

OSHA leader's focus on making green jobs safe

By Edwin S. Hopson
Wyatt, Tarrant & Combs, LLP

Dr. David Michaels, recently confirmed Assistant Secretary of Labor for Occupational Safety and Health, delivered in December his first speech as OSHA Administrator at the Washington, D.C. NIOSH Going Green Workshop entitled, "Making Green Jobs Safe: Integrating Occupational Safety & Health into Green and Sustainability."

Dr. Michaels is an epidemiologist and former Professor of Environmental and Occupational Health at the George Washington University School of Public Health and Health Services, who directed the department's Project on Scientific Knowledge and Public Policy.

From 1998 to 2001, Dr. Michaels had served as Assistant Secretary of Energy for Environment, Safety and Health.

In his remarks, Dr. Michaels noted that Secretary of Labor Hilda Solis had just recently announced some \$55 million in green job grants which had been authorized by the American Recovery and Reinvestment Act of 2009. However, he identified his concern that this process must include integration of safety and health into green jobs by "defining, categorizing and tracking green jobs; evaluating green jobs, processes, and products; planning for early prevention; and adding safety and health to green benchmarks."

He also stated that "green jobs, which are a priority for this administration, provide us an opportunity to transform — not just change — all workplaces. I believe we must take this bold approach."

A number of steps were identified:

- Use our knowledge and skills to identify potential hazards as they emerge rather than wait years

for hazards to be completely characterized to let industries shift their responsibility or defer workplace protections by producing "doubt," instead of actively practicing prevention.

- Integration of worker safety and health concerns into green manufacturing, green construction and green energy by pushing worker health and safety as a critical, necessary, and recognized element of green design, green lifecycle analysis and green contracts.

The OSHA Administrator pointed out that while many people instinctively see green jobs as safe, when OSHA hears "weatherization and renovation," OSHA sees exposure to lead and asbestos; when OSHA hears "insulation," it thinks isocyanate exposure; when OSHA hears "rooftop solar power," it sees fall hazards; and when OSHA hears "wind energy," it sees lockout/tag out hazards.

Industrial hygiene is another area for concern. Today OSHA suspects that at least a couple of thousand high-use chemicals may present some threat to worker health. Yet, according to Dr. Michaels, OSHA "currently regulates about 500 chemicals, based mostly on science from the 1950s and 1960s."

Moreover, in the past 12 years, OSHA has issued only two chemical standards. Such a piecemeal approach is incomplete and inadequate, according to the OSHA Administrator.

To address these concerns, Dr. Michaels articulated a number of "Green Reform Principles":

1. Establishment of a permanent system where employers and workers come together, on a basis of mutual respect, to assess and abate hazards — a "Comprehensive Workplace Safety and Health Program."

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2. Improvements to chemical safety by working to enhance the information about chemicals to which American workers are exposed; this will be aided by the European Community's REACH program, which will provide industry and American workers with more and better information chemicals; the Globally Harmonized System of Classification and Labeling of Chemicals will also contribute consistency, efficiency, and more and better information about chemicals; and reforming the Toxic Substances Control Act.

3. Prevention through design, which asks: "why should we go back and expend precious time and resources retrofitting hazardous industries to make them safer when we have the ability and the opportunity to begin fresh and make work safe from start to finish?"

4. Rule making; creation of new standards after thorough input from scientists, engineers, academics, students, workers, and "sensible" employers.

5. Enhancing worker's voice in the workplace, which means providing better and more accurate information concerning hazards they face, more accurate reporting by companies of workplace injuries and illnesses, and training grants to include the green jobs sector.

According to Dr. Michaels, a recent Government Accountability Office study voiced serious concerns about incentive and disciplinary programs that discourage workers from reporting injuries and illnesses, as well as a GAO finding that a high percentage of health care providers reported being pressured by employers to under-diagnose and under-treat workers and otherwise manipulate information to avoid reporting injuries and illnesses on the OSHA log.

Thus, OSHA has launched a focused "National Emphasis Program" to take a hard look at incentive and disciplinary programs to ensure that they do not discourage workers from reporting workplace injuries and illnesses.

One can expect that these initiatives will find their way into the Kentucky OSH Program. ▲

OSHA amends Form 300 regarding posting, MSDs

By George J. Miller
Wyatt, Tarrant & Combs, LLP

Employers should be aware of two current developments relating to the OSHA Form 300. First,

with some exceptions, most employers must post their OSHA Form 300 from February 1, 2010 to April 30, 2010 in "each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material," per OSHA regulations.

Second, the federal Occupational Safety and Health Administration is proposing to revise its recordkeeping and reporting regulation by restoring a column on the OSHA Form 300 to better identify work-related musculoskeletal disorders (MSDs).

According to an announcement from federal OSHA, the proposed regulation would add a separate column to the form for employers to report MSDs.

Prior to 2001, injury and illness logs contained a column for reporting repetitive trauma injuries that included noise and MSDs. In 2001, noise-induced trauma and MSDs were given separate columns, but in 2003 the MSD column was deleted, leaving only the noise column (shown on the current form as "Hearing loss").

The current instructions for classifying injuries do not mention MSDs or state how they should be classified, although they state that, "Sprain and strain injuries to muscles, joints, and connective tissues are classified as injuries when they result from a slip, trip, fall or other similar accidents."

According to Assistant Secretary of Labor for OSHA, Dr. David Michaels, "Restoring the MSD column will improve the ability of workers and employers to identify and prevent work-related musculoskeletal disorders by providing simple and easily accessible information. It will also improve the accuracy and completeness of national work-related injury and illness data."

The proposed rule was published in the Federal Register on January 29, 2010. ▲

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