

Draft 05/15/95 noon

**PRESIDENT WILLIAM JEFFERSON CLINTON
REMARKS ON REINVENTING WORKER SAFETY REGULATION
STROMBERG SHEET METAL WORKS, INC., WASHINGTON, D.C.**

May 16, 1995

Protecting the safety and health this country's working men and women is a central obligation of government. To that end, today we are announcing major initiatives to reform the way we regulate worker safety -- innovative steps that will increase safety, promote public health, and cut red tape and paperwork.

The stakes are enormous. From the Triangle Shirtwaist Fire of 1912, which catalyzed the conscience of a nation, to the fire in Athens, North Carolina in 1992 that claimed the lives of xx poultry workers, we have recognized that government has a special responsibility to ensure that workers are not put in jeopardy. No one should have to endanger his or her personal health just to ensure their family's financial health. We cannot claim to value work if we devalue the health of our workers.

Yet over six thousand Americans are killed every year at work -- seventeen a day. 50,000 more people die from illnesses caused by exposure to workplace chemicals. And some six million Americans are injured. Injuries alone cost our economy more than \$110 billion a year. And many of these injuries are preventable.

The Occupational Safety and Health Administration has the difficult job of working to make sure that America's workplaces are safe. Since the agency was created with bipartisan support in 1970, enormous progress has been made. Workplace deaths have been cut in half. The cotton dust standard has virtually eliminated brown lung disease. Deaths of construction workers from collapsing trenches has been cut by a third. OSHA has had proud achievements. And today we reaffirm our commitment to the vigorous protection of worker safety in America.

But we also recognize that -- like other government agencies, like other regulatory agencies -- OSHA can and must change. In short, we have to replace yesterday's government with a new government that can meet the challenges of today and tomorrow. The way we have protected worker safety in the past 25 years is not necessarily the best way to do it in the next 25 years. Sometimes the rules have been too complex, too specific, for even the most diligent employer to follow. And in the past, government rewarded inspectors for writing citations more than ensuring safety.

So we must constantly innovate, finding new and better ways to protect our people. Last year, I asked the Vice-President to head a government-wide review of our regulatory agencies. In previous months, we announced initiatives to reform regulation of the environment and drugs and medical devices. Today, we are announcing dramatic initiatives

*Mike - Please
for examples
offer them
that's it
I can!*

E

to change the way we protect worker safety.

First and foremost, we are changing the fundamental operating philosophy of how we protect worker safety. Instead of relying on OSHA inspectors alone to police 6 million workplaces, we will challenge workers and managers to ensure a safe workplace. We will recognize that not all employers are the same. Our goal should be compliance, not punishment -- promoting safety, not producing piles of citations.

We will say to businesses: you have a choice. If you put in place a health and safety program at the workplace, involving your workers and diligently trying to find and fix hazards before an accident happens, OSHA will work as your partner. You will get reduced penalties -- or, in some cases, no penalties at all; you will be inspected rarely, if ever; you will get help in complying. But if a business chooses not to act responsibly, it will face vigorous enforcement -- serious consequences for serious violators.

This new approach is not based on abstract theory, but on experience. For the past two years, in Maine, OSHA offered this same choice -- partnership, or traditional enforcement -- to the most hazardous workplaces in the state. By assuming the obligations of safety themselves, workers and managers at the 200 businesses have identified and fixed fourteen times more hazards than would have been found by government inspectors. Inspections are down; fines are down; but safety is up.

This was done because management, workers and government pulled together in partnership. Georgia Pacific's pulp and paper mill, chip and saw plant, and board production facility participated. With us today is Pete Correll, the CEO of Georgia Pacific, and the presidents of the three union locals involved: Gerald Greenlaw, Roger Keezer, Kevin Dean. Please stand up, and thank you for working together for safety.

To borrow an old political saying: when it comes to worker safety, as Maine goes, so goes the nation.

