



NATIONAL SAFETY COUNCIL OSHA UP TO DATE

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House Bill Takes On Fetal Protection Policies

Rep. Pat Williams, (D-Mont.), has proposed legislation that challenges some fetal protection practices.

The proposal deals with policies that bar women of child-bearing age from jobs that involve exposure to hazardous materials. The legislation would bar companies from requiring workers to undergo sterilization or fertility tests as a condition of employment.

In addition, the proposed law would prohibit employers from any type of discrimination against workers who refuse to participate in such practices.

The action followed a U.S. Supreme Court action to review a decision that upheld the fetal protection policy of a Wisconsin-based battery manufacturer. The policy barred women capable of child-bearing from jobs with substantial risk of exposure to lead. Women were required to produce certificates proving they were incapable of bearing children, but were not required to be sterilized.

The United Auto Workers claimed the policy was sexually discriminatory under Title VII of the 1964 Civil Rights Act. Williams claims the appeals court ignored the potential risks to male employees from such exposure.

OSHA Proposes Asbestos Removal Notice, Scannell Tells Panel

Gerard F. Scannell, Head of OSHA, recently told a House panel that it will propose requiring employers to file a notice of intent to remove asbestos 10 days before a job begins.

The action should enable the agency to get inspectors to the site before the operation is completed, he told the House Education and Labor Subcommittee on Health and Safety. A draft version of a proposed OSHA rule would apply the requirement to employers engaged in asbestos removal, demolition or renovation projects.

PLAINTIFF'S EXHIBIT

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Labor Unifies Behind OSHA Construction Safety Unit

Lane Kirkland, President of the AFL-CIO, presented a unified position on OSHA control of construction safety to a meeting of Building and Construction Trades Department (BCTD).

He called for new construction legislation to "... beef up OSHA's programs, to hire additional inspectors specifically trained in construction safety and to put more teeth in the penalties for violations."

Until recently, the BCTD was insisting on a construction safety agency independent of OSHA, but the AFL-CIO would not openly endorse the idea. However, BCTD dropped its insistence that a separate agency be included in the Construction Safety, Health and Education Act. The remarks by Kirkland were the first indication of support of the new BCTD position by the AFL-CIO.

Sponsors of the bill reportedly think that the legislation would go nowhere without unified labor endorsement.

MSDS Must List All Adverse Health Effects, Says OSHA

OSHA told a U.S. Court of Appeals that manufacturers of hazardous chemicals are required to list all adverse health effects of their products on Material Safety Data Sheets (MSDS) even if workers are unlikely to be exposed to hazardously high levels.

The case involved a decision of an administrative law judge of the Occupational Safety & Health Review Commission. The decision stated that a chemical company, by not listing the target organs affected by a phenol-formaldehyde polymeric compound, violated the Right-to-Know Standard.

The company contended that its MSDS was in compliance because the chemical would not emit enough phenol to damage the heart, kidneys or liver.

OSHA argued that there was precedent for its view in a 1979 decision.

OSHA Calls For New Fall Protection Rule

OSHA proposes a new fall protection systems rule that prevents workers from falling, protects them if they do and covers those who work on ladders.

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The proposal focuses more on fall arrest systems such as lanyards, lifelines and harnesses rather than fall prevention systems. It will also add a new section under the agency's personal protective equipment rule.

It calls for lanyards, vertical lifelines, self-retracting lifelines and lanyards, dee rings and snap hooks to be capable of sustaining 5,000 pounds. In addition, restraint lines would have a breaking strength of 3,000 pounds.

The proposal also specifies that connectors be made of steel or its equivalent and be protected from corrosion. Lifelines and carriers may not be made of natural fiber rope.

Comments and requests for a public hearing are due, in quadruplicate, by July 9. They should be addressed to the Docket Officer, S-041, U.S. Department of Labor, Room N-2625, 200 Constitution Ave., NW, Washington, DC 20210.

For more information, contact James Foster, (202) 523-8615.

OSHA Proposal Revamps Rule on Walking, Working Surfaces

OSHA is proposing a revamp of its rules on trip, slip and fall prevention that would require employers to be responsible even for surfaces that cannot be kept free of hazards.

Essentially, the proposal revises, consolidates and covers areas not included in present regulations. When faced with floors that cannot be kept hazard free, employers would be required to provide other measures, such as personal protective equipment, spreading salt on icy walkways and similar provisions.

The proposal also:

- * Establishes a minimum access size for manways and manholes;
- * Provides for a minimum 18-inch clearance around workplace obstacles;
- * Requires that stairs be capable of supporting at least five times their maximum intended load;
- * Specifies requirements for inspecting, maintaining and repairing walking and working surfaces;
- * Makes certain exemptions to the above.

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Comments and requests for a public hearing should be made out in quadruplicate and sent to the Docket Officer, S-041, U.S. Department of Labor, Room N-2625, 200 Constitution Ave., NW, Washington, DC 20210.

For more information, call James Foster, (202) 523-8615.

Fatal Explosions Draw \$6 Million in Proposed Fines

Secretary of Labor Elizabeth Dole announced a proposed penalty total of \$6 million against a Texas petrochemical plant for alleged violations that resulted in fires and explosions that killed 23 workers and injured more than 130.

According to OSHA, the citations were for a series of alleged willful and serious violations by the petrochemical company and its service contractor. Dole said that the first explosion had the force of 2.4 tons of TNT and would have hit 3.5 on the Richter Earthquake Scale.

"This tragedy," she added, "is magnified by the clear evidence that this explosion was avoidable had recognized safety procedures been followed. OSHA has uncovered internal. . . documents that called for corrective action but which were largely ignored."

The petrochemical company was charged with willful violations under the general duty clause of OSHAct. The violations fell into three categories and were failures to:

- * Prevent uncontrolled release of flammable vapors;
- * Minimize or mitigate the consequences of a release of flammable materials;
- * Provide adequate fire protection.

Alleged serious violations include inadequate emergency egress, inadequate pre-emergency planning, employees not being familiar with the plant alarm system, hazard communication and respiratory protection.

Editor -- James Lahey

Although the information and recommendations contained in this publication have been compiled from sources believed to be reliable, the National Safety Council makes no guarantee as to, and assumes no responsibility for, the correctness, sufficiency or completeness of such information or recommendations. Other or additional safety measures may be required under particular circumstances.

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