

**ARCHIVE FILES FOR MICHAEL T. SCHMIDT
BOX 6 OF 13**

Issue: OSHA Regulatory Reform -- Reinventing OSHA
Contents: Background Papers, Meeting Notes, Memos on National Performance
Review Reinventing OSHA Initiative

Issue: Territories
Contents: Misc Meeting Notes on Territories

7344
~~CONFIDENTIAL - FOR OFFICIAL USE ONLY~~
NAT 5186

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

The New OSHA

Reinventing

WORKER SAFETY AND HEALTH



PRESIDENT BILL CLINTON
VICE PRESIDENT AL GORE

May 1995

COMMON SENSE AT WORK

THE NEED FOR OSHA - THE NEED FOR OSHA TO CHANGE

OSHA's mission has been clear and unwavering for the nearly twenty-five years since Congress acted in 1970 "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." That mission -- **to save lives, prevent injuries and illnesses, and to protect the health of America's workers** -- remains vital today.

OSHA and its 25 State partners have had substantial success. Injuries and illnesses on the job decline by 22% in the three years following an OSHA inspection of a workplace which resulted in penalties. OSHA standards, such as the lead, cotton dust and grain dust standards, have resulted in sharp decreases in injuries, illnesses and deaths. Overall injury and illness rates have declined in the industries where OSHA has concentrated its attention but have remained unchanged or have actually increased in the industries where OSHA has had less presence.

OSHA's pride in its accomplishments are tempered by two realities.

First, despite progress every year there are still over 6,000 deaths from workplace injuries¹, an estimated 50,000 deaths from illnesses caused by workplace chemical exposures², and 6 million non-fatal workplace injuries³. Injuries alone cost the economy more than \$110 billion a year⁴. These numbers are too high, because most workplace injuries and illnesses are predictable and preventable. Workplaces with average rates of injuries and illnesses are not performing adequately and must be encouraged to make breakthrough improvements.

Second, in the public's view OSHA has been driven by numbers and rules, not by smart enforcement and results. Business complains about overzealous enforcement and burdensome rules, while worker advocates complain about lax enforcement and weak standards. Many people see OSHA as the agency so tied up in its own red tape that it has lost sight of its own mission.

¹Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 1993

²Estimates derived from Doll and Peto, JNCI, 6/81; Higgenson, Prev Med 9, 1980; Landrigan and Baker, JAMA, 8/7/91.

³Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 1993

⁴National Safety Council, Accident Facts, 1994

Confronted by these two realities, OSHA has set two goals. First, it will reaffirm the validity of its mission by drawing national attention to the leading causes of workplace death, injury and disease. Second, it will strengthen public confidence by focusing on the most important problems, providing encouragement and incentives to employers who want to work with the agency as partners, and enforcing the law in a firm, consistent and reasonable manner.

OSHA cannot meet these goals unless it changes the way it does business. The Agency will do this by pursuing three linked strategies.

Choose Your OSHA: OSHA will change its fundamental operating paradigm from one of command and control to one which provides employers a real choice between a partnership or a traditional enforcement relationship.

Common Sense Regulation: OSHA will change its approach to regulations by identifying clear and sensible priorities; focusing on key building block rules; eliminating or fixing out of date and confusing standards; emphasizing plain language; and relying on cooperative partnerships.

Results, Not Red Tape: OSHA will change the way it works on a day to day basis by focusing on the most serious hazards and the most dangerous workplaces and by insisting on results instead of red tape.

OSHA is not changing direction because it has changed its ultimate destination, but in order to reach this destination in a better way. That destination - an America whose workplaces, as far as possible, are free from recognized hazards that are causing or likely to cause death or serious physical harm - must be kept in sight at all times. To do this OSHA has identified several critical landmarks.

