

OSHA AND THE OBAMA ADMINISTRATION

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What effect will the Obama Administration have on Occupational Safety & Health?

Before we project what we might see in the first term of the new administration, let us review the history of the Occupational Safety & Health Act of 1970 (OSHA).

The landmark act was developed near the end of the Johnson administration and strongly supported by organized labor and a robust Democratic Congress. OSHA became law April 28, 1971 under the new Nixon administration.

For the last eight years under George W. Bush, OSHA changed its personality to become more business friendly to try and achieve workplace safety in a cooperative government business partnership.

Under the new Obama administration and the new, pro-labor Democratic Congress our expectations are as follows.

- We expect to see more emphasis on facility inspections and higher fines for violations. There is a move afoot within OSHA to issue a citation for each and every employee exposed to a hazard.
- We project a revival of the ergonomic standard developed at the end of the Clinton administration (promptly repealed by the new Bush administration).

- Labor will continue its efforts to force OSHA to adopt a standard to address the hazards of combustible dust.
- Emphasis will be on updating the OSHA Personal Exposure Limits (PEL) standards more in line with the revisions the American Conference of Industrial Hygienists (ACGIH) have adopted
- We believe there will be increased use of this provision in accidents resulting in worker deaths. (Historically, OSHA has rarely used the criminal liability provision of the Act. This potential criminal liability provision has enabled the Environmental Protection Agency to leverage compliance requirements.)
- We expect this administration to work to expand OSHA to cover all state and municipal workers.

We believe we will see a more active emphasis on Occupational Safety and Health by this administration over the next four years. However, the adoption and implementation of new regulations may be slow.

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