

Regulation: Occupational Safety and Health Act Study Guide

Produced by Intellectual Takeout

The Occupational Safety and Health Act was signed into law in 1970 by President Richard Nixon with bipartisan support of both houses of Congress. Prior to 1970 federal intervention in the workplace on the grounds of health and safety was quite limited; regulation was left up to the state. However, a number of highly visible work place disasters, union action, and the growing environmental movement contributed to increasing public pressure on the federal government to act to provide worker health and safety regulations.



The Occupational Safety Act came as a follow-up to a failed 1968 proposal by President Lyndon Johnson to relieve pressure from the public. The Act created three permanent agencies: the Occupational Safety and Health Administration; National Institute for Occupational Safety and Health (NIOSH); and Occupational Safety and Health Review Commission (OSHRC).

This study guide explores the Occupational Safety Act of 1970 and the Occupational Safety and Health Administration (OSHA). Proponents of the Act argue that the government was in part established to protect its citizenry including the health and safety of working people and that promoting the health and safety of workers actually benefits businesses in the long term. Critics argue that while the health and safety of workers are important, OSHA has had little demonstrable effect in contributing to this end and that its burdensome regulations adversely affect businesses. The guide includes charts and graphs, quotes, and a few questions for discussion in a group, or to simply ponder on your own.

Background

What was worker health and safety like prior to OSHA?

- From 1910-1921 44 states passed worker's compensation laws that required employers to compensate workers for work-related illness and injury. Prior to the passage of compensation laws, workers had been required to prove employer negligence in court.

- Worker's compensation laws provided an incentive for employers to improve the safety of their respective workplaces. As a result of these laws and improving technology, workplace fatalities and injuries began to drop.

Period	Fatality Rate (per million hours)	Injury Rate
1910-1913	.4	44.1
1937-1939	.13	11.7

[Source](#)

- An [estimated](#) 14,000 workers were killed in the workplace during the mid to late 1960s. This was in addition to innumerable others who sustained injuries or suffered from disabilities or diseases.

What is OSHA's mission?

OSHA's [mission](#) is to "assure safe and healthful conditions for working men and women by setting and enforcing standards and [by] providing training, outreach, education and compliance assistance."

What does OSHA do?

- Determines rules and regulations
- Enforces rules and regulations
- Provides outreach and training for employees and employers
- Forms alliances with state level work place regulatory organizations
- Enforces whistleblower laws

How does OSHA promote workplace safety and health?

- Creates new safety and health management systems
- Undertakes work place inspections
- Supports innovation targeted at improving work place safety and health
- Establishes the rights of employees and employers
- Defines reporting and record keeping requirements of employers

Who is not inspected by OSHA?

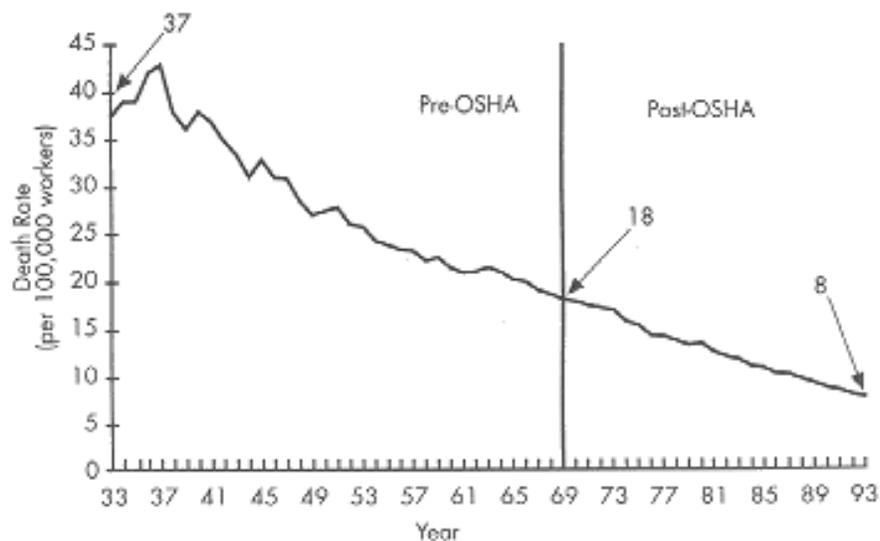
- The self-employed
- Immediate family of farm employers that do not employ outside workers
- Federal agencies that provide their own regulation for health and safety
- State and local government employees
- Flight crews

What are some notable OSHA [Regulations](#)?