- Many injuries, illnesses and deaths still occur as a result of hazards which are widely recognized and/or covered by existing rules but which are nonetheless inadequately controlled. The Bureau of Labor Statistics, for example, reported in April that more than half of the nation's most serious nonfatal injuries are caused by falls, overexertion or being struck by objects. OSHA intends to encourage employers to adopt the best practices of their peers who have developed effective, comprehensive worksite safety and health programs which rely on management commitment and employee participation to find and fix recognized hazards

- Substantial safety and health problems exist in industry sectors where OSHA has had minimal presence. For example, the Bureau of Labor Statistics reported that in 1993 six of the ten industries with the largest numbers of workplace injuries were in the service sector. Nursing home workers had a higher lost workday injury rate than those in paper mills, blast furnaces, steel mills, metal mining or the manufacture of durable goods. OSHA intends to work strategically with industry and labor leaders to develop cooperative programs, collaborative training and education, focused enforcement and meaningful standards to address these problems.

- Work related musculoskeletal disorders (such as tendinitis, carpal tunnel syndrome and low back pain) are leading causes of pain, suffering and disability in the workplace today. BLS estimated that more than 700,000 repetitive trauma or overexertion cases resulted in lost workdays in 1993. Back problems by themselves account for 16% of all workers compensation claims and 33% of the costs. Ergonomics, the science of designing jobs to fit people, provides tools to address these problems. OSHA is committed to working with business and labor on ergonomics initiatives, including training and education, technical assistance and the development of a sensible standard.

OSHA's program initiatives (**Choose Your OSHA** and **Common Sense Regulation**) and its commitment to fundamental organizational changes (**Results, Not Red Tape**) are the tools to address these national safety and health problems.

CHOOSE YOUR OSHA - PARTNERSHIP OR STRONG, TRADITIONAL ENFORCEMENT

Introduction. OSHA recognizes that workplaces differ widely with regard to their hazards and the performance of their employers in finding and fixing them. OSHA believes that it needs to change its fundamental operating paradigm from one of command and control to one which acknowledges these differences among employers. OSHA has therefore designed several programs which ensure that employers who implement effective safety and health programs which prevent injuries and illnesses will be treated differently from those who do not. These programs vary in their details but have three central features.

First these programs **offer employers a clear choice**. Those who choose to work with their employees and with OSHA in reducing injuries and illnesses will find OSHA to be a willing partner. But for those employers who choose to disregard their responsibility for a safe and healthful workplace OSHA will use strong and traditional enforcement to seek compliance with safe and healthful work practices.

Second, these programs seek to **match OSHA's level of safety and health partnership to that offered by the employer.** For that small group of employers who are truly exceptional in eliminating hazards and reducing injuries and illnesses, OSHA will provide special recognition including the lowest priority for enforcement inspections, the highest priority for assistance and penalty reductions of up to 100%. For the larger group who have problems but are trying to improve or are willing to do so, OSHA will offer a sliding scale of incentives depending upon the degree to which the employer demonstrates real efforts to find and fix hazards. For those who have a history of endangering their employees and are unwilling to change, there will be no partnership and OSHA will enforce the law without compromise.

Third, in all these efforts OSHA will **encourage the implementation of comprehensive safety and health programs** in which employers and employees work together to find the best solutions to the particular problems of their workplace. OSHA will be looking for programs with these features: meaningful participation of employees; a systematic effort to find safety and health hazards whether they are covered by existing standards or not; documentation that the identified hazards are fixed; training for employees; and ultimately a reduction in injuries and illnesses.

In each of these endeavors, OSHA's consultation program will continue to play a major role, particularly in assisting employers in the implementation of comprehensive safety and health programs, as well as other requests for assistance.

Establishing OSHA's Presence in Non-Traditional Sectors. In recent years, service industries have experienced an explosive growth in this country, posing new safety and health challenges for industry, labor and government. Although OSHA has concentrated its scarce resources in the past on more traditional workplaces (e.g., manufacturing and construction) and traditional hazards (e.g., machine guarding, fall hazards), it must now meet these emerging challenges. Service sector employees in health care, fast food, and automobile repair facilities experience injury and illness rates equaling or exceeding those in high-hazard manufacturing industries such as steel, textiles, and paper. OSHA will therefore design a coordinated program to extend its presence in the service sector of the economy, including (1) demonstration and training efforts for representatives of labor and industry in these new industrial sectors (2) leveraging resources through the use of industry trade associations and various other national associations, in providing program models and other forms of assistance (3) promoting model facilities and providing technical assistance through the agency's Voluntary Protection Program and consultation program, and (4) focusing enforcement efforts through the mechanism of national and local emphasis programs.

