

FROM MY PERSPECTIVE—NEWSLETTER—AUGUST 2009

SUBJECT: OBAMA'S OSHA – READY TO LEAD?

The "Industrial Safety and Hygiene News" (issued January-2009, www.ishn.com) had an excellent article by President-elect Frank White. I believe it is worth reading because it reviews a number of pledges made during Barack Obama's successful campaign for President of the United States of America:

FRANK WHITE is a former deputy at OSHA in charge of setting standards and enforcement, and is senior Vice President for ORC Worldwide, Washington-based occupational safety and health consultancy.

"During his campaign for the presidency, Barak Obama made a number of pledges to "strengthen occupational safety and health" by increasing funding for OSHA inspections and training, issuing more standards and supporting the enactment of the Protecting America's Workers Act, which he co-sponsored in the Senate and which would increase OSHA civil and criminal penalties, expand coverage to public employees and enhance protection for whistleblowers.

"In short, he has been a rather vigorous proponent of a more (how should I say this?) 'traditionally activist' OSHA. By 'traditionally activist,' I mean an agency that is likely to pursue an agenda typical of past Democratic administrations—shifting the emphasis from voluntary programs to more aggressive enforcement and standards setting and seeking legislative reform that gives OSHA more 'teeth' and a broader reach.

"So does that mean we're likely to see one of the 'same old same old' pendulum swings that have characterized past shifts in administration from one political party to the other?

"At this point, the signs surely are that the pendulum will indeed swing. But I'd like to think there is also perhaps a once in a generation opportunity for a more fundamental change in the direction of national workplace safety and health policy, especially if the safety and health community takes an active role in demanding such change....

"My own assessment is this:...OSHA is increasingly perceived as having lost touch with much of the safety and health profession and the businesses and other organizations that it serves. There is pervasive skepticism that OSHA's traditional and predominant activities, with the possible exception of training and outreach ... will have a positive impact on worker safety and health. This is because, in large measure, OSHA has failed to adapt its priorities and programs to the new world of work and to advocate the use of approaches to protecting workers that are becoming predominant globally.

"The new administration does have an opportunity to 'win back' these many doubters and enlist their support for new programs and policies. But OSHA cannot accomplish this by merely reasserting its legal authority to issue more regulations and citations – the agency needs to reach out to the broad range of workplace safety and health stakeholders and actively engage them in the policy-making process...."

"Still, I'm willing to jump right in and offer my fearless forecast ..."

"Obama's OSHA will:

- 1. Implement initiatives on injury and illness recordkeeping...*
- 2. Issue several new or revised standards...*
- 3. Undertake a broad range of administrative, regulatory, and perhaps legislative initiatives to promote incentivize and require a greater focus on regulating risk in the workplace...*
- 4. Actively support the enactment of the Protect America's Workers Act...*
- 5. Make a concerted effort to increase the OSHA budget for standards-setting, training and enforcement activity.*
- 6. Re-examine OSHA's inspection targeting system...*
- 7. Engage in an effort to find viable alternative administrative and legislative approaches to updating OSHA's permissible exposure limits.*
- 8. Carefully scrutinize whether the Bush administration's emphasis on voluntary programs (VPP, Partnerships, and Alliances) has proven to be a cost-effective use of OSHA's resources.*
- 9. Engage in an effort, which may include both administrative and legislative initiatives, to improve the OSHA standards-setting process.*
- 10. Increase the visibility and influence of the National Advisory Committee on Occupational Safety and Health."*

FROM MY PERSPECTIVE: Every builder must get actively involved in its trade associations and with their elected officials. I began insuring homebuilders in 1954 and I have always known that the homebuilder associations had a powerful political presence.

Hilton Hilliard