

## 5 SAFETY PROFESSIONALS AND IMPACTS OF THE LAW

### ANSWERS—QUIZ 1

1. a
2. a
3. b
4. a
5. a
6. d
7. d
8. d
9. a
10. d
11. Generally speaking, the safety professional needs to know and understand the relationship between the safety professional and the federal and state government agencies as how safety powers are divided between the two. The safety professional also needs to be familiar with key regulatory terms and understand who the potential adversaries are within his or her industry.
12. a. law—adopted by a state legislature or by the U.S. Congress, a law is the basis on which administrative agencies can take action.
- b. rule (or regulation)—an administrative agency's published decision concerning policies or actions that implement an existing law. A rule may be required by law or it may be delegated by Congress as an option to be taken at the discretion of the administrative agency.
- c. policy—often appears in a published statement, speech, or announcement in which the agency's leader directs employers to undertake to ensure the worker protections that the agency seeks.
- d. guidance document—may be used to send a message to affected firms to get to a particular outcome. These documents are not binding, so the agency is free to create exceptions or to allow other ways to apply the rule.
- e. precedent—relates to final decisions made by judges or administrative hearing officers in cases that are applied later to other cases based on similar facts.
- f. standards—often technical documents published by organizations such as the American National Standards Institute (ANSI). Compliance with standards is typically voluntary; however, precedent set by the judicial system could make compliance with a standard mandatory.
13. A safety professional well versed and educated in the safety regulations that apply to his or her industry can have a positive effect on the organization by stimulating extra effort toward reducing accidents in the workplace. Understanding the rules that apply to the workplace is a great beginning toward avoiding safety violations in the first place.
14. a. other than serious violation—that which has a direct relationship to job safety and health, but would not likely cause death or serious injury.
- b. serious violation—one where there is substantial probability that serious injury or death could result and the employer knew, or should have known, of the hazard.
- c. willful violation—one in which the employer knowingly commits or commits with indifference to the law.
- d. repeated violation—one that violates any standard, regulation, rule, or order, where upon reinspection, a similar violation can bring a fine up to \$70,000 for each such violation.
- e. failure to abate prior violation—one that may bring a civil penalty of up to \$7,000 per day the violation continues beyond the prescribed abatement date.
- f. de minimis violation—violations of standards that have no direct or immediate relationship to safety or health.
15. It is the responsibility of OSHA to write and promulgate legally enforceable standards. In doing so, OSHA works with the National Institute for Occupational Safety and Health (NIOSH), which conducts scientific research and technical assessments of risks on various safety and health issues. In other words, NIOSH provides research and technical assistance to OSHA and recommends standards for OSHA adoption based on that research.