Serious Consequences for Serious Violators. OSHA will concentrate its sternest enforcement efforts on the worst violators: employers who exploit their employees by failing to provide them with safe and healthful workplaces. In carrying out its enforcement responsibilities, OSHA assesses penalties that are sufficiently high to deter violations and promote voluntary compliance by employers. However, in "egregious" cases and other significant enforcement actions, OSHA uses the full weight of the Occupational Safety and Health Act to force recalcitrant employers into compliance with the law. Such treatment sends a strong message to the rest of the employer community that OSHA will not tolerate behavior which exposes employees to the threat of serious injury or illness. OSHA and the Office of the Solicitor of Labor are working together using a recently-implemented Enforcement-Litigation Strategy to ensure that agency resources are devoted where they are most needed--to prosecute employers who are found to be disregarding their responsibilities toward their employees.

Initiatives

♦ Nationalize the "Maine 200" Concept.

OSHA's Maine 200 and Wisconsin 200 programs are examples which offer a real choice for employers who seriously want to work with OSHA to reduce injuries and illnesses. Nearly 60% of the employers participating in the Maine 200 program have reduced their injury and illness rates. The Boise Cascade Company's mill in Rumsford, Maine, after receiving an egregious citation for violations of safety and health standards, developed a renewed commitment to improve safety and was able to reduce its illness and injury rate by 98%. OSHA is taking the most successful features of these programs - using worksite specific data to help identify high hazard workplaces; providing information to employers about effective safety and health programs; offering employers a choice in how they want to work with OSHA; ensuring management commitment and worker involvement; modifying enforcement policies for high performance employers - and expanding them nationwide.

♦ Focused Inspections for Employers with Effective Safety and Health Programs.

OSHA will expand programs that focus on identifying and eliminating the most serious workplace hazards, and that prove effective in reducing worker deaths, injuries, and illnesses. The Focused Inspections in Construction program, implemented in 1994, concentrated the agency's resources on the most serious hazards within a dangerous industry and at the same time gave incentives to contractors to implement comprehensive safety and health programs. Where an effective program is found to be operating onsite, OSHA conducts an inspection limited to the top four hazards which kill workers in the construction industry--falls

from heights, electrocution, crushing injuries (e.g. trench cave-ins) and being struck by material or equipment. If these hazards are well controlled, the inspector closes the inspection promptly and leaves the site. Conversely, where a safety and health program is not established or is ineffective, a complete site inspection is conducted. OSHA will be expanding the focused inspection concept to other employment sectors and will work with targeted industries--chosen based on their accident and illness rates and other data--to (1) encourage the adoption of effective safety and health programs and (2) identify the most serious hazards in those industries for focused attention during inspections. Development of recommendations for the Assistant Secretary will be made by the Enforcement/Litigation Strategy Standing Committee in July with implementation of a focused inspection program in selected industry sectors targeted for October 1995.

♦ **Monetary Incentives for Employers with Superior Safety and Health Programs.**

If OSHA finds, during the course of a workplace inspection, that an employer has implemented a superior safety and health program, it will grant large reductions--up to 100%--in the penalties that would otherwise be assessed for any violations found. Penalties will be eliminated entirely for violations that do not involve significant safety or health threats to workers and citations will not be issued for such violations if corrected during the course of the inspection. To qualify, the employer's program must include each of the recognized elements of a good safety and health program, which must be effective in practice and not just on paper. As evidence, OSHA will expect to find that the workplace has a low injury and illness rate; that the workplace has not been cited in the past three years for the gravest types of violations; that the inspection was not prompted by an employee fatality or catastrophic accident; that any violations found in the current inspection are comparatively minor; and that the employer is prepared to correct any violations found.

