the OSHA enforcement from affecting Federal employees. The Federal government is the largest employer in the nation, with six million employees. These are excluded from direct coverage by OSHA. A recent Presidential executive order directs heads of Federal agencies to form their own safety and health procedures, but not under OSHA inspection as to compliance. This policy is not extended to the states, as the provisions of Section 18 require that the employees of a state and its political divisions be protected by direct state inspection.

In the final analysis, the progressive states, with their maturity in the occupational safety and health area, will have a stabilizing effect on the present area of conflict and uncertainty exhibited at the Federal level. Massachusetts, in conjunction with other states, will submit 18B and C plans which will stress the following two major areas:

1. Development of meaningful and reasonable standards.

2. The development and implementation of safety education and training programs.

STATE AND PROVINCIAL PARTICIPATION IN FEDERAL OCCUPATIONAL SAFETY PROGRAMS

By BERT HEPWORTH
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The Jurisdictional Base

In Canada, authority to enact labor legislation is divided between the Parliament (the Federal power), the ten provincial governments and two territorial councils, the Northwest Territories, and the Yukon. Major legislative powers are vested in the provincial legislatures, with the Federal government having authority in only a limited field. The respective jurisdictions stem from the provisions of the British North America Act, 1867, and from precedents set by court interpretations of the relevant sections.

Section 91 of the Act assigns to the Federal government the power to pass laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects assigned exclusively to the legislatures of the provinces. Elaborating on this, one can say that the Federal government has the authority to regulate and control those industries and undertakings of an interprovincial, national, or international nature such as transportation, communications, radio and television, banking, uranium mining, grain elevators, and companies whose operations have been declared for the "general advantage" of Canada or of two or more provinces, such as Canadian National Railways, Air Canada, the Canadian Broadcasting Corporation, and the Polymer Corporation.

The Act gives the provinces exclusive jurisdiction to make laws regarding property and civil rights and this is set out in Section 92. From this comes the authority to impose conditions on the rights of employers and employees to enter into contracts of employment by enacting regulatory legislation and setting minimum standards.

Background to Current Federal Safety Legislation

Before January 1, 1968 there was a sad lack of Federal safety legislation. This created many problems, not least of which was the extent to which Federal enterprises should submit to provincial regulation and the right of provincial safety inspectors to carry out their work in industries under Federal jurisdiction.

At the present time there is a great range of provincial laws and regulations in the field of safety with wide differences existing from province to province. One can say that the application of provincial regulations to Federal enterprises has been for the most part a "courtesy service," unevenly applied and of secondary interest to the provinces because of their unenforceability.

This is not to say that prior to enactment of the current Canada Labour (Safety) Code, employees under the Federal jurisdiction were entirely without protection. In some cases there were laws, such as those which regulate major transportation systems, which contained provisions about employment safety. Such laws include the Railway Act, the Canada Shipping Act, and others which, although they applied to a considerable number of employees were, nevertheless, enacted primarily to ensure the safe operation of trains, ships, and aircraft. Generally speaking, they did not apply to the non-operational activities of the transport companies.

Protection for some working under the Federal authority came by arrangements whereby provincial officials carried out inspection services without, however, the power to enforce their recommendations. Such arrangements did not lend themselves to the development of uniformity of legislation and certainty of redress for Federal employees

who were obviously entitled to uniformly high standards. This, briefly, was the background leading up to the enactment, effective on January 1, 1968, of what is now known as the Canada Labour (Safety) Code. This was the first general safety act in the history of our Parliament, and it had general application to enterprises under Federal jurisdiction, the object being to ensure safe working conditions for all employed therein.

The legislation came about not only because of the obvious ineffectiveness of the arrangements sketched above but also because the Canadian Labour Congress and its predecessor bodies, the Trades and Labor Congress of Canada and the Canadian Congress of Labour, had persistently pressed for greater protection.

