

4 REGULATORY HISTORY

ANSWERS—QUIZ 1

1. a
2. b
3. b
4. b
5. a
6. b
7. c
8. c
9. d
10. b
11. d
12. The Occupational Safety and Health Act was signed into law December 29, 1970.
13. The Bureau of Labor Statistics (Department of Labor) is responsible for compiling injury and illness statistical data.
14. The three members of the Occupational Safety and Health Review Commission are appointed by the president and confirmed by the Senate.
15. The two levels of adjudication within OSHRC are the administrative law judge (ALJ) and the three-member commission.
16. Federal, state, and local government employees are excluded from coverage under the OSHA Act.
17. The purpose of these programs is to emphasize the importance of, encourage the improvement of, and recognize excellence in employer-provided, site-specific occupational safety and health programs.
18. The three VPP programs are (1) the Star program for the most fully compliant sites, (2) the Merit program for sites that aspire to achieve OSHA Star status, and (3) the Demonstration Project program for sites where alternate means of compliance are being demonstrated.
19. Employers must maintain the following records: (1) log and summary of occupational injuries and illnesses (OSHA Form 300); (2) supplementary record of each occupational injury or illness (OSHA Form 301 or state form); and (3) annual summary of the total number of occupational injuries and illnesses, which must be posted by February 1 of the following year and remain posted until March 1.
20. The legislature must not only appropriate an adequate budget, but in many cases must pass legislation enabling the state agency to carry out all the functions incorporated in the state plan.
21. List any three of the following of OSHA's major areas of authority:
 - to promulgate, modify, and revoke safety and health standards;
 - to conduct inspections and investigations, and to issue citations, including proposed penalties;
 - to require employers to keep records of safety and health data;
 - to petition the courts to restrain imminent danger situations;
 - to approve or reject state plans for programs under the Act;
 - to provide training and education to employers and employees;
 - to consult with employers, employees, and organizations regarding prevention of injuries and illnesses;
 - to grant funds to the states for identification of program needs and for plan development, experiments, demonstrations, administration, and operation of programs; and
 - to develop and maintain a statistics program for occupational safety and health.
22. Each employer covered by the OSHA Act has the general duty to furnish each employee with employment and places of employment free from recognized hazards causing or likely to cause death or serious physical harm.
23. OSHA's inspection priorities are as follows:
 - investigation of imminent dangers,
 - catastrophic and fatal accidents,
 - investigation of employee complaints,
 - programmed high-hazard inspections, and
 - re-inspections.

ANSWERS—QUIZ 2

1. a
2. a
3. a
4. b
5. a
6. a

7. c
8. b
9. b
10. a
11. The four pieces of environmental legislation are as follows:
 - Resource Conservation and Recovery Act (RCRA)
 - Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also known as Superfund)
 - Clean Air Act
 - Clean Water Act
12. Labels, material safety data sheets, and worker training are the three information components of a hazard communication program.
13. The plan should include a list of the major workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking and others), their control procedures, and the type of fire protection equipment or systems that can be used to control a fire.
14. The three primary characteristics are as follows:
 - limited or restricted means of entry or exit
 - large enough to enter and perform assigned work
 - not designed for continuous occupancy
15. Flammable, toxic, irritant and/or corrosive, and asphyxiating are the four categories of hazardous atmospheres that may be encountered in confined spaces.
16. The standard helps safeguard employees from the unexpected startup of machines or equipment or release of hazardous energy while performing servicing or maintenance.
17. The standard is intended to prevent or minimize the consequences of a catastrophic release of toxic, reactive, flammable, or explosive highly hazardous chemicals from a process.
18. The Mine Safety and Health Act was signed into law November 9, 1977.
19. The primary functions are as follows:
 - to develop and establish recommended occupational safety and health standards
 - to conduct research experiments and demonstrations related to occupational safety and health
 - to develop educational programs to provide an adequate supply of qualified personnel to carry out the purposes of the OSHAct
20. Factors include any of the following:
 - the number of worker fatalities, a work site catastrophe, or a large number of similar injuries or illnesses
 - a violation that results in high rates of injuries or illnesses
 - the organization has an extreme history of workplace violations
 - the employer seriously disregarded workplace safety and health responsibilities
 - a large number of violations is found at the work site

ANSWERS—CASE STUDY

1. The OSHAct empowers OSHA to grant variances from the standards, providing that doing so would not degrade the purpose of the Act. OSHA can grant two types of variance—temporary and permanent.
2. Temporary variances are generally concerned with compliance with new standards. Employers may apply for an order granting a temporary variance if they can establish the following:
 - They cannot comply with the applicable standard because they do not have the personnel, equipment, or time to construct or alter facilities.
 - They are taking all available steps to protect employees against exposure covered by the standard.
 - Their own programs will bring them into compliance with the standard as soon as possible.
3. Variance orders can be granted if OSHA finds that employers have demonstrated, by a preponderance of evidence, that they will provide a place of employment as safe and healthful as the one that would exist if they complied with the standards.
4. Employer applications for a permanent variance order must contain at least the following:
 - name and address of the applicant,
 - address(es) of the place(s) of employment involved,

- description of the countermeasures used or proposed to be used by the applicant,
- statement showing how such countermeasures would provide a place of employment that is as safe and healthful as that required by the standard for which the variance is sought,
- certification that the employer has informed employees of the application,
- any request for a hearing, and
- description of how employees were informed of the application and of their right to petition for a hearing.