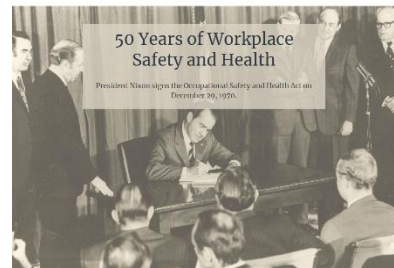


OSHA at 50 Years

The Occupational Safety and Health Act of 1970 turned fifty years old in December and hardly anyone noticed. That has to sting. In fairness, we have all had other things on our minds this winter but it warrants a bit of reflection on the state of worker safety before OSHA and the very different view of safety by employees and employers alike since that time.

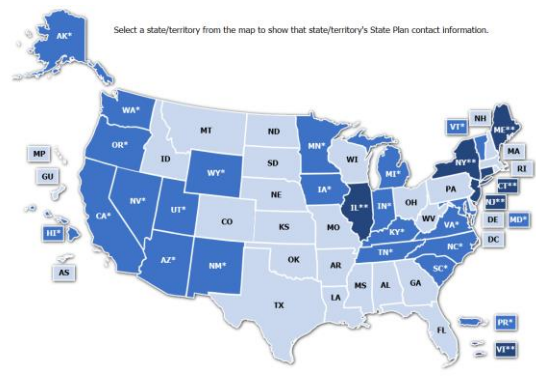


Prior to OSHA, some 14,000 workers in the United States died each year from incidents in the workplace, while another two million were injured. At its 30th anniversary, OSHA reported that workplace fatalities had been halved and that workplace illness and injury had been reduced by forty percent. Note that in that timeframe, U.S. employment increased from 56 million workers at 3½ million locations to 105 million at nearly seven million work sites.

So using advanced calculus, by doubling the workforce (more or less) and halving the deaths, it is roughly accurate to say OSHA reduced worker death rates to a quarter of what they were prior to 1970.

Private sector employees came to recognize the value of increased workplace safety as well. Many cases have been documented, often with the use of OSHA’s consultation services, where employers’ workers compensation premiums were dramatically reduced by increased safety protocols, equipment, and training.

Of course, OSHA covers private sector workers and federal agencies but not any state or political subdivision of a state. However, the Act permits states to adopt their own plan for occupational health and safety (with the usual caveat that it must be at least as effective as the federal program). These are then known as state plan states or OSHA states.



These state plan states can be somewhat comprehensive, covering private and local public safety workers, or they can be supplemental, extending coverage to state and local agencies and leaving the original coverage to the feds.

For example, the Maryland State Plan applies to all private sector workplaces (including state and local government employers, but excluding federal government employers) in the state with the exception of maritime employment, marine terminals, longshoring, employment on military bases, United States Postal Service mail operations, all working conditions of aircraft cabin crewmembers onboard aircraft in operation, and any hazard, industