

Studying
occupational safety
and health act (osha):
regulation and worldly
applic...



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Studying Occupational Safety and Health Act (OSHA): Regulation and Worldly Application

History of the Law/ Regulation

In the two years preceding OSHA's enactment, 14, 000 workers died each year from workplace hazards, and another 2 million were disabled or harmed. After World War II, a vast array of new chemical compounds were exposed to the manufacturing environment. The health effects of these chemicals were poorly understood, and workers received few protections against prolonged or high levels of exposure. In 1966, William Alber Steigner was elected into the 90th United States Congress as the representative of Wisconsin's 6th congressional district. While in the House, Steigner was a strong supporter of tax cuts, forming safe and healthy work environments, as well as protecting and preserving the natural environment. Before his death while in office in 1978, he established the Occupational Safety and Health Act or OSHA and authored its bill. The act was signed into law on December 29, 1970, by President Richard M. Nixon, culminating nearly a century of endeavors by the states and the federal government to mitigate the vulnerabilities of employees exposed to hazards of the industrial age.

Enactment of the Williams-Steiger Occupational Safety and Health Act (OSH Act) was preceded by vigorous debate that began during the Johnson Administration among government, business and organized labor over the extent to which federal authority would set and enforce workplace safety and health standards. The Act became effective on April 28, 1971, now the official " birthday" of the Occupational Safety and Health Administration.

This day is now celebrated as Workers' Memorial Day.

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Court Cases Involving the Law/ Regulation

Fortunately, OSHA keeps safety and health a priority in the workplace.

However, unfortunately, there are still practices and incidents that happen in the workplace that are not up to OSHA's standards and usually put workers at high risk for disease contraction, chemical exposure, or tragic fatalities.

Businesses and companies that have unsatisfactory, unsafe, and unhealthy practices and incidents are cited based on the nature and severity of the infraction. They also face monetary penalties based on the type of violation made. OSHA has six types of citations: Willful, Serious, Other-Than-Serious, De Minimis, Failure to Abate, and Repeated. Every type is administered based off of the violation and they each have a maximum amount of penalties that can be charged against the cited company. Additionally, falsifying records, violated posting requirements, and assaulting a compliance officer can cause companies large penalty costs as well jail time of up to 3 years. There have been several incidents ranging from constructional businesses to eateries. The following are five cases that OSHA has dealt with within the past decade from www.osha.gov: the Cooper University Hospital Case, the United Parcel Service Case, the Tyson Foods Inc. case, the Ohio Gratings Inc. case, and the Chewy Inc. case.

In 2015, OSHA inspected Cooper University Hospital after a compliance officer reviewed the hospital's OSHA 300 logs (injury and illness recordkeeping forms) and discovered an alarming amount of needle-stick and bloodborne pathogens exposure. After inspection, the hospital faced serious citations because they had failed to provide employee training on the hazards of methylene chloride, a cancer-causing chemical, monitor <https://assignbuster.com/studying-occupational-safety-and-health-act-osha-regulation-and-worldly-application/>

employees who may be exposed to methylene chloride, immediately discard contaminated sharps in appropriate containers, and ensure its bloodborne pathogens program included engineering controls to prevent needlesticks. These proposed penalties equaled to a value of \$55, 000. As a result, they had 15 business days from receipt of the citations and proposed penalties to comply, request a conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission.

On July of 2016, a United Parcel Service facility in Addison was cited for exposing workers to falls of up to 22 feet as they hoisted conveyor equipment while working on raised surfaces with unprotected sides, failing to determine whether walking or working surfaces could structurally support employees, and allowing workers to use a combustible polyethylene tarp as a welding curtain, which created a serious fire hazard. Devastatingly, four months after OSHA inspected and cited them, a worker fell and died from 22 feet at the same inspection site. Preventable falls account for almost 40% of all deaths in the construction industry. Their total proposed penalties was \$320, 400. As a result of this catastrophe, OSHA has an ongoing Fall Prevention Campaign that began in 2012. This program provides employers with lifesaving information and educational materials on how to prevent falls, provide the right equipment for workers, and train employees to use fall protection equipment properly.