In the lengthy parliamentary hearings which took place before enactment of the law, the Congress, through written and oral presentations, made clear its profound belief that the proposed legislation should go the limit of legislative possibility in rectifying a very confusing and wholly inadequate Federal set-up. In effect, the law sought to bring within the jurisdiction of the Department of Labour the challenging role of making the law work to its legislative limits and, further, it was supposed to endow the Department with the authority to bring about effective safety measures even where the law did not fully cover. This would be done through the Department of Labour's "watchdog" job, which would enable it to bring pressure to bear on those departments which had the responsibility of enforcing the various laws referred to above. In other words, where loopholes were discovered, the Department of Labour was supposed to move in and bring about solutions in accord with the intent of the law if the letter of the law did not suffice.

There was no doubt about the question of confused jurisdiction prior to the code taking effect. The gap between Federal arrangements and provincial laws was recognized. No less a person than the then Minister of Labour stated that finally, "With this legislation we will not be able to pass the buck any longer." This was a significant and revealing statement and it set the stage for high hopes that the Code would be effective.

The Canada Labour (Safety) Code

As previously mentioned, the law was only made effective on January 1, 1968, and officers of the Accident Prevention and Compensation Branch of the Canada Department of Labour would not argue that the full benefits, as well as the full list of deficiencies, are yet apparent. It is undoubtedly true that much has been done in trying to reach the goals of close cooperation with other Federal departments, with provincial government departments and agencies, with labor and management of industries under Federal jurisdiction, with the public service, and with the various national and international industrial accident prevention organizations. Regulations in regard to age, health, and physical requirements of various occupations are within the scope of the Code. The Act recognizes the need for consultation with labor and management, and the authorities concerned may establish consultative and advisory committees composed of representatives of management and the unions. Provincial inspection services may be used under the Act through agreements entered into between the Department and the provinces concerned. These inspection services then operate to make certain the application of the law in Federal undertakings.

Approximately 800,000 employees of the public service and of enterprises subject to Federal jurisdiction come under the Code. The job to be done here, as in every other field of safety endeavor, is a considerable one. In the publication "Public Service Safety," issued by the Canada Department of Labour for Summer, 1971, a condensed outline of work injury statistics gives the following: non-disabling injuries (requiring medical attention beyond first-aid, but involving no lost time beyond the day of injury) for 1969-70 amounted to 9,693 (represents 53 per cent of all injuries reported in 1969-70); for 1970-71 there were 9,193 (represents 47 per cent of all injuries reported in 1970-71). Disabling injuries (resulting in disability occasioning loss of time) for 1969-70 amounted to 8,747 (represents 47 per cent of all injuries reported in 1969-70); for 1970-71 there were 9,677 (represents 53 per cent of all injuries reported in 1970-71). Total injuries for 1969-70 were 18,

440; for 1970-71 they were 18,870.

Seventeen fatalities occurred during 1970-71 compared with 14 the previous year. The number of fatal accidents is particularly disturbing, especially when the causes of such accidents are considered. Two of the fatal accidents resulted from electrocution, five were the result of drownings. Vehicle accidents and falls from height accounted for another five, and the remainder resulted from other causes.

The total work injuries of 18,870 represents an increase of more than two per cent. Although this is a substantially lower percentage increase than the increase in the previous two or three years, the publication reports that "It is still apparent that individual safety efforts must be expanded and intensified in the months ahead."

I have dwelt on the enactment of this legislation because there is no doubt that it constituted a major forward step. Furthermore, it is unquestionably related directly to the topic under consideration as it has set the stage for far-reaching developments. Not least of these is the potential impact of the establishment of Federal standards on other legislative jurisdictions and, in fact, on safety standards in industry and in labor-management relations. Unquestionably, there is now a far greater opportunity for "communication" between the Federal and provincial jurisdictions. There is now an "umbrella of Canada-wide legislation," and one must hope that the years ahead will see a substantial increase in all kinds of effective safety activity.

