



**Testimony of the
American Society of Safety Engineers
before the
Subcommittee on Employment and Workplace Safety
of the
Senate Committee on Health, Education, Labor and Pensions
“Is OSHA Working for Working People”
April 26, 2007**

Chairwoman Murray and Members of the Committee:

My name is Thomas F. Cecich. I have been a practicing safety professional for over 35 years and am a retired vice president of the pharmaceutical company GlaxoSmithKline where I had responsibility for Environment, Health and Safety Global Business Support. I am a Certified Safety Professional and Certified Industrial Hygienist who is currently a safety and health management consultant. I speak today on behalf of the American Society of Safety Engineers (ASSE), which I serve as Chair of its Government Affairs Committee. ASSE represents more than 30,000 safety, health and environmental (SH+E) professionals dedicated to seeing that every worker has the best possible opportunity to go home healthy and safe each day from their jobs. Founded in 1911, the Society is the largest and oldest safety organization. Our thirteen practice specialty areas include construction, transportation, manufacturing, and health care, and our members include in-house safety professionals, representatives of labor, academia, and the public sector.

We highly commend the Subcommittee for taking this opportunity today to look critically at occupational safety and health issues. We hope that this inquiry can lead to legislative initiatives that proceed in a bipartisan manner and help cement what should be a meaningful partnership between the Occupational Safety and Health Administration (OSHA), labor, management and SH&E professionals like our members. Such cooperative efforts can work to bring down the number of deaths, injuries and illnesses among this nation's working people.

From the viewpoint of an SH&E professional, achieving safe and healthy workplaces requires the involvement at all levels of an organization from senior leadership, middle management, line supervision, workers and contractors. Everyone in an organization has an appropriate role in minimizing risks in safe workplaces. Likewise, safety professionals have long understood that there is no single safety program element that will always work to achieve that goal. Safety professionals work with management to ensure adequate leadership and resources are provided to identify and reduce workplace risks. Safety professionals work to build relationships with all organizational stakeholders – management, workers, staff professionals, and contractors – to encourage safe work practices and behaviors.

Safety professionals also develop and present training programs to educate workers and management about workplace risks and necessary corrective actions. Safety professionals help management set meaningful and firm workplace safety and health standards that are designed to eliminate or minimize the threat of workplace injuries and illnesses. Finally, safety professionals support management in assessing compliance with established safety rules and ensure that firm enforcement and consistent penalties are applied. In short, safety professionals have long understood that there is not one effective approach to achieving workplace safety. The organizations that have consistently achieved leading safety performance have utilized all the above approaches as workplace conditions dictate.

From this perspective, most safety professionals feel that, for OSHA to achieve its Congressional mandate of eliminating occupational injuries and illnesses, it is essential that OSHA utilize a similar broad array of tools in order to reach all types of organizations. Consultative services, alliances, cooperative programs, training and

education, standards setting and enforcement are all tools that OSHA must utilize. With more than 3000 employees to serve approximately 6 million businesses, it is vital that OSHA leverage all its resources to obtain the maximum benefit. While it is true that OSHA is and will always be a regulatory enforcement agency, practicing safety professionals have found that enforcement alone is not sufficient in eliminating workplace injuries and illnesses in this country. As safety professionals, we recognize that the other organizations testifying today will focus on standards setting and enforcement. We believe it is also important to highlight the value we see in the alliance and cooperative programs that OSHA has developed.

Alliances

Through a broad network of alliances and partnerships, ASSE believes that OSHA has become a more open organization that does a better job at reaching out to its stakeholders and the safety and health community. If a history of OSHA on this matter were ever written, we believe it would state that this Administration found in John Henshaw a highly capable and experienced SH&E professional to lead OSHA. Mr. Henshaw, like SH&E professionals do every day in their jobs, saw the resources given him, the tasks at hand and the resource limitations and decided to leverage those resources to build a new way of trying to advance OSHA's mandate. We are pleased that Assistant Secretary Foulke has continued to advance OSHA's commitment to this approach.