Tyson Foods Inc. was cited for four workplace safety violations after a worker's hand was severed by an unguarded machine. Tyson had removed guards, failed to train workers in proper lockout procedures, insufficient

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platform ascension that put workers at high risk for falling, and lack of legible markings on forklift levers. OSHA's proposed fines totaled to be \$147, 000. Due to the nature and severity of violations, the company has been placed in OSHA's Severe Violator Enforcement Program, which mandates targeted follow-up inspections to ensure compliance with the law. Additionally, they must comply with OSHA's 15 business day citation rule

Ohio Gratings Inc. is a manufacturing company of aluminum, stainless steel, and carbon products. OSHA cited the company for exposing employees to respiratory hazards, chemical hazards, and other hazards. OSHA cited Ohio Gratings Inc. for a total of 17 serious and five other-than-serious safety and health violations. They were faced with penalties of \$183, 748.

Last month, OSHA cited Chewy Inc., an online retailer of pet supplies. An employee suffered injuries from operating a stand-up industrial truck that resulted in a fatality. Chewy Inc. was cited for exposing employees to struck-by and crushing hazards. The is being charged with \$14, 323 in penalties and the 15 day compliance rule.

The American Industrial Hygiene Association reports in a letter to the U. S. Senate in April that daily, over 12, 000 U. S. workers sustain injuries on the job that are serious enough to require medical consultation. " Twelve workers die from an unintentional injury suffered at work, and 145 workers die from work-related diseases. These tragedies cost an estimated \$4. 8 billion per week."

Current Developments

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Since OSHA deals with all work forces, to effectively cater to all, OSHA has developed and adopted other programs and sectors within its system: Occupational Safety and Health Review Commission (OSHRC), National Council, Alliance Programs, National and Local Emphasis Programs, Safety and Health Programs, Heat Campaigns, Fall Prevention Programs, and OSHA Training Centers. These programs have all been adopted within the past three decades and they were formed to review cases, make decisions based upon violations, or provided training and support to help workers and businesses maintain a high standards and practices pertaining to health and safety. The National Institute for Occupational Safety and Health (NIOSH) is a program that OSHA bases their health and safety recommendations from. The website Centers for Disease and Control Prevention or [www. cdc. gov](http://www.cdc.gov) lists that the “ Occupational Safety and Health Act of 1970 established NIOSH as a research agency focused on the study of worker safety and health, and empowering employers and workers to create safe and healthy workplaces.” NIOSH is an example of how OSHA distributes their work to achieve one common goal, a safe environment for employees.

Due to an array of jobs and risks that come with them, several programs have been formed in response to incidents and conditions that employees encounter. Currently, OSHA is enforcing protective measures against silica exposure both in general industry and construction. This is a response to recent fluctuation in silica availability in the workplace environment. Silica causes a lung disease called silicosis. Highway and construction workers and glass and molding manufacturers are at higher risk for contracting this disease. OSHA has recently written a proposal to congress to form a law that

spreads awareness about the exposure of silica in the workplace and protecting workers who are exposed to it. OSHA will soon publish this regulation and gain commentary from workers and the general public on how it will effect and affect them in the workplace. It will then be further modified until it reaches its final form to be presented before Congress and hopefully, be amended.

Personal Experience

Ironically, as a student, I am impacted by OSHA and I am exposed to several environmental and occupational hazards. OSHA's main purpose is to protect workers which inturn protects clients and customers. When I go into different work environments and businesses to take care of daily tasks or simply have fun, I too am met with the risk of contracting diseases and being harmed if the facility has not taken the correct precautions. As a consumer, I am trusting that the conditions of the facility that I am shopping, working, learning, or eating in is maintaining standards and conditions that keep the workers and customers safe. According to the National Council for Occupational Safety and Health, " Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." As a future worker and employee, I will further be met with experiences that may cause health and safety risks in the workplace. However, OSHA is working to prevent and regulate harmful risks so that I am safe and healthy when it is my time to contribute to the workforce.

Future of the Law/Regulation

Due to frequent new findings, OSHA remains relevant and needed to keep society healthy and safe. Future regulation is based on the need of the workers and necessary protective measures as well as technological advancements. For example, asbestos and lead in fireproofing and paint were used for many years in the past. After they were proven to be dangerous from contracted diseases and deaths, substitutions and protective measures were made. Circumstances such as these are examples of how OSHA continues to improve working conditions for workers and will continue for the future.