COMMON SENSE REGULATION

To develop standards which make real sense to real people OSHA has established a five point regulatory strategy - identify clear and sensible priorities; focus on key building block rules; eliminate or fix out of date or confusing standards; emphasize plain language; and rely on cooperative partnerships.

Initiatives

♦ **Priority Planning Process**

Clear and Sensible Priorities: OSHA has been working together with over 200 stakeholders in business, labor, professional associations and State

government to identify the most pressing new priorities for agency action. Some of these will be scheduled for rulemaking, but the majority will be addressed through comprehensive workplans developed together with labor and industry without rulemaking at this time. Some of the issues suggested for priority attention include workplace violence, occupational asthma, reproductive hazards, metalworking fluids, asphalt fumes, commercial diving, welding hazards, and motor vehicle accidents. OSHA will identify its major new priorities within three months and develop work plans to address each of them within nine months.

♦ **Regulatory Strategy**

- **A Logical Framework of Basic Building Blocks:** OSHA is working together with business and labor to develop a rule for employer safety and health programs which will set minimum requirements for finding and fixing workplace hazards in order to reduce injuries and illnesses on the job. This rule for the first time will provide employers who want to understand and comply with OSHA regulations a clear starting place and a roadmap through the rest of the rules. It will be a flexible, performance based rule developed through partnership with business and labor. It will, however, be sufficiently specific so that employers will understand OSHA's basic expectations and will know how to meet them. As part of this project OSHA will consolidate many of the requirements for training programs, maintenance of records, and medical surveillance which are now scattered throughout many standards in an uncoordinated fashion.
- **Action on Confusing and Out of Date Standards:** At the request of the President, OSHA is in the process of reviewing over 600 standards to identify those which need to be revoked or revised because they are obsolete, confusing, inconsistent or duplicative. While the full report will not be ready until June 1, several promising actions can be announced at this time. First, OSHA will act immediately to fix a dozen regulatory provisions which are most obviously in need of repair and can be handled quickly. For example, **[LIST SEVERAL EXAMPLES HERE]** Second, OSHA will eliminate hundreds of pages of duplicative rules which simply add pages to the rulebook without adding any worker protection. Because many stakeholders requested these extra pages so that industry specific rules could be grouped together for easy reference, OSHA will only eliminate the duplications when it is able to provide industry specific compilations in some other way. Third, OSHA will convene a working group of its National Advisory Committee on Safety and Health to identify ways to improve hazard communication in the workplace. The working group will be asked to provide OSHA with recommendations in six months to simplify material safety data sheets, reduce the amount of required paperwork, improve the effectiveness of worker training, and revise enforcement policies to focus on the most serious hazards.

- **Emphasis on Plain Language:** OSHA has used focus group methods to assess problems with the readability and format of its rules. OSHA will develop methods and programs within one year to make sure that no new rules are published until representative employers and employees have agreed that they are written clearly.
- **Greater Use of Cooperative Partnerships:** OSHA will use a variety of methods to work together with business, labor, State governments and the professional community in the development of its rules. In some cases this will mean formal negotiated rulemaking, while in others OSHA will use more informal consensual methods. OSHA will put the most intensive effort into developing its most important, high impact rules - such as Safety and Health Programs and Ergonomic Protection - through partnerships. For example, the Keystone Center has been working with OSHA to facilitate the development of its Recordkeeping proposal and has offered to organize a dialogue process which will help business, labor and OSHA in developing the Safety and Health Programs rule.

RESULTS, NOT RED TAPE

OSHA is changing the way it conducts its business to focus on getting the results we all want -- improvements in the working conditions of the nation's employees that result in a reduction in injuries, illnesses and deaths. At the same time, the agency will deemphasize the processes and red tape that are involved in achieving those results. These changes are occurring throughout OSHA on a number of fronts.

In enforcement, citations for violations of purely paperwork requirements are declining. OSHA inspectors no longer penalize employers who have not put up the required OSHA poster if the employer agrees to post it right away. OSHA has issued new inspection guidelines to assure that employers are not fined for failure to have a material safety data sheet for a common consumer product which is used as it would be used in the home.

