

Noted 3/17/72

~~MEMORANDUM~~

DATE: March 15, 1972

SUBJECT: OCCUPATIONAL SAFETY AND HEALTH ACT IMPLICATIONS

TO: Mr. R. E. Mumford, Asst. General Counsel
Corporate Office - Legal

jm

RECEIVED

LEGAL DEPT.

1. Attached find a write-up on this Act and its far-reaching effects, as summarized by one of the large member companies of the Water and Wastewater Equipment Manuf. Assoc. of which we are long standing members.
2. We are certain Allied's many manufacturing plants have encountered this but felt this point of view might be of interest.

R. W. Ockershausen

R. W. Ockershausen

/db

cc: Mr. W. C. Fox
Mr. M. O. Ericson

March 8, 1972

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Through the courtesy of one of our members, who asked not to be named, we have permission to reprint for you one of their internal communications on the above act. Remember, while this was prepared by one of our larger member companies, OSHA applies to every company and all are subject to unannounced inspections, and possible penalties and fines.

This matter warrants the immediate attention of the management of your company, if you have not already taken action.

A. What is it?

1. Federal law that reaches into every part of business - - manufacturing, sales, etc., under general heading of Safety and Health.
2. Provides standards for equipment to be purchased, plant layout, plus a myriad of rules governing safety and health in operation.

B. The law is a result of:

1. Labor Union pressure to involve itself in the management process - using safety as an entry tool.
2. Public feelings regarding environment.

C. The OSHA law has given the Employees and Unions rights they have never had before.

1. These rights can be misused.
2. The impacts on management decisions are serious and extensive.

D. The OSHA law is as binding as Federal Taxes and both are expensive and serious

1. Most important in both laws are reporting and compliance.

E. Employer Investigations are for:

1. Routine inspection

- more -

2. Employee complaint

3. Union complaint

4. Fatality

5. Disaster - such as fire or explosion. (Employer must report direct to OSHA within forty-eight hours any fatality or disaster).

F. Federal Investigators - presently they are 2000 in number plus the State Compliance Officers.

1. The average Compliance Officer is:

- 45 years of age
- 12 years safety experience
- Holds a B.S. Degree
- Some hold Masters Degrees

G. Employer Investigations

1. Compliance Officer may or may not give notice of investigation.

2. On arrival - will identify himself and present credentials.

3. He may or may not ask for an employee representative to accompany him along with a management representative.

4. If the establishment is Union, he will ask for the Union Representative on the job.

5. If no employee representative is available the OSHA Officer will talk to most all employees while investigating.

6. "Walk Around" - This company does not pay an employee representative for work not performed while participating in an investigation.

7. Some investigations can cover 2-3 days with follow-up meetings.

8. The Investigator will discuss the results of the investigation with his Region Director and issue either:

- Clearance
- Citations
- Recommendations
- Fines
- Time limits for correction of hazards.

ASI-PR 0003692

H. Reporting and Records are most important

1. Form 100 - Log of Injuries.
2. Form 101 - Supplementary information and accident investigation data.
3. Form 102 - Annual Summary for all accidents which must be posted at each establishment by February 1, for 30 days, signed by a responsible manager and kept available at all times.

4. Failure to keep records or falsification

-Fines up to \$10,000

and/or

-Up to six months imprisonment for Chairman of the Board.

5. All injuries and occupational illnesses requiring professional attention
- Dr. or Nurse - must be logged.

6. First aid cases need not be recorded on government forms, but should be a matter of Company record.

I. Manufacturing and Construction Regulations cover ~~X~~ the following and much more:

1. Safety training and education.
2. First aid and medical attention available.
3. Personal protective equipment.
4. Sanitation.
5. Toilet facilities - number and construction.
6. Washing facilities.
7. Fire protection.
8. Signs, signals, barricades, walkways including specified colors.
9. Material handling and storage.
10. Specifications for manufacturing equipment purchased.
11. Tools - hand and power.
12. Welding and cutting.
13. Electrical.
14. Ladders and scaffolding.
15. Floors, wall openings and stairways.
16. Cranes, derricks and hoists.

- more -

17. Motor vehicles.
18. Excavation, trenching and shoring.
19. Concrete forms.
20. Steel erection.

J. What should manufacturers do?

1. Subscribe to:

Occupational Safety & Health Reports
Bureau of National Affairs
1231 - 25th Street, N.W.
Washington, D. C. 20037

(Price: \$176.00 per year)

Occupational Safety & Health Standards
Published In
The Federal Register
Saturday, May 29, 1971
Superintendent of Documents
Washington, D. C. 20000

(Price per copy: 20¢)

2. Attend locally sponsored OSHA seminars and courses and document attendance and participation for files.
3. Self inspect operations.
 - document any and all violations of regulations.
 - take affirmative action prior to the arrival of an investigator.

To provide even more dimension to the problem, here are a few excerpts from the press:

****18,699 violations of job safety act found in first four months. 8,165 inspections were made in establishments employing 1,437,293. Penalties for non-compliance rose from \$38,400 in July to \$194,346 in October.**

****Company cited for oxygen hose leaking and other hoses on passageway, eye protection not worn by employees in specified area, compressed air for cleaning purposes in excess of 30 p.s.i. - Penalty \$329.00.**

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****A freight line cited for bridge plates not equipped to prevent slipping when in place, brake on power industrial truck inoperative having been disconnected, no overhead guard on industrial truck, no first aid person on site. - Penalty \$443.00**

****A Nebraska firm penalized for \$36,717 for safety violations. The firm was fined for failure to correct violations, after it had been notified and given two days to correct deficiencies.**

Our member reports that the OSHA has added so many problems and so much reporting procedure that it has been forced to put a full time man on this work.

If other members have information they are willing to share with others, we will appreciate receiving it.

Sincerely,



David L. Gallagher
Secretary-Manager

DLG/jd
I-80-373