ASSE itself is proud to have joined in one of the first Alliances with OSHA that we believe has established a much more positive cooperative relationship between OSHA and our members. The Alliance has resulted in better opportunities for OSHA staff to be involved in the safety and health professional community. For our members, the Alliance has created a much more positive understanding of the wide-ranging capabilities OSHA has in helping them achieve workplace safety, and a much better appreciation for the challenge OSHA has in carrying out its enforcement responsibilities. Our experience suggests that the Alliance has resulted in a much more positive view of OSHA's role and has mitigated the old us-against-them attitude within the safety and health community.

With industry-specific groups, OSHA has been able to create quality deliverable guidance documents, best practices, and a broad array of web-based informational resources. Our members have participated in various editorial boards for e-tools and other resources offered by OSHA. We have members who have helped lead OSHA work groups on issues like design for safety and small business safety. OSHA staff regularly meets with ASSE's members interested in Spanish-speaking workplace safety issues.

OSHA, through its alliance staff, has helped promote and expand North American Occupational Safety and Health (NAOSH) Week to more than 30 meaningful events in more than 25 states that help employers and even schools bring attention to workplace safety, unlike any other event in the US, Canada and Mexico. This year, NAOSH week begins on May 6, and we invite the Subcommittee members to join with ASSE and OSHA in helping promote workplace safety through this event.

In addition to its national alliance, ASSE chapters have formed their own alliances with OSHA in four regional offices. For example, the OSHA Region IV Office formed an Alliance with ASSE's chapter in Mobile, Alabama, to promote safe and healthy work habits to technical school students. The Alliance members share information, guidance and access to training resources to help educate young workers in hazard recognition before they leave school and prior to taking their places in the U.S. workforce.

We view the Alliance as a success, and our intent is to continue to work with OSHA to respond to safety and health workplace issues as they develop in the millions of workplaces across this country.

Other Cooperative Programs

OSHA's other cooperative activities have likewise helped OSHA become a more multi-faceted participant in safety and health.

OSHA's Voluntary Protection Program (VPP) initiative was established in 1982, was restructured in 1996 and is still effective. Over the years, ASSE has submitted comments to the agency to enhance and expand VPP and is pleased to see that the agency has launched a VPP program for the construction sector as well as making inroads into encouraging smaller business involvement. Many ASSE members are safety

professionals at companies that are VPP participants. At VPP “Star” worksites, data indicate that lost workday rates are 53 percent below national averages.

VPP emphasizes the importance of worksite safety and health programs in meeting the goals of the OSH Act, and provides official recognition of excellent employer safety and health management through a cooperative approach among labor, management, and government. Sites are approved based on their written safety and health program and their overall performance in meeting the standards set by the program. VPP is valuable in providing recognition and incentives for companies that are doing the right things, such as voluntarily implementing proactive, state-of-the-art safety and health management programs that are demonstrably effective. VPP participation has been demonstrated to reduce the incidence and severity of workplace injuries and illnesses, thus protecting workers while also providing financial benefits to the companies that go beyond mere compliance with OSHA standards.

Companies that commit to achieving VPP status seek to be recognized for their leadership in protecting workers. Achieving VPP status also requires significant time and financial resources. Some detractors of the VPP program point to the programmed inspection exemption as too great a benefit for companies to receive for complying with the law. The truth is that VPP companies routinely exceed regulatory requirements and voluntarily receive far more OSHA scrutiny during the long and detailed VPP approval processes than can ever occur through programmed inspections. Further, companies can still be inspected and cited if conditions trigger employee complaints or they suffer a catastrophic event. Companies can also lose VPP status if they let their standards slip.

Although VPP is site-specific, ASSE was pleased to see OSHA recently roll out its pilot “VPP Corporate” program, which allows corporations committed to VPP and interested in achieving VPP recognition at facilities throughout their multi-site organization with a more efficient means to accomplish this goal. ASSE has long advocated a philosophy of corporate responsibility for occupational safety and health and this approach may help raise the profile of SH&E activities to the highest levels. Some of the VPP Corporate participants are broadly recognized as some of the safest companies in America.