- 1983 Right-to-Know regulations – gives workers the right to know what chemicals they may be exposed to in the workplace.
- 1987 Farmworkers Standard – requires employers to provide toilets, hand washing facilities, and drinking water to field workers.
- 1987 Protecting Grain Workers – protects workers in the grain industry from suffocation hazards and combustible dust.
- 1991 California Injury Prevention Program Rule – California State OSHA creates the first injury and illness prevention program standard in the nation.
- 1993 Confined Space Standard – requires permits for entry and safety standards for individuals working in confined spaces.
- 2006 Hexavalent Chromium Standard – greater regulation to protect workers from exposure to hexavalent chromium.

What are some indicators that OSHA has been successful at improving the health and safety of workers?

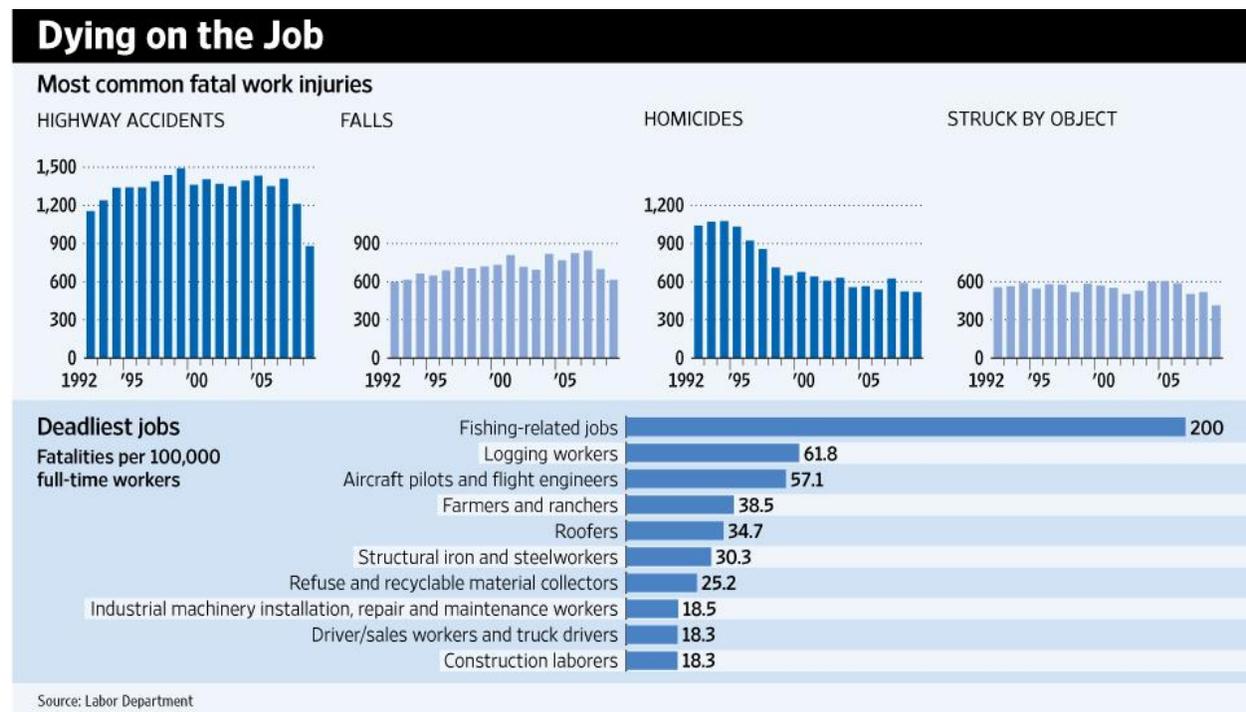
- In 1972, out of 100 workers 11 sustained serious injury or illness on the job. In 2009, this number had [dropped](#) to under 3.6.
- OSHA's cotton dust standard has virtually eliminated Brown Lung Disease.
- Blood poisoning has been reduced by 67 percent as a result of OSHA's lead standard.
- The number of workers exposed to hazardous chemicals has [decreased](#) greatly.
- Mining and construction businesses now have high levels of worker protection.
- Workplace injuries have decreased sharply since OSHA's creation.



Source

What are some of the criticisms of OSHA?

- It is true that work place injuries have decreased from 11.1 per 100 in 1973 to 3.6 in 2009. However, there is no substantial evidence to suggest that OSHA was responsible for this decline. Certainly it could be argued that technological innovation and increased incentives for workplace safety due to labor market competition and the potential for lawsuits have played a role in the decline. Bottom line: OSHA needs to provide evidence that it is effective. [Source](#)
- Complying with OSHA's convoluted regulations carries a high price tag for employers. As a result they hire fewer employees. For example, case studies by the National Association of Manufacturers [concluded](#) that OSHA's 2011 occupational noise provisions would affect an estimated 2-7 million employees and implementation would cost between \$2000 and \$10,000 per employee. This would result in an estimated 10,000-220,000 jobs lost.
- The leading causes of work-related deaths are automobile accidents and murders by coworkers or customers; these sorts of things are beyond OSHA's control.