OSHA inspectors have been told clearly that there are no inspection quotas, that their performance will not be judged by the number of citations and fines they issue but by their success in finding and reducing hazards associated with injuries and illnesses. By changing some of its enforcement practices which have been perceived by employers as petty and burdensome, OSHA will be able to focus more attention on the worst hazards at the worst workplaces.

One of the best examples of accomplishing results instead of focusing on bureaucratic processes is OSHA's Voluntary Protection Program (VPP). Not only do workplaces involved in this program consistently achieve superior status in the safety

and health field, but they also accomplish broader objectives, such as overall economic savings, and improvements in production, workplace morale and employer-employee relations.

To help the agency accurately gauge the success of its endeavors, OSHA is in the process of developing a comprehensive performance measurement system that will shift much of the focus from tracking activities to monitoring results. In the past, OSHA used enforcement statistics, such as the number of inspections, to assess its effectiveness, even though these numbers do not directly relate to OSHA's goal of reducing fatalities, injuries and illnesses. Under the revised system, which will be phased in over the next several years, OSHA will have information that will improve the agency's ability to quantify its successes, identify the most efficient and effective program mix, and promote the development of programs and policies based on solid, objective information.

Focusing on results will require OSHA to promote strategies that are designed to enhance worker participation in activities to achieve safe and healthful workplaces. Employees have an obvious and immediate interest in working with their employers to improve safety and health at their own establishments, since their very lives and livelihoods are at stake. Moreover, workers possess a keen awareness of the many hazards to which they are exposed during the course of their operations. Tapping into that important and informed resource, many firms have achieved successful results with innovative approaches that involve safety and health programs and cooperative efforts between management and labor. OSHA will take steps to promote a heightened sense of awareness among its own staff of the need for increased employee participation in safety and health activities. In particular, agency staff will redouble their efforts to explain to workers their rights to participate during enforcement proceedings. In addition, OSHA will impress upon its staff the important role of anti-discrimination activities in promoting full employee participation. The agency also will examine changes to strengthen the Act's present provisions, clarifying workers' rights to refuse dangerous work and by providing for administrative ruling on the merits of discrimination, instead of the cumbersome process of pursuing redress through the District Courts. Without strong anti-discrimination protection, some employees will not participate in safety and health activities because of the potential for retaliatory action by their employer.

OSHA will establish a new relationship with its state plan partners, including encouragement to experiment with innovative ways to prevent injuries and illnesses. The OSHA program is delivered in 40% of the Nation's workplaces by the 25 States that operate OSHA-approved State plans. Instead of monitoring the states by comparing federal and state activities, OSHA will assess results in each state and will encourage innovations by states that increase the effectiveness of their programs in ways that may differ from the federal practice if they are likely to reduce injuries and illnesses.

OSHA will build cooperative initiatives with private sector organizations with a stake in occupational safety and health. For example, OSHA will work with workers' compensation insurers to inform employers of the key elements of an effective hazard recognition and control program. OSHA will undertake a pilot program with professional organizations to provide "pro-bono" training to smaller employers. In addition, the agency is currently increasing the number of OSHA Education Centers, which provide training to employers and employees on various safety and health topics. At least one of these centers is located in each OSHA region and others will be added in the future. OSHA's consultation program, as noted earlier, will also continue to respond to the increasing demand for safety and health information from employers and employees.

Initiatives

♦ Field Office Redesign -- Getting Results and Improving Performance (GRIP)

OSHA understands that real change will result only by reinventing the way its own staff performs. OSHA is redesigning the structure and operation of its area offices to provide better public service and to increase its ability to reduce injuries, illnesses and deaths in the workplace. A team of agency workers and managers has developed a model area office which is now being tested in seven pilot offices before expansion to all of OSHA's 66 area offices. The model redesign has four main components: 1) use of problem-solving techniques and data analysis to identify and address the leading causes of death, injury, and illness; 2) use of technologies such as computers and video cameras to streamline work processes; 3) organizing the staff into specialized Response Teams that will focus on public service activities and Strategic Intervention Teams that will target agency initiatives and problem-solving strategies; and 4) evaluating performance on the basis of data and actual results achieved, not just the number of agency activities.