More specifically the a partner of OSHA, the Institute for Safety Health and Management, is advocating increasing employee engagement and empowerment utilizing a recurrent risk assessment approach for the future. Robert Sheigner who is the Vice President for Talos Energy writes on their news entries that most organizations have a variety of tools in place to identify hazards, yet the quality and effectiveness of these tools is often lacking. " The benefits of Recurrent Risk Assessment are that it allows for individual job planning, and helps to identify hazards before, after, and during tasks." Innovations such as the Recurrent Risk Assessment is an example of how OSHA and its partnering sectors and companies push to find more and more ways to maintain safe environments for workers as well as prevent harm, catastrophes, and incidents before they happen in the future. With fall prevention campaigns and preventative technology being developed, the future of OSHA and its partners appear to be heading in the direction of enforcing safety and health standards through prevention <https://assignbuster.com/studying-occupational-safety-and-health-act-osha-regulation-and-worldly-application/>

tactics. OSHA is working to stop the problems before they form making for a consistently safe and healthy working environment for the workers of America.

In an increasingly unsafe world, people are seeking safety and security. Armies face each other across vast deserts, nations arm themselves with nuclear weapons, radical ideologies endanger millions. Closer to home, we face threats to our safety and that of our families every day. Physical safety is paramount in the minds of many. The Bible has much to say about safety, both physical and spiritual.

Safety and health is discussed often in the bible in many books and chapters. The Occupational Health and Safety Administration is an example of an earthly form of protection in an administrative form that God has put in place to surround us with in our daily lives. Just as we are protected from spiritual harm and warfare, we are blessed with earthly mechanisms that protect us from earthly harm and danger. As a true follower of Christ, you will discover more and more programs, technology, or even people that are put in your life to work in your best interest and to guard and protect you. This is one of the ways that God shows and expresses his love for his children. He orders that there be protection, care, regulation, healing and prevention of all types of harm that may come our way. Further, this shows that he is always with us and we shall not fear. We are covered by his blood.

In the Old Testament, God promised the Israelites that they would dwell in the land in safety if they obeyed His commandments (Leviticus 25: 18-19; 26: 3-5; Deuteronomy 12: 10). When God's people turned away from Him

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and followed other gods, their safety was threatened, and the result was disastrous. The ups and downs recorded in the book of Judges clearly link ancient Israel's national safety to their obedience to God's Word. The Hebrew word translated " safety" in the Old Testament means " a place of refuge; security, trust, confidence, hope." Proverbs 18: 10 describes the name of the Lord as a strong tower into which the righteous run and find safety. Safety also involves trusting in the Lord, according to Proverbs 29: 25.

The New Testament does not ignore physical safety. Jesus spoke of carrying a sword for protection (Luke 22: 36), and Paul was kept safe from those who would harm him physically on several occasions (Acts 9: 25; 17: 10; 19: 30; 23: 10). However, the New Testament focuses more on spiritual safety, i. e., salvation. Jesus and the New Testament writers had a great deal to say about being saved. Spiritual safety is found in only one place—faith in the shed blood of Christ in payment for our sin and in His resurrection (John 3: 17; Acts 2: 21; 4: 12; Romans 10: 9; Ephesians 2: 8). Jesus came into the world to provide spiritual safety and eternal security to all who would believe in Him. The need for physical safety pales in comparison to the universal need for spiritual safety. One may be in great danger in this world of physical harm and still have the assurance of an eternity of security in heaven. We fear not those who can only harm the body yet never touch the soul (see Matthew 10: 28).

Unfortunately, many are deceived into thinking that true security is provided by the things of the world—money, comforts, position, or power. But the safety these things provide is temporary and fleeting. Riches " surely sprout
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wings and fly off” (Proverbs 23: 5). Nothing is sure in this world: “ The race is not to the swift or the battle to the strong, nor does food come to the wise or wealth to the brilliant or favor to the learned; but time and chance happen to them all” (Ecclesiastes 9: 11). No worldly foundation can provide spiritual security in heaven.

As people face daily dangers on a spiritual and physical level, God must always be kept first to reach true security and healthy from within. Those who have true wisdom will fear the Lord, the One who alone can give true security:

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