

FROM MY PERSPECTIVE—NEWSLETTER—SEPTEMBER-2009

Subject: *Excerpts from (ASSE) Professional Safety Magazine, September, 2009*

OSHA Has Set Its Target on Enforcement

Recently, at the American Society of Safety Engineers convention in San Antonio, Texas, Labor Secretary Hilda Solis delivered a strong message about OSHA's re-emphasis on enforcement.

"The government has a fundamental responsibility to protect workers from unsafe workplaces. We are focused on workers – not voluntary programs and alliances. Make no mistake; the Department of Labor is back in the enforcement business," Ms. Solis stated.

During her speech, Solis announced a major construction initiative in the state of Texas. She noted that Texas has the highest rate of on-the-job fatalities in the U.S. – with 67 recorded in 2008 and 33 deaths already recorded in the first half of 2009. 144 deaths occurred in Texas in 2007.

As soon as Ms. Solis was appointed Secretary of Labor by President Obama, she won a very important case upholding OSHA's interpretation of the Multi-Employer Work Site Rule. This year, the U.S. Court of Appeals for the Eighth Circuit, in a 2 to 1 decision, ruled that a general contractor is responsible for the unsafe work practices of their Independent Contractors. [Hilda Solis (Secretary of Labor) v Summit Contractors, Inc. No. 07-2191, filed February 26, 2009)].

Summit was held responsible for allowing the masons employees to work on scaffolds over 10 feet above the ground without personal fall arrest systems or guardrails.

***OSHA's Interpretation Of the "Multi-Employer Work Site Rule" Allows OSHA to Cite the Controlling Employer (Builder) regardless of which Independent Contractor caused or was exposed to the safety violation.
(Consult your attorney for his/her opinion).***

President Obama Taps Michaels to Head OSHA

President Obama selected David Michaels, Ph.D., MPH as his nominee for OSHA Administrator. Michaels is an epidemiologist serving as a research professor in the Department of Environmental and Occupational Health at the George Washington University Public Health Services. He has conducted numerous studies of health effects of occupational exposure to toxic chemicals, including asbestos, metals and solvents.

Hilton Hilliard