



National Safety Council

Position/Policy Statement

Guiding Principles for OSHA Reform

Since the enactment of the Occupational Safety and Health Act in 1970, occupational injuries and fatal accidents have declined. The death rate per 100,000 workers has fallen from 18 in 1970 to 8 in 1994. Serious health hazards such as asbestos, lead, arsenic, vinyl chloride and many cancer-causing chemicals have been greatly reduced. The American worker is much safer today than he or she was 25 years ago.

It is important, as we face the future, to ensure that the Occupational Safety and Health Administration will be an agency that makes a measurable difference in workplace safety and health. The following are guiding principles for achieving that aim.

1. OSHA's underlying goal should be prevention. Eliminating first-instance sanctions altogether would undercut basic prevention goals. However, for workplaces with effective preventive programs, penalties should be permitted to be waived for minor paperwork violations, mislabeling and similar violations.
2. OSHA's inspection and enforcement program should be focused to concentrate on the most serious hazards and the most dangerous workplaces. Exemptions from scheduled inspections should be considered based upon demonstration of an effective safety and health program through a carefully designed certification program which uses competent safety and health professionals.
3. Innovative and simplified approaches for compliance and safety management consulting services to small businesses need to be explored and pilot-tested.
4. OSHA's penalty system has been an important motivator in increasing employer compliance with safety and health standards. Penalties for egregious violations have been an especially important motivator and deterrent. Provided they are judiciously used, penalties (especially for egregious violations) should not be reduced.
5. OSHA must establish a long-term standard-setting plan which sets priorities based on health and safety needs, involves input from stakeholders and commits both technical and legal resources to implement it.

6. The general duty clause, and penalties for violating it, are an important, though limited, part of enforcement and compliance. In particular, this provision is needed to address new hazards not yet subject to specific standards, as was done before the lockout/tagout and confined spaces standards were promulgated.
7. OSHA's consulting and voluntary protection programs should be properly recognized and funded but, if requested by the employer, should not generate a compliance audit.
8. Research into the causes of workplace deaths, injuries and illness should continue. However, NIOSH, or any other research entity, must conduct research that is coordinated with standard-setting needs and OSHA's regulatory and policy agenda.
9. The current system for collecting data needs to be revised to provide more meaningful information to OSHA for purposes of prevention, standard-setting and compliance. A sensible system of data collection, which serves the needs of employers, employees, OSHA, NIOSH and prevention, must be developed.
10. Employer self-audits should be encouraged as part of any good safety and health program. OSHA should have very limited access to self-audit information under appropriate conditions and safeguards.
11. OSHA should respond to all employee complaints which concern valid safety and health hazards.
12. Lack of effective oversight by Congress has contributed greatly to OSHA's failure to have long-term policy direction over the years. Regular Congressional oversight which takes a long-range view of OSHA's goals and priorities is essential to achieving lasting reform for the agency.
13. Employee safety and health cannot be compromised: OSHA needs adequate funding to fulfill its responsibilities to both employers and employees.
14. Given the particular safety concerns in the mining industry, its unique inspection requirements and the relative success of the Mine Safety and Health Administration program, we believe it is important to preserve the special role MSHA plays.

We believe these guiding principles can be a framework for improving federal oversight of workplace safety and health.

The opinions stated within this document represent the views of the National Safety Council but not necessarily those of its individual members.

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