

USA: occupational health under the first Bush Administration, 2000–2004

OSHA, the US federal agency for occupational health, was set up in 1971 with two core tasks. One was to be the federal occupational health and safety inspectorate; the other was as a regulatory agency, drawing up rules to improve prevention.

OSHA's track record under President Bush's first term is particularly dismal. Both core tasks were systematically sidelined as it fell in with employers' demands. This situation is not limited to health at work, but extends across most other spheres where public regulation is required to limit unbridled profit-chasing by business, like environmental protection, food health, medicines control, etc. A group of former federal agency heads led by Carol Brower, former director of the EPA (federal Environmental Protection Agency), has produced a damning report on it [1].

Voluntary approaches v inspection

OSHA's inspection activities have been largely pushed aside in favour of "voluntary approaches" that leave workers' health at the mercy of employers' goodwill. *Voluntary Protection Programs* (VPP) have been in use as tools for deregulation since 1982. Set up under the Reagan Administration, they allow employers to agree with OSHA that in return for their promising to set up a prevention management system, OSHA will not routinely inspect their workplaces, except in special circumstances. Punishable

infringements also get special treatment. Where the system breaks down is in leaving it to companies to self-report their accident and disease performances. In many cases, trade unions have found that the reports did not reflect the reality. Also, workers are under immense pressure not to report all accidents and return to work earlier after a work-related accident or disease absence. The trend of recent years has shown a marked anti-trade union turn in these voluntary approaches, one aim of which is to obstruct union activity in occupational health. The new national industry alliances between OSHA and employers exclude the unions in 56 cases out of 57, the one exception being safety in road construction.

The voluntary approach focus has also slashed the number of infringement penalties handed out by OSHA. In December 2003, *New York Times* journalist David Barstow published a series of articles on health at work [2]. These detailed investigations won him a Pulitzer Prize, and showed how employers were getting away virtually scot-free with causing workers' deaths. In 1 242 fatal accidents between 1982 and 2002 where OSHA found that a *wilful safety violation* had been committed, it brought prosecutions in only 7% of cases. This reflects an underlying political agenda - the California State inspectorate prosecuted in a third of cases. The *New York Times* report gave a striking run-down of the difference in penalties by the victims' social status group. For 2 197 fatalities, employers had to pay a

Bush Administration's assault on REACH

The Bush Administration has been systematically trying to torpedo the REACH* project to reform European chemicals legislation ever since it was unveiled. It has waged a full-on campaign in alliance with chemical industry multinationals. A report by the US House of Representatives published on 1 April 2004 at the instance of Congressman Henry A. Waxman (Democrat, Los Angeles), lifts the veil on what the Bush Administration has been up to.

For example:

- two lengthy telegrams sent by Secretary of State Colin Powell to United States embassies in March 2002 and April 2003 to coordinate pressure on European Union countries;
- contacts with the governments of third countries like Australia, Canada, China, Indonesia, etc., as well as with employers' circles in Japan, Malaysia, Mexico and other countries;
- a strategy to split European Union countries by fostering contacts with some States like France, Germany and the United Kingdom that might oppose the reforms.

The report claims that these pressures offer some explanation as to why the Commission proposal presented on 29 October 2003 is a step backwards from its initial plans.

The full version of the report on the Bush administration's lobbying campaign can be downloaded from our Website: www.etui-rehs.org/hesa/uk/dossiers/files/admin_reach_rep.pdf

* Registration, Evaluation and Authorisation of Chemicals. For more information on REACH, see the article on p. 5 and our website: www.etui-rehs.org/hesa > Main topics > Chemicals.

total \$106 million in fines. For a single case of fraud against investors, the WorldCom company was fined \$750 million.

Full-on deregulation

The picture for regulation is bleak. OSHA has repealed more standards than it has enacted [3]. One of the first steps taken by the Bush Administration and the Republican majority in Congress was to repeal its ergonomics rules. The employers' organisations that led the assault on the ergonomics regulations had put \$11 million into Republican candidates' fighting funds for the 2000 Senate/Congressional elections. The decision to scrap the rules is particularly bad for women, who make up 44% of the workforce, but account for 64% of registered musculoskeletal disorder sufferers in the United States.

Of the 24 standards repealed during President Bush's first term, 13 are seen as "economically significant" for employers. A standard is economically significant when the cost to business of applying it amounts to at least \$100 million. By contrast, the 16 new standards put forward have only limited economic impact. In some cases, standards have been drawn up in response to direct pressure from private companies who put their bottom lines before workers' health. OSHA's proposed standard on the performances of respiratory protection masks which appears to be the direct result of lobbying by manufacturer 3M is a case in point. The company was keen to avoid too-detailed a performance assessment of its masks for fear of losing market share to rival producers of better quality equipment.

