

VIEWpoint

Bush Rolls Back Health & Safety Protections

by Jordan Barab

Almost 6,000 workers were killed in workplace accidents in 2002—far more Americans than were killed on September 11, 2001 and (so far) in the war in Iraq combined. Another 50,000-60,000 workers die each year from occupational diseases caused by asbestos, pesticides, solvents, and other chemicals.

Despite these numbers, the primary focus of the Bush administration has been not on addressing this preventable carnage, but rather on rolling back existing worker protections, halting any effort to fill ever-widening regulatory gaps, pulling resources from enforcement, and focusing their workplace safety efforts on lightening the regulatory "burden" on business.

SCRAPPING ERGONOMICS

The first of the Bush administration's attacks came just weeks after Bush's inauguration, as he signed his first major piece of legislation—the repeal of OSHA's ergonomics standard (standards are the guidelines OSHA sets to regulate workplace health and safety). It was the first time in OSHA's 30-year history that an existing workplace safety and health standard was rescinded.

The ergonomics standard was only the first of the regulatory rollbacks of the Bush administration. During Bush's first two years in office, OSHA abandoned work on 21 standards.

A regulation to protect health care, corrections, and social service workers from tuberculosis, on the verge of being issued by the Clinton administration, was removed from the regulatory agenda by Bush's OSHA, despite a recommendation from the National Institute of Medicine that OSHA issue the standard.

A standard that would have required employers to pay for the personal protective equipment required by OSHA standards—such as gloves, work boots and respirators—has been placed in limbo. This standard, which would have essentially codified past OSHA practice, had faced no serious opposition during hearings in 1999. Workers are now faced with using worn-out



equipment or paying for their own.

The only standard that OSHA continues to actively work on is hexavalent chromium, which causes cancer, and only because the agency is under court order to issue a standard.

COMPLIANCE PROGRAMS

Meanwhile, to substitute for standards, OSHA has been expanding its voluntary compliance programs. OSHA's voluntary programs go all the way back to the Reagan era with the founding of the Voluntary Protection Program in 1982.

Alliances, primarily with industry associations, are the newest program developed under the Bush administration as a substitute for issuing standards. Forty-one percent of OSHA's national alliances were ergonomics-related.

A recent Government Accounting Office study found that while participants reported that the voluntary programs were successful, there were no comprehensive data that would enable OSHA or the GAO to assess the real effectiveness of the programs. Despite this, an increasing share of OSHA's meager budget is going into these voluntary programs while the fraction devoted to enforcement shrinks.

INJURIES AND DEATHS

Another area of failure for the Bush administration is workplace safety for immigrants—especially Hispanics. Hispanic and Latino workers are much more likely to be injured or killed on the job than the average worker.

Mexican immigrant workers are particularly hard hit. A recent Associated

Press investigation showed that in the mid-1990s, Mexicans were about 30 percent more likely to die than native-born workers; now they are about 80 percent more likely.

While enforcement activities have not taken a major hit yet, the administration is increasingly de-emphasizing their importance. The core of the problem is that OSHA has always lacked the resources to carry out its mandate.

About 2,240 federal and state OSHA inspectors are responsible for enforcing the law at 8.1 million workplaces. According to an AFL-CIO analysis, at its current staffing and inspection levels, it would take federal OSHA 106 years to inspect each workplace under its jurisdiction just once.

Penalties for significant violations of the law remain low. In fiscal year 2003, serious violations of the OSH Act carried an average penalty of only \$871. According to the AFL-CIO, the average number of hours spent per inspection decreased between 1999 and 2003, as did the number of citations for willful violations.

ACROSS-THE-BOARD CUTS

More ominous, however, will be the effect of planned across-the-board cuts in future domestic programs, which will effectively shrink OSHA's pie while the agency increases resources devoted to voluntary activities.

OSHA's chronic failure to prosecute employers who cause fatalities through willful violations of OSHA standards was highlighted earlier this year in a *New York Times* investigation that showed that 93 percent of all fatalities caused by willful violations are not prosecuted as criminal violations.

In the world according to George W. Bush, there may no longer be any need for restrictive regulations and cumbersome enforcement. In Bush's world, all employers want to do the right thing. All they need is a few more fact sheets and voluntary programs. □

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