The ASSE strongly submits that programs like VPP that offer small incentives to encourage superior safety and health performance are good investments for both companies and taxpayers in that they allow OSHA to utilize its limited enforcement resources to target bad actors and those organizations that fail to safeguard their workers.

SHARP Program

OSHA's Safety and Health Achievement Recognition Program (SHARP) provides incentives and support to develop, implement and improve effective safety and health programs for smaller companies. Participating employers may be exempted from OSHA programmed inspections for a period of two years, and SHARP renewal exemptions will be for a period of up to three years. All consultation and visits are conducted at employer request.

Typical SHARP participants are smaller high-hazard businesses, generally with fewer than 250 employees. Participants undergo a comprehensive site visit and agree to correct all identified safety and health hazards, which is the preventative, functional equivalent of an OSHA wall-to-wall inspection except that civil penalties are not imposed.

Everyone agrees that OSHA does not have the personnel to regularly inspect every worksite under its jurisdiction – most companies will never experience an OSHA inspection unless they have a serious incident or have employees who report problems to the agency. The SHARP program is a sound method of helping this largely uninspected sector understand what is needed for compliance, and providing them with qualified assistance in making improvements to their physical conditions and safety/health programmatic infrastructure proactively, before an injury or illness triggers an initial contact with OSHA.

SHARP participants report a successful return on investment when implementing the recommendations made by the consultants. One SHARP program participant indicated to OSHA that it reduced its lost workday incidence rate from 28.5 to 8.3 and reduced insurance claims from \$50,000 to \$4,000 through decreases in both direct and indirect losses through a reduction in its number of back and shoulder injuries. This is consistent with other research on the value of safety.

A Strong OSHA

While ASSE fully supports the cooperative efforts of OSHA as a meaningful addition to the tools OSHA is able to use to help advance safety and health of workers, that support does not take away from ASSE's view that OSHA must be given all the resources necessary to fulfill its enforcement responsibilities given to it by Congress. Unlike some other stakeholders, we do not view this situation as either/or in nature. An increased commitment to standard-setting and increased enforcement capacity must also be supported by increased funding for OSHA by Congress, even when an Administration does not support such increases. As a nation, our commitment to workplace safety should be such that OSHA can do the necessary relationship-building, resource development and information outreach necessary to build awareness and commitment to workplace safety and health among employers, workers and the public and do more in standards development and enforcement.

As safety and health professionals, we are compelled to note that the safety and health standards-setting process is broken and needs to be fixed. The workplace of the 21st Century is rapidly changing due to new technologies, a changing workforce, and globalization. Limitations in the original Act, subsequent Congressional and Executive Branch actions, resource constraints at OSHA and a litany of private court challenges have resulted in an inability of OSHA to update old regulations and to develop new standards in a timely manner to protect the US workforce. We encourage Congress to engage in stakeholder dialogue to improve its standard-setting process to protect workers while preserving the productivity of American business.

ASSE is aware that legislation is being introduced this month that will address such areas as increased civil and criminal penalties, enhancement of whistleblower protections, and coverage of state and local public sector workers. We applaud Congress for moving these issues forward and will carefully review all new legislation in light of our commitment to a strong, effective OSHA. We look forward to offering our members' perspective.

Conclusion

Is OSHA working for working people? Yes. Is there opportunity for improvement? Yes. The OSH Act has changed little in 36 years. During that time, huge changes and many advances have occurred in U.S. workplaces and our workforce. OSHA has evolved during that period to reach as many stakeholders as possible. In organizations that achieve world-class status in managing safety and protecting workers, a characteristic that continuously stands out is that these organizations are always challenging themselves to get better. Since its beginning, OSHA has succeeded in bringing a national focus to workplace safety and positively impacted the lives of millions of workers. However, like world-class organizations, OSHA must seek continuously to improve its safety and health processes. ASSE hopes that Congress can provide OSHA with the guidance and support OSHA needs to continuously reinvent itself to meet the needs of this nation's workforce. Today's hearing is an important part of that continuous improvement process.

Thank you for your consideration of ASSE's position on these significant issues. I will be pleased to respond to any questions you may have at this time as well as provide any additional information that you may request for the record.