Roles and Responsibilities

Without minimizing the respective roles and responsibilities of others in the safety picture, one must say that government can and should be an exceedingly important element. We are hopeful that the degree of participation and interpenetration between the various legislative bodies in Canada will grow. Furthermore, as it grows we fervently hope that the financial and manpower resources assigned to the task will be sufficient to meet in adequate fashion the objectives which our legislation has set for itself.

A government is both the initiator of legislation and enforcer of it. It should also be concerned with training, informing, and educating all those affected by the legislation and so design its approach that there will be a maximum of cooperation and a minimum of compulsion under the law. Legislation, and education concerning it, are intertwined, although I do not think that this close connection is always recognized. It should be noted that an education-information process of one sort or another precedes the passage of legislation, no matter what the subject. The laws that government enacts are of value only to the extent that they are understood and observed by those for whom they are intended. The education-information process is at work in preparing for legislation and is present during its passage; it should make it come alive, and then it should continue to shape it by amendments and regulations.

Ways and Means

Labor has a special responsibility in the process. It has the greatest stake in safety programs because of the lives and limbs of its membership. We should never forget that the very idea of conserving human resources is implicit in the aims of the trade unions. The trade union movement is a resource which has not yet been fully exploited by itself or by the other components in the safety system. For one thing the labor movement, because of its structure at all levels—national, provincial or state, and local—constitutes in fact a communications system for information and machinery through which education and training activities may be organized and promoted.

One of the most significant trends, already referred to above, is the increasing recognition in recent years of the fact that organized labor should be considered a partner in health and accident prevention programs. When one considers the network comprised of our central labor bodies, state and provincial federations, area labor councils and unions, one will fully recognize the tremendous opportunities there are for enhancement of federal, state, and provincial interaction and the significant contribution labor can make. Participation is underway in many ways. Not the least of these is the growing number of conferences, seminars, etc., sponsored by all

bodies concerned with safety. These lead to a significant interchange of personnel in the form of participants, panelists, speakers, material, films, etc. This is a development much to be desired and one whose value should not be minimized because we are, with occupational health and safety, confronted continually with the two poles of unlimited demands versus very limited resources.

Conclusion

Let me express the hope that this brief introduction to a large subject will serve a useful purpose. I have concentrated on the relatively new Federal legislation. It goes without saying, of course, that each of our ten provinces has legislative and other machinery devoted to workmen's compensation and occupational health and safety programs. The law and structure varies across the country, depending upon the industrial and economic nature of the area.

As men and women dedicated to the ideal of the healthy, accident-free workplace, let us be on the alert to know about all the resources at our disposal.

THE STATE'S ROLE UNDER OSHA

By BARRY BROWN
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Many critical statements have been made by Washington-based labor leaders regarding the state's role under the new Occupational Safety and Health Act. I believe that the best way that I can set forth my position in this matter is to list the charges that have been made regarding state safety programs and to respond to them in detail one at a time. Though the following list is not exhaustive or lengthy, it does present the main thrust of the criticism leveled at state safety programs and the U. S. Labor Department's encouragement of state plans under OSHA:

1. The states have never done a job in safety. Their standards are inadequate, their inspectors are not qualified and there are too few of them, and state safety programs are dominated by management.

2. The states have been granted too much leeway under the recently promulgated guidelines and indices of effectiveness under OSHA. These loose guidelines will provide a basis under which labor's hard-won gains in the U. S. Congress will be lost under weak state programs.

3. The states are being encouraged to submit "developmental plans." This approach would allow states to receive federal funds, and they would have continued authority to enforce state standards prior to their reaching actual equivalent effectiveness under OSHA. State plans should not be approved in this way because the states would be tendering only "paper promises" for needed legislation, staffing, and standards.

4. State plans should not be encouraged because at any time a state legislature can refuse to appropriate money. They could also earmark money or "line item" appropriations in a way that would frustrate the goals and objectives of OSHA.