♦ Monetary Incentives for Fixing Hazards Quickly

As an incentive to abate hazards immediately, OSHA has successfully experimented with a "quick fix" program. Using this model, compliance officers reduce penalties for violations that are abated during the inspection. This policy encourages employers to increase employee protection immediately and makes OSHA work better and cost less. The Agency is planning to implement the policy throughout the nation by July 1, 1995.

♦ Improvements in Enforcement Targeting System

OSHA will improve the system it uses to identify and target agency

enforcement action to those employers who have serious workplace problems and refuse to correct them. OSHA's current industry-based targeting system treats all employers in an industry group alike, regardless of their individual safety and health performance. However, in every industry some workplaces are more hazardous than others, and it is these unsafe employers who must be singled out for strong enforcement action. Relying on data that the agency will begin collecting in Fiscal Year 1995 from a variety of internal and external sources, including data from State workers' compensation agencies, the agency will focus its enforcement activities on those particular employers with excessive rates of workplace injury and illness and a record of serious and repeated OSHA violations. This will vastly improve OSHA's ability to foreclose the low road to employers who ignore safety and health rules and put their employees at risk. In Fiscal Year 1996, OSHA expects to refine the system further by collecting injury and illness data directly from employers.

◆ **Hazard Communication Partnership and Initiatives**

OSHA's experience with the Hazard Communication Standard (HCS) calls for innovative and sensible approaches to meet the needs of the regulated community, particularly small business. The HCS covers more workers than any other health standard -- 35 million workers exposed to 650,000 hazardous chemicals in 3.5 million establishments. The standard, as intended, has resulted in a large increase in awareness among employers and employees about workplace hazard recognition and control. It has stimulated training programs, labeling efforts, engineering controls of chemical exposures and appropriate use of personal protective equipment.

OSHA is establishing a new Hazard Communication compliance assistance effort that addresses the most frequently identified impediments to sensible and easy compliance. These include Material Safety Data Sheets that are too technical and vary widely in content and format, the inadvertent inclusion of chemicals that are not hazardous, and extensive paperwork responsibilities. OSHA will no longer require that employers maintain a file of MSDS's for all hazardous chemicals in use at a facility. Instead, if such sheets are available (from central offices, manufacturers, suppliers or special services) within 24 hours upon request, or immediately in an emergency, OSHA will deem employers to have met their obligation under the standard.

The effort will see OSHA convening an expert advisory committee to provide consensus recommendations on understandable, accessible and accurate labels and MSDS's, electronic transmission of MSDS's, effective worker training programs, and means to decrease compliance burdens without sacrificing employer protections. A small business initiative will assist small business employers with HCS compliance. The initiative will include coordination with the

Small Business Administration and partnerships with local Chambers of Commerce, enhanced state consultation assistance efforts, and an updated HCS Compliance Kit for small businesses. In addition OSHA is implementing common sense enforcement policies that recognize sensible enforcement procedures and eliminates burdensome compliance. The fourth piece of the HCS initiative centers on OSHA's continuing leadership role in the international harmonization of hazard communication requirements -- an effort that will lead to enhanced opportunities for U.S. industries to compete in world markets.

♦ **Ergonomic Assistance and Enforcement**

OSHA will build and implement a sensible and versatile strategy for the control of work-related musculoskeletal disorders. The number of ergonomically-related disorders is increasing dramatically as evidenced by 63% of new occupational illnesses reported to BLS in 1992 were disorders associated with repeated trauma. In 1992, nearly 400,000 back injuries related to lifting were reported to BLS. The average cost to business is \$29,000 per musculoskeletal disorder. OSHA's sweeping effort will use every OSHA tool to shape an ergonomic strategy that rewards high performance employers, recognizes employers requesting assistance, and fairly addresses employers who fail to keep workplaces free of recognized and serious ergonomically-related hazards. OSHA will continue development of a rule that addresses work-related musculoskeletal disorders.