[Source](#)

- Reducing the cost of worker's compensation insurance provides a much greater [incentive](#) to employers to reduce work place risks than the relatively small fines imposed by OSHA.
- During its 40 years in existence, OSHA has only [referred](#) 151 cases to the Department of Justice for criminal prosecution and of those, only 12 have been prosecuted successfully.

Quotes on OSHA

“Our concern is that too many regulatory bodies are reacting to this need and that divergent or contradictory rules would be established which would in effect create chaos for the designers, builders and operators.”

- Max Spencer, [“Occupational Safety and Health Hazards in Grain Handling Facilities,”](#) April 22, 1980

“The late '60s was a turbulent time in America. The nation faced serious concerns both abroad and at home. Civil rights, women's rights, Vietnam, and the environment all demanded the country's attention.

At the same time, occupational injuries and illnesses were increasing in both number and severity. Disabling injuries increased 20 percent during the decade, and 14,000 workers were dying on the job each year. In pressing for prompt passage of workplace safety and health legislation, New Jersey Senator Harrison A. Williams Jr. said, ‘The knowledge that the industrial accident situation is deteriorating, rather than improving, underscores the need for action now.’ He called attention to the need to protect workers against such hazards as noise, cotton dust, and asbestos, all now covered by OSHA standards....

Known initially as ‘the safety bill of rights,’ the OSH Act charged OSHA with assuring safe and healthful conditions for working men and women. From its earliest days, OSHA was a small agency with a big mission. When the agency opened for business in April 1971, OSHA covered 56 million workers at 3.5 million workplaces. Today, 105 million private-sector workers and employers at 6.9 million sites look to OSHA for guidance on workplace safety and health issues.”

- United States Department of Labor, [“OSHA’s 30th Anniversary,”](#) 2000

“The Occupational Safety and Health Act created the Occupational Safety and Health Administration (OSHA), the National Institute of Occupational Safety and Health and the Occupational Safety and Health Review Commission. The Act aimed to protect worker health by ensuring that employers provide workers with an environment free from mechanical dangers, excessive noise, exposure to toxins and unsanitary conditions. OSHA also prevents work-related injuries and illnesses by enforcing standards on workplace health and safety. The Act extends to most nongovernmental workplaces as well.

OSHA’s policies were criticized for their costly regulations. Over time, manufacturers have begun to include OSHA-compliant safety features on new machinery, thus saving companies from having to retrofit equipment. The Reagan and George H.W. Bush administrations both tried to weaken OSHA enforcement and rule making. The George W. Bush administration has since

largely replaced mandatory standards with voluntary guidelines, such as repealing a standard for ergonomics and replacing it with guidelines.”

- [“Ralph Nader: Consumer Activist,”](#) PBS

“Economist Ed Lotterman sums up the situation this way: We don’t want people to be killed at work. But many people are willing to take certain risks in their personal lives every day. And companies often don’t have difficulty finding people willing to do dangerous jobs.

Therefore, should government intrude into the private agreement between employer and employee?

Lotterman suggests an answer to his own question. First, he admits that OSHA regulations raise the cost of labor, at least somewhat. That could cause some companies to hire fewer workers.

The costs to business vary greatly, according to Lotterman, and are smaller than many people think.

For Lotterman, the question then becomes, what is the value of lives saved and injuries avoided relative to the cost of regulation?

While it’s difficult for most to put a price on human life, Lotterman suggests it is neither small nor infinitely large.

Coming up with the exact figure may be difficult, but Lotterman says society clearly is better off if a life is saved for every \$10,000 spent on workplace safety. However, should that amount rise to \$10 billion per life, we would be worse off.”

- Fred Hosier, [“Is OSHA Going Too Far?”](#), June 7, 2010

“The results [of the study] overturn conventional wisdom: Workplace inspections do reduce on-the-job injuries and their associated costs, and the researchers could not detect any harm to companies’ performance or profits.”

- [“New Study Shows That Workplace Inspections Save Lives, Don’t Destroy Jobs,”](#) Phys.org, May 17, 2012

Questions for Discussion

1. Should the government (federal or state) regulate the work environment for health and safety reasons? Why or why not? What are the benefits and costs involved in such regulation?
2. What are some situations in which a worker might want to choose working over personal safety?
3. How much risk is too much risk in the workplace? Who should decide and why?
4. Should OSHA restrict workers in how much risk they take? Why or why not?