Usually, these charges are leveled against the present U. S. Department of Labor administration's policies because of what is alleged to be "a common knowledge that all states have dismally failed to enforce sound safety and health laws." Before I comment on each of the factors I have presented, I would like to protest the grouping of all states together as if each one is identical to the other. It must be apparent to those making these statements that the quality of safety laws and regulations and the level of enforcement differ remarkably from Mississippi to Michigan. It seems to me that only pure ignorance or deception could account for the

presentation of New York's safety program with that of South Dakota as if they were the same. It must be plain to these critics that only a few of the 50 states will ultimately have the ability to mount an acceptable program. Even though all but three states have negotiated temporary agreements, when the deadlines come to submit permanent state plans, most of them will not get state legislative support for new tough legislation and additional appropriations. My estimate is that approximately 15 states will end up with comprehensive state plans.

As president of the state labor commissioners' organization (IAGLO) and a frequent participant in safety seminars, I have had an opportunity to talk with labor commissioners from many of the states that I believe will have final state plans. It is interesting to note that every one of these state commissioners plans to incorporate the employee participation aspects of OSHA in his state plan. Some plan to grant some rights to organized labor that exceed those in OSHA. They all seem to be fully intending to meet the standards thus far suggested by the national leaders of organized labor for state safety programs.

In the face of this knowledge, it is even more remarkable to me that I continue to hear criticism of state plans from Washington union officials. When I hear that the state labor councils in the 15 states mentioned and the leaders of individual unions in these states—such as the Teamsters, the Auto Workers, the Steel Workers, and AFSCME—have supported their state labor departments toward submission of a state plan under OSHA, it causes me to speculate as to how much of the criticism is sincere and how much is designed solely to embarrass the present administration in all of their labor involvements. It seems a shame, however, to play political games when the safety of the working people of this nation is at stake.

Let me go back to the charges and my responses. Charge one—the states have never done a job in safety. My reply is a simple one, "Guilty." But let me add that the Federal government hasn't done as good a job as many of the states. How can anyone advocate the Federal government as the sole cure-all in the field of job safety when the best the Feds have done for years is to tie the 15 leading states in poor performance?

Does anyone here need to be reminded about how little the Congress or the executive branch of government provided the U. S. Department of Labor in dollars and people to enforce the safety provisions of the Walsh-Healey Act? The Federal government has had the responsibility for safety in longshoring for more than a dozen years. Though there has been steady, slow improvement of the safety record in this industry, it continues to be one of the highest hazard occupations in our country. I think you also are aware that the Federal government has a number of its own departments with employee accident records that are worse than those found in their counterparts in private industry. What is it, then, that the Federal government has to offer as the only answer to the huge problems of safety administration under OSHA?

Both Federal and state governments have to improve; no governmental unit has shown thus far that it has found all the answers to creating true work safety; and no political party and no administration can thus far be free of criticism in safety achievement.

OSHA makes it a new ballgame, but the law is a two-part law. It provides for both the state and Federal government's improved involvement in job safety. I think that the workers on the job little care whether the compliance official who appears on his plant floor wears a cap that says "Federal Government" or one that says "State Government." It seems to me that this myopia of some of the national labor leaders on the exclusive jurisdiction of the Federal administrators has done nothing more than impede the orderly progress of good state plans. I feel that now we ought to get on with it. If a state plan measures up, it ought to be encouraged by the labor movement. If the state does not have the will or the ability to provide a competent job safety program, it ought to accede to federal preemption.

There is one part of the charge made against state safety programs to which I would have to say, "Not guilty." That has to do with the fact that state inspectors are incompetent or uniformly management oriented. It simply "ain't so." The fact is that

labor departments in large industrial states are filled with highly qualified personnel who are friends of the labor movement under both Republican and Democratic administrations. In my own State of Michigan, the director of the Bureau of Safety and Regulation was two years ago an officer in the largest steel worker's union in the state. My one administrative aide was an organizer for AFSCME, and my other administrative aide was a research specialist in the state council of the AFL-CIO. The supervisor of my construction safety division in Detroit was an officer in the lathers' union, and the supervisor of my occupational safety division in Detroit was an organizer for the UAW. A good percentage of the employees engaged in all aspects of safety enforcement and education come from the ranks of organized labor in Michigan.

One of the real advantages that a state can offer in its plan to the labor movements within its boundaries is the opportunity that its members will have to participate in a meaningful program. In Michigan, for example, our qualifications for an entrance job in safety inspection will place primary emphasis on actual job experience. We will hope to encourage qualified representatives who have been active in the safety movement within organized labor. I believe that the U. S. Department of Labor has placed unnecessary emphasis upon the academic achievement of those who gain jobs as compliance officers.

Let me move on now to the second charge which has recently been leveled at state plans by national union leaders. It has been said that the federal guidelines allow the states too much leeway and thus the hard-won gains of organized labor under OSHA will be lost.

The Occupational Safety and Health Act of 1970 has many facets. In such a strongly debated piece of legislation, it is hard to say that any part of it would have passed without the rest of it. It was clearly a compromise bill that many congressmen would not have voted for but for the part that encourages and strengthens state participation in safety programs. To many state labor commissioners it now looks as though the national labor leaders are welshing on an agreement. It seems that they are trying to achieve administratively what they could not achieve in the legislature. If Congress had wanted every state that participated under OSHA to duplicate the words of OSHA, it could have said so in a simple sentence in the law. Instead of doing that, it listed eight major points that must be met by a state in order for it to gain approval and thus to continue in operation. I have already indicated that I feel that every state that has a significant chance of participating in an OSHA state program will incorporate the employee rights set forth in OSHA. These items were the main goals of labor in its appearances before the Congress. However, in a number of other areas individual states will have a chance to vary somewhat from the federal language and procedures. These variations will allow some experimenting by geographical areas and will allow us to have a better view of what actually is the best way to create a safe work place.

I submit to you that what is a necessary and proper standard for Florida may be an inappropriate and weak standard for Michigan. National standards often represent a floor or common denominator that is less than what we should settle for in our industrial and highly organized state. Even though OSHA calls for only an equivalency in effectiveness for a state plan, I feel that my duty as a state labor director requires that the citizens in Michigan should expect something more in many safety issues. There hasn't been enough experience yet for any intelligent person to advocate that OSHA provides the only or even the best way of achieving a safe job environment.

A reasonable question for you is, what do I have to sell under a state plan that would represent a variation from OSHA that would still be acceptable to the labor movement? How can this plan at the same time receive support, or at least a lack of opposition, from the employers of the state? I have already explained that I believe some of our state standards will reach higher effectiveness than federal standards, and thus we certainly will accept the federal standards as a floor. Secondly, our state reporting and statistical pro-

gram will be identical to the federal program. In the areas of inspectors, I believe our state has a strong attraction in that our men will be local residents with local job knowledge, and many of them will have roots in the local labor movement. Under the state plan that I am considering, labor will have a much greater participation in the rule-making and policy-making aspects of the administration of safety regulations than they do federally under OSHA, both legally and practically. We go well beyond the federal plan in this regard. To the local labor leaders and to the state labor movement, we present the opportunity for better communications and more local control.

Finally, we believe that under a state labor department we can provide penalties and sanctions that go beyond the federal schedule—such things as workmen's compensation penalties or the prohibition against the employment of minors when an employer is shown to have unsafe operations. We plan to increase inspections in relation to an employer's higher accident rate as a further sanction. These approaches can all provide a more effective means of achieving safety than OSHA has yet provided. Because of the greater emphasis on safety education and training in the state program in Michigan, we also believe that the local officers will be attracted by the greater availability of state personnel for training programs, seminars, and other communication meetings. Such programs will make their members more conscious of their responsibilities and rights under the law. A knowledgeable membership will also make it easier for labor leaders to take responsible stands in negotiated safety matters.