Second, we will make sure that worker safety rules are as simple, as sensible, as flexible as they can be. You have already heard how OSHA is repealing its requirement that ~~wooden ladders be painted~~ ~~its prohibition on plastic gas cans at workplaces~~ ~~but we cannot stop there~~. Today OSHA is announcing [27] other rules that it is repealing or substantially reworking. And as part of the page-by-page review that I ordered earlier this year, I expect to see dozens more rules on my desk, ready to fix or discard.

And third, our reinvention will extend to the way the men and women on the frontline work with employees and business to promote safety. We want results, not red tape -- prevention, not punishment.

So we're redesigning OSHA's offices -- five every quarter -- to produce safety, not just citations. We're cutting the time between complaint by a worker, and resolution of the

problem, in half.

We're focusing our inspections on the gravest hazards. Already, if a construction site has a strong health and safety program, inspections are limited to the biggest hazards -- lasting a few hours, not a few days. Now we will expand that to other industries as well.

And we're using common sense and market incentives to save lives. Last year, the OSHA office in Parsipanny, New Jersey had an idea: rather than finding a hazard, writing a citation, and then fighting for months about it, why not give the employer a financial incentive to fix it on the spot? That leads to more safety, and less hassle. Lives are already being saved. Today we will expand this "quick fix" program nationwide.

Giving employers a choice; common sense regulations; common sense enforcement -- that is the new OSHA, the right way to reform worker safety protection.

But even as we take these steps, the leadership of Congress is mounting a direct assault on our ability to protect the public. Responding to the entreaties of powerful interests, they are putting at risk the health and safety of ordinary Americans. They are trying not to reform worker protection, but to destroy it.

The budget proposed in the House and Senate would cut in half the funding for worker safety and health -- decimating enforcement, research, even compliance assistance.

Their budgets would even eliminate outright the National Institute on Occupational Safety and Health. They say they don't want red tape -- yet this here is an agency with no inspectors. They say they want better science to guide our work -- but this agency exists solely to study better ways to keep our workers safe.

And the regulatory legislation that is moving through Congress -- literally written by lobbyists -- would tie worker protection efforts up in knots. It would override every health and safety standard on the books, and let special interests dictate the regulatory process. They have proposed freezing all federal regulations, and have gone after worker protection standards with extra gusto.

They don't want rigorous reform; they want rigor mortis. We must do better in the way we protect workers: common sense, partnership, flexibility. Reform, yes -- bring it on. But rollback, no. A nation that values its workers cannot effectively end its worker safety program. And I won't let it happen.

If we take seriously our responsibility to protect workers, if we apply to this task the full innovative energies of the American workplace, if we work in partnership with employers and employees, then we can make the next twenty-five years a period of dramatic improvement in safety. We can't do that if we gut worker protections. But we can do it if we pull together. That is what I am committed to offering the American people.

" OSHA APPROVED GAS CANS "

Even though some local fire codes may allow construction sites to store gasoline in heavy polyurethane (plastic) containers, OSHA requires gasoline be stored at construction sites only in metal containers.

At non-construction sites, however, OSHA allows the use of polyurethane (plastic) containers for gasoline storage.

Ladders - 14 pages of regs in CFR -
on how to use a
ladder safely.
will be reduced

Safe

PACKAGE OF SHORT-TERM ACTIONS ON PROBLEMATIC OSHA REGULATIONS

	CONFLICTING REQUIREMENTS	
29 CFR 1926.152(a)(1), Flammable and Combustible Liquids	Construction regulation only permits metal safety cans to be used on construction sites for gasoline or other flammable liquids. Other regulations allow plastic cans to be used for this purpose in general industry	Suspend enforcement of construction provision and undertake appropriate rulemaking action
29 CFR 1910.109, Explosives and Blasting Agents	OSHA regulations may conflict with those of BATF and EPA	Initiate interagency discussions to resolve conflicts, eliminate duplication
29 CFR 1910.110, Storage and Handling of Liquefied Petroleum Gas	OSHA regulations may conflict with Department of Transportation regulations	Initiate interagency discussions to resolve conflicts
29 CFR 1910.111, Storage and Handling of Anhydrous Ammonia	OSHA regulations may conflict with Department of Transportation regulations	Initiate interagency discussions to resolve conflict
	OBSOLETE REGULATIONS	
Part of Appendix G, 29 CFR 1910.95, Noise Standard	Refers employers to list of State consultants that is years out of date	Delete list from Code of Federal Regulations
	INAPPROPRIATE PENALTIES	
29 CFR 1903.2(a), OSHA Poster	Employers may be cited for failure to display OSHA poster informing employees of their rights	Instruct compliance officers to hand employer a poster and not to cite if the employer then displays the poster
29 CFR 1926.1101, Asbestos Standard	Roofing employers may be cited for allowing their employees to chew gum, eat, or drink while working on a roof where asbestos is present	Instruct compliance officers to cite this provision only under very limited circumstances, where high levels of asbestos in the work area create an ingestion hazard