♦ **Compliance Assistance Through Information Technology**

The agency has implemented a number of other information-dissemination projects and plans to undertake new initiatives to improve the availability of safety and health data to the public through a variety of electronic means. These actions are needed in response to an increasing demand for safety and health information from employers, employees and many others to assist them in their efforts to provide working men and women with safe and healthful workplaces. OSHA recognizes that an informed safety and health community is better able to recognize and protect itself from workplace hazards. To illustrate this demand for information, one of the top selling items of the Government Printing Office since its introduction in 1992, is the OSHA CD-ROM, which provides in one convenient format, a wealth of information about occupational safety and health and OSHA regulations.

Specifically, OSHA will encourage more public involvement and input in the regulatory process by routinely disseminating the text of final and proposed standards through the OSHA CD-ROM and the Department of Labor Electronic Bulletin Board. To promote public awareness and analysis of OSHA's enforcement activities, OSHA is compiling its 20 years of enforcement data on a

2-disk CD-ROM set. To promote easy public access to OSHA standards and interpretations, OSHA is developing, in coordination with the Environmental Protection Agency, the OSHA System for Compliance Assistance and Referral (OSCAR). And, to provide special assistance to small businesses, OSHA is working with the Small Business Administration to provide the safety and health information via SBA's user-friendly Electronic Regulatory Information Network (ERIN).

PRINCIPLES FOR PROTECTING AMERICA'S WORKERS

1. OSHA's purpose is to save lives, prevent workplace injuries and illnesses, and protect the health of all America's workers. This includes efforts to protect groups of workers who are small and unorganized but who are particularly vulnerable or who face special hazards.
2. Whenever possible, OSHA will seek and expect implementation of hazard control strategies based upon primary prevention, i.e. strategies which focus on fixing the underlying causes of problems and reducing hazardous exposures at their source.
3. OSHA will initiate strategic, public-private partnerships to identify and encourage the spread of industry best practices to solve national problems.
4. Employee participation and involvement in safety and health is a key ingredient in effective programs.
5. All safety and health services, resources, rules and information must be readily accessible and understandable to employees, employers and OSHA's staff.
6. OSHA intends to be a performance oriented, data driven organization which places the highest premium on real results rather than activities and processes. OSHA's programs must be judged according to their success at eliminating hazards and reducing injuries and illnesses.

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

MEMORANDUM TO THE VICE-PRESIDENT

FROM: ROBERT B. REICH

RE: DEPARTMENT OF LABOR REGULATORY REFORM

I am pleased to present you with this memo detailing the Department of Labor's regulatory agenda. This memo is meant to serve as the basis for our March presentation and is designed to communicate four points: First, it outlines what we believe is at stake in the current regulatory reform debate. Second, it discusses some of the progress that OSHA and Wage & Hour have already made in reforming their regulatory structures. Third, it provides you with the framework that we hope to use as our model for future action. We look forward to working with you and your staff to refine and expand these regulatory reform proposals. Your leadership in creating a government that works better and costs less is appreciated - the times demand nothing short of this important goal.

I. WHATS AT STAKE

Simply put, the health, safety and livelihoods of millions of America's workers depend on our ability to make the best possible use of scarce public resources and give employers the flexibility to meet the demands of the new American economy.

OSHA has a vital role to play in protecting the health and safety of American workers. Since the agency was created in 1972, the number of workplace-related fatalities has decreased by half - OSHA is working. Without an energetic, clear-thinking public institution dedicated to the protection of American workers, the temptations for some employers to take the low road to profitability would simply be too great.

Similarly, the Wage Hour Administration has an important role to play in protecting the economic interests of vulnerable American workers. Wage & Hour enforces the Fair Labor Standards Act to make sure that American workers are treated with the level of fairness and respect that should be earned by a hard day's work. Importantly, Wage & Hour's mission has changed with the times to reflect an evolving economy.