It must be clear to anyone that these program policies will be attractive to a local labor movement. At the same time, my state's management-oriented sector should be attracted by the aspects of their participation in rule-making and policy-making. They, too, would be attracted by aspects of local control. Finally, they always have advocated a greater emphasis on education and training. This, coupled with their philosophical orientation to state programs and their desires for appeals in state courts, would certainly gain their support even if I adopted many aspects of the Williams-Steiger Act that they opposed in the Congress.

I would like to move on now to the third point regarding the fact that states shouldn't be allowed to engage in state developmental plans because they are filled with "paper promises." Any government plan in its inception is a "paper promise." The Federal government now has given many "paper promises" about how they would implement the Act under their area of responsibility. They have promised more and better rules. They have promised that there will be more dollars allocated to enforcement and education. Further, they have promised that there will be nearly two thousand compliance officers in the field soon. I, for one, think that their promises are real, that their time table is realistic, and that they have proven thus far that they do what they say they will do. All the same, all we have from them so far in several of these areas are "paper promises." I think the states ought to be entitled to the same sort of treatment.

If a state were not allowed to be approved under an 18(b) provision of the Act until it had legislation, standards, procedures, and personnel all up to the acceptable level under OSHA, then we would have no states under OSHA. The deadline for temporary participation by states under the Act is December 29, 1972. The national labor leaders know that no state will be able to meet all the federal standards by that time. Thus, if states were not allowed a developmental plan, no state would be allowed to participate. If all states were to drop out of state occupational safety and health programs in 1972, the results for organized labor in this nation would be horrendous. It is irresponsible and self-defeating for the national leaders to advocate a complete state drop-out of the safety field.

At this time it is estimated that more than 1,500 state safety compliance officers are in the field. These are experienced men and women who are doing an effective job in those states that have adequate safety rules. The great majority of these people are employed by states like California, New York, New Jersey, Massachusetts, Illinois, and Michigan. The federal standards that were

recently promulgated in many cases are duplicated by the regulations of these states. In almost every case the inspectors of these states are under civil service rules and regulations, and they meet the current federal regulations for qualifications for such work. It is estimated that the states at this time are spending more than $200 million for state safety programs. All of this would be lost if the states were not allowed to phase in gradually to achieve federal goals. Once the state programs are closed down and the state employees are laid off, they will never come back again. I might point out to you that many of these state employees are loyal dues-paying members of AFSCME.

I must further point out that OSHA excludes all public employees. In my state and many other states, public employees from the states, cities, counties, townships, and school districts are covered by state rules. If the states are forced to drop out of safety enforcement under OSHA, all of these people will be without protection. If a state presents a plan under OSHA, they must provide a competent program for public employees to the extent that their law allows.

The fourth point regards funding, because the federal critics have pointed out that state legislatures could refuse to appropriate money for state safety programs. Once again, I would have to agree and say that this is absolutely true—just exactly the same way the U. S. Congress can refuse to appropriate money for federal safety programs. Congress has in very recent years demonstrated its unwillingness to appropriate adequate funds for safety programs. Even when the labor movement was able to secure $10 million more from the U. S. Senate for the U. S. Department of Labor's OSHA program, the U. S. House of Representatives greatly reduced that appropriation. We are all aware of the difficulty there has been thus far in securing $50 million for the administration of OSHA. Who will secure the nearly $400 million that will be needed for the administration of the OSHA program without the participation of the states? My arithmetic is not that difficult. If we take the approximately $200 million now expended by the states and simply enlarge it to anticipate the higher outlays necessary under OSHA and then add the amounts of money that will always be necessary for federal administration in those states that will not have a program, and the continuing federal monitoring responsibility when a state does retain safety responsibility, then my figure is not unreasonable. However, if the 15 states that I have mentioned previously are encouraged to continue their participation, then the federal obligation in these areas is reduced by 50 per cent. We would also retain the compliance officers, the training staff, area administrators, and standards that are all now present in the states. We thus eliminate the required two or three or four years for the Feds to gear up to existing levels of present state performance in these areas.