OSHA bowed to industry pressure in deciding not to set new limit values for crystalline silica even though the current limit value of 10 mg/m³ is deemed too high by the National Institute of Occupational Safety and Health, NIOSH [7]. NIOSH argues that a limit value of 0.05 mg/m³ would be appropriate, and that current measuring technology enables it to be enforced. It is a life-and-death issue. Silicosis caused 13 744 deaths in the United States between 1968 and 1990 according to the American Public Health Association. Even today, between 200 and 300 workers die of silicosis each year, and this is probably under-reported, as many exposed workers have no access to health surveillance. OSHA has counted on "voluntary approaches" to improve on the current limit value. A study in the construction industry shows that the policy has failed [4].

The real measured exposure levels in the construction industry are particularly disturbing. Crystalline silica also causes lung cancer. Peter Infante, former Director of OSHA's Office of Standards Review, reported that most of the officials responsible for drawing up standards had resigned because of direct industry pressure, supported by the Bush Adminis-

tration. He himself resigned in 2002 after failing to push through preventive health measures on beryllium, a metal that causes pulmonary disease and is a recognised carcinogen. Industrial hygienists working for OSHA say that being dictated to by industry interests has particularly affected prevention of chemical risks in recent years. Because the cost of these to employers is relatively small, prevention of cancer and reproductive health damage have slipped down the policy agenda.

OSHA's missionary work

OSHA has of late been trying to sell its voluntary approach model to other countries. The Bush Administration missionaries have tried to persuade other States of its merits as an alternative to public regulation. At the September 2004 Amsterdam conference on occupational health, senior OSHA official Paula White was invited by the Dutch Presidency to talk up the system. She claimed that voluntary prevention programs (VPP) had saved industry over a billion dollars. What she forgot to mention is that for several years past¹, companies have no longer been obliged to report all musculoskeletal disorders and hearing damage². As things stand, it is arguable that much of the savings made comes not from improved prevention, but other sources like under-reporting of work-related diseases and policies of getting accident and disease victims back to work quickly.

OSHA has tried to get VPP spread throughout the European Union, which would enable companies in such programmes to largely evade control by health and safety inspectors. So far, the attempts have failed, except in Ireland and Northern Ireland. ■

References

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¹ The rules were officially repealed on 30 June 2003, but had been "on ice" for the two years before that.

² Previously, they had to report all workers that had suffered hearing loss of at least 10 decibels. Now, only losses of at least 25 decibels are reported. OSHA's own estimates put the difference at 135 000 cases a year.

“Systematic human rights violations” in the meat industry

“The line is so fast there is no time to sharpen the knife. The knife gets dull and you have to cut harder. That’s when it really starts to hurt, and that’s when you cut yourself”. This testimony of a North Carolina meat-packing plant worker is taken from the report *Blood, Sweat and Fear: Workers’ Rights in US Meat and Poultry Plants* *, published last January by Human Rights Watch. In it, the human rights group paints a stark picture of the appalling working conditions found in US meat and poultry processing plants, even branding them as “systematic human rights violations”.

Automated lines running at too-high speed, cutting movements repeated thousands of times resulting in musculoskeletal disorders (MSD), work in cramped spaces, lack of training and protective equipment, forced overtime, sackings of workers who try to set up a trade union, etc. Welfare at work and guaranteed freedom of association are clearly not words in the meat and poultry industry employers’ vocabulary. The problem is that US legislation that is supposed to ensure health and safety at work is not binding on these industry employers, because the federal authori-

ties’ two main criteria for production line speeds are preventing meat and poultry from going off, and not curbing business profitability and productivity. Preventive measures have been considerably eased since George W. Bush took office.

The first thing the new Administration and Congress did was to repeal the ergonomics rules brought in under the Clinton Administration in January 2001, and replace them with non-binding guidelines claimed to “adequately protect workers”. In 2002, a new work accident reporting form was imposed on the Occupational Safety and Health Agency (OSHA). It was missing the MSD column, which slashed the non-fatal occupational accident and sickness rate in the meat processing industry down to 11.5 incidents per 100 workers a year from 21.5 in 1996. “These data show clearly that our efforts to improve worker and workplace safety in the industry continue to bear fruit,” claimed a triumphal press release from the American Meat Institute Foundation ...

* The report can be read and downloaded free of charge from: www.hrw.org/reports/2005/usa0105/index.htm.