When we talk about regulatory reform, let's keep in mind that both OSHA and the Wage & Hour Administration are protecting ideals and realities that make the difference between a decent life and a hellish life for millions of American workers. We must change these organizations to make them work better, and keep pace with a changing economy. But we must never retreat from the goals they embody.

Regulatory reform is critical because the old way of doing business simply does not fit in with the new economic realities. Our public institutions must adapt to the new realities just as the private sector has been doing over the past two decades. Resources are scarce. The voters are rightly demanding that we do better with less. We heard that message in 1992, and have already taken action on it. But there's more to do.

II. PROGRESS TO DATE

At OSHA, Joe Dear is well along in reinventing his agency, an effort which recently earned OSHA one of your hammer awards. Other important efforts include the following:

Fundamental shift in OSHA's approach -- We have already started to implement a fundamental shift in the way OSHA approaches safety and health regulation.

Given the gap between OSHA's resources and responsibilities, we are deemphasizing inspections and emphasizing cooperation and flexibility.

Better-targeting of OSHA resources -- In the construction industry, for example, at sites with safety and health programs and a record of responsible performance, we are focusing inspections on the four most serious hazards instead of spending time on the large number of less important regulatory requirements. These four areas account for 90% of construction-related fatalities.

Focusing on common-sense results -- We are training OSHA inspectors to focus on the identification and abatement of real workplace hazards, not bureaucratic inputs, and moving away from paperwork citations to more common-sense enforcement.

At Wage & Hour, Maria Echaveste is also well on her way to shifting resources from a "one size fits all" enforcement strategy to one that concentrates on industries with the most vulnerable populations of workers. Other Wage & Hour efforts include:

Increasing the use of public education and outreach - In 1993, Wage and Hour and California state labor officials began a joint program to dramatically increase the effectiveness of public education campaigns and enforcement activities.

Updating regulations - Wage and Hour has also undertaken a review of all of its regulations to make them fit today's employers and workers, to make it clear where state regulations apply and where federal regulations apply, and to get rid of regulations that no longer make sense.

III. FRAMEWORK FOR FUTURE ACTION

These are a few of our successes at OSHA and Wage & Hour. But throughout the Department we are developing other ways to reduce the regulatory burden on employers. Examples include: 1) By eliminating reports and reengineering programs, OFCCP will save employers over 5.8 million hours in reduced reporting time; 2) At the Pension Welfare Benefits Administration, we will save employers another 500,000 hours by replacing a paper reporting system with an electronic filing system; 3) And by streamlining the alien certification program and charging user fees, we now expect to save more than \$223 million over the next five years. But these changes don't go far enough. We need to do more. And we will. Briefly, we plan to use the following framework in our next phase of regulatory reform:

1) **Make the high road pay** -- We know that the majority of business people want to do the right thing by their workers. The high road to competitiveness is the right road for workers, and for the economy as a whole. But a minority of bad actors opt for the low road, seeking short-term advantage through lower wages and benefits, risky workplaces, and worse working conditions. Our rules and regulations have to make it pay to take the high road, by minimizing the burden on the responsible majority, and zeroing in on the cynical minority of businesses.

2) **Weed out rules that don't make sense and aren't needed** -- Nobody sets out to write rules that don't make sense. But times change. The economy evolves. Companies adapt. And sometimes, regulators just make mistakes. So any set of regulations accumulates unnecessary rules. That's normal. Our responsibility is to comb through the rules to get rid of what's not needed and update what's obsolete.

3) **Focus on results, not process** -- In government, as in business, it's results that counts. Are workers safe from avoidable injuries and illness? Are they fairly paid? There's seldom just one way to achieve those results. And when there's more than one way, there's often a better way. We need to learn from our own experience, and from the lessons we get from companies and workers, about better ways to achieve the results we value.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

The New OSHA

Reinventing

WORKER SAFETY AND HEALTH



PRESIDENT BILL CLINTON
VICE PRESIDENT AL GORE

May 1995