


Learning Objectives


- Understand the various branches of the U.S. government and their respective roles in the development of industrial hygiene regulations.
- Identify federal agencies and commissions and their responsibilities for occupational health and safety.
- Describe how the Occupational Safety and Health Act (OSH Act) was created and what the various sections of the act require.
- Explain the different types of rules, regulations, and standards and how they are created.
- Identify other sources of important information available from OSHA.



The Law

The safety of the people shall be the highest law.
-Cicero

106 BCE – 43 BCE
A Roman statesman, orator, lawyer and philosopher



Inscription



Inscription

"Men resemble gods in nothing so much as in doing good to their fellow creatures." Cicero

"In nothing do men approach so nearly to the gods, as giving health, or doing good, to men"

-Cicero, *Pro Ligario*, XII



The OSH Act

In 1970, the Occupational Safety and Health Act (OSH Act) was passed in order to prevent workers from being killed or seriously harmed while at work.



The Constitution

Fourth Amendment

protects citizens from unreasonable search and seizure
extends to organizations and businesses; a federal organization such as OSHA cannot enter property or conduct a search of an operation without a warrant or permission from the owner



The Constitution (cont.)

Fifth Amendment

prohibits citizens from being subject to criminal prosecution and punishment without due process
private property cannot be seized for public use without just compensation
protects a company's operations or products from harm and sets specific limits on when the government can interfere with operations to protect the public health and safety



The Constitution (cont.)

The Sixth Amendment

provides the accused the right to compel testimony from witnesses and to legal representation
expert witnesses, such as industrial hygienists, may be a part of any judicial processes brought against a company
cases decided by facts and information through due process
preponderance of evidence is enough to convict



Branches of Government

Executive

Office of the President

Legislative

House of Representatives

Senate

Judicial

District, Appeals Courts (13), Supreme



Legislative Process

Laws are like sausages, it is better not to see them being made.

-Otto van Bismarck

1st German Chancellor



Legislative Process

Introduction of a bill

Subcommittee review

Full Committee

House of Representatives/Senate

Federal Register

Code of Federal Regulations



Federal Agencies and Commissions

OSHA is not the only federal agency charged with protecting worker safety and health.

Any other federal agency with workers that are affected by the actions that fall under the purview of the agency are responsible for promulgating and enforcing regulations to protect workers, the general public, and the environment.



Federal Agencies and Commissions (cont.)

Federal Communications Commission

Independent U.S. government agency overseen by Congress

Nuclear Regulatory Commission

Independent U.S. government agency overseen by Congress

Mine Safety and Health Administration

Secretary of Labor

Environmental Protection Agency

Pseudo-Cabinet Level

National Institute of Occupational Safety and Health

Health & Human Services Secretary



State Government

10th Amendment gives powers to the states.

“Agreement States” have taken on responsibilities for regulating and enforcing occupational safety on a state level.



Williams-Steiger Occupational Safety and Health Act

Section 2 – Purpose

“...to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.”



Williams-Steiger Occupational Safety and Health Act (cont.)

Section 4 – OSH Act's coverage

applies to employment performed in a workplace in a state, the District of Columbia, and territories of the United States

does not apply to working conditions in industries and areas in which other federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health

does not apply to sole proprietors when the owner is the only worker, to farms with fewer than 10 workers, or to businesses in which workers are family members



Williams-Steiger Occupational Safety and Health Act (cont.)

Section 8 – inspections, investigations, and record keeping

Section 9 – citations

Section 10 – enforcement

Section 11 – judicial review

Section 12 – Occupational Safety and Health Review Commission



Williams-Steiger Occupational Safety and Health Act (cont.)

Section 13 – proceedings to counteract imminent dangers section

Section 17 – penalties

Section 18 – state plans section

Section 19 – federal agency safety programs and responsibilities

Section 20 – research and related activities



Williams-Steiger Occupational Safety and Health Act (cont.)

Section 21 – training and employee education

Section 22 – National Institute for Occupational Safety and Health

Section 27 – National Commission on State Workmen's Compensation Laws



Types of Rules

Specification standards

rules that say exactly what engineering or design criteria must be met to protect workers from a particular hazard.

Performance standards

rules that require certain conditions to be met, such as the air concentrations of a chemical in the workplace

Substance Specific Standards

rules that specify the requirements for the control of occupational exposure to a particular chemical or physical agent



Types of Rules (cont.)

Vertical standards

apply only to the industry where a particular hazard exists

Example: rules only for grain handling facilities

Horizontal standards

apply to nearly any workplace or industry

Example: rules regarding walking and working surfaces in any workplace



Important Subparts

1910.94 Ventilation

1910.95 Occupational Noise

1910.96 Ionizing radiation

1910.97 Nonionizing radiation

Subpart Z 1910.1000 -.1450

1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER)

1910.1030 Bloodborne pathogens



Have a great day!