One of the prime national spokesmen who have expressed concern over the state's role under OSHA has been President I. W. Abel of the AFL-CIO Industrial Union Department. He recently set forth those aspects of a state plan which he feels ought to be present before organized labor could give its encouragement to a state plan. He stated that he feels that proposals should provide for worker participation in a body comparable to the national advisory committee; that the plan should provide for employee observation of monitoring exposure to toxic materials; that it should also provide protection for complainants whose names would be withheld from employers upon request. He states that state plans should provide for a prohibition against advance notice of the inspection; that it should provide for the right of employees or their representatives to accompany inspectors during their "walk around;" that it should provide for written inspection reports following the compliance officer's tour; that it should provide for placing these health and safety responsibilities in a state agency whose other functions do not conflict with the protection of workers.

I can say as the Director of the Michigan Department of Labor that our state plan will meet these tests. We plan to work with organized labor within our state in the development of a state plan and in the carrying out of its purposes and policies. It is my information that the same sort of statement that I have just made could be made by the labor

commissioners in the other states that will probably have state plans. If that is the case, then what is the fuss all about? No one from Mr. Abel's office or from the Washington offices of any national union has checked with the commissioners to find out what they intend to do. I have a feeling that the whole matter revolves around embarrassing the administration, and no matter what was planned there would continue to be negative statements from Washington.

In summary, let me tell you what I am planning to do to further strengthen the role of the states in OSHA. First, as president of the state labor commissioners' organization, I will continue to meet with the U. S. Department of Labor. I will do all that I can to encourage the continuation of what has been a sound working relationship between the Federal government and the states in implementing the Act. I hope that many states will be able to submit plans for approval in the Spring of 1972. Further, I hope that by July 1, 1972, federal monies will be available for 50-50 sharing of occupational safety and health administration expenses under state programs. I will encourage the states to have meetings and hearings and communications with their local labor leaders prior to the submission of their plan for 18(b) approval. Frankly, I don't see how the national labor leaders can oppose a plan that has been approved by a state's local labor movement.

Secondly, I plan to meet with congressional and administration leaders to counteract some of the bad publicity that has been created regarding state safety programs. Commissioner Kautzer of Wisconsin has arranged a meeting with me and others soon with Congressman Steiger and Senator Williams who are the co-authors of this legislation. I will inform Senator Williams that if he plans overview hearings we would like to testify. There will be many states that will have stronger statements to make to him than I have made here. I might add that those state labor commissioners have very strong ties with their state labor movement.

In this same regard, Commissioner Levine of New York has arranged a meeting soon between Senator Javits, Secretary Hodgson, myself, and other labor commissioners to discuss precisely that same matter. In that meeting, we will look for assurances that the U. S. Department of Labor will do all it can to provide full 50 per cent funding for state plans in the fiscal year beginning July 1, 1972.

Finally, we will encourage every state labor director to communicate with his congressman, his senator, his state legislator, his governor, and the U. S. Department of Labor to indicate their willingness and their preparedness to meet their obligations under OSHA.

In those states which do not plan to implement a state program under OSHA or those which cannot mount the legislative support or the appropriations necessary for a state plan, there will be a close monitoring and observation of the federal enforcement under OSHA. The state labor commissioners in these areas have told me it is their intention to use their own staff's observations as watchdogs. They plan to keep closely posted on whether or not the Federal government is maintaining an effective program in those states where the state activity has been preempted.

The men and women who work care not at all whether their building is inspected by a federal inspector or a state inspector. They care very little which bureaucracy is strengthened and which one withers as a result of OSHA. The people want a safe work place. They want an environment that is as free from hazards as possible so that they might work without fear or discomfort. My plea for the states, then, cannot be that we have done a good job in the past or that we can do it any better in the future just because we are states. I think, instead, I have presented a number of sound reasons why people will be hurt if the states are barred from safety administration and how they will be helped if the states are encouraged to improve their safety programs. I look for your assistance in communicating my views and my concerns to your leaders in Washington.

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