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* 29 CFR 1910.1200(g)(1), Hazard Communication Standard	Employers may be cited for not having a Material Safety Data Sheet (MSDS) for consumer products such as dishwashing detergent or for articles such as bricks or lumber	Instruct compliance officers to cite only in limited circumstances, where product is used in an unusual way that creates a hazard for employees
* 29 CFR 1926.50(f), Medical Services	Employers may be cited for not posting the phone number for obtaining emergency aid, even though use of the "911" number is nearly universal in the U.S.	Instruct compliance officers to limit enforcement of this provision to circumstances where the "911" number does not apply
29 CFR 1926.50(d)(1); 29 CFR 1910.151(b), Physician Approval of First Aid Kits	Employers may be cited because the contents of their first aid kits have not been "certified" by a physician	Suspend enforcement of these provisions and <u>undertake appropriate rulemaking action</u>
	UNNECESSARY PAPERWORK	
13 Carcinogens Standards: 29 CFR 1910.1003(f)(1), 4-Nitrobiphenyl	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1004(f)(1), a-Naphthylamine	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1006(f)(1), Methyl chloromethyl ether	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action

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29 CFR 1910.1007(f)(1), Dichloro-benzidine	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1008(f)(1), bis-Chloromethyl ether	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1009(f)(1), b-Naphthylamine	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1010(f)(1), Benzidine	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1011(f)(1), 4-Aminodiphenyl	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1012(f)(1), Ethylencimine	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action

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29 CFR 1910.1013(f)(1), b-Propiolactone	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1014(f)(1), 2-Acetylaminofluorene	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1015(f)(1), 4-Dimethylaminoazobenzene	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
29 CFR 1910.1016(f)(1), N-Nitrosodimethylamine	Requires employers to file written reports to OSHA if they change the location of hazardous materials in the plant or if the number of employees working with the material changes	Suspend enforcement of this requirement and undertake appropriate rulemaking action
OUTDATED MEDICAL REQUIREMENTS		
29 CFR 1910.1029(j)(3), Coke Oven Emissions Standard	Requires employees exposed to coke oven emissions to undergo chest x-rays and to have sputum cytology tests. These tests, or the frequency required, may not be appropriate	Suspend enforcement of these provisions and undertake appropriate rulemaking action
29 CFR 1910.1018(n), Arsenic Standard	Requires employees exposed to arsenic to undergo chest x-rays and to have sputum cytology tests. These tests, or the frequency required, may not be appropriate	Suspend enforcement of these provisions and undertake appropriate rulemaking action

Final

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**PHOTOCOPY
PRESERVATION**

- Acknowledge **Vice-President**

-Secretary **Reich**

- OSHA Administrator Joseph **Dear** -- Joe Dear has

one of the toughest jobs in town. He is dedicated

and tough. And I want to say that you are carrying

out our policy and I appreciate it.

- Robert **Gawne** - president of Stromberg Sheet

Metal Works

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You've already heard from the Vice-President that

OSHA will now allow plastic gas cans on construction sites.

And until now, OSHA required that worksite first aid kits be approved by a doctor; from now on, they can be bought in a drugstore. This is just a down payment.

As part of the page-by-page review that I ordered earlier this year, on June first I expect to see dozens more rules on my desk, ready to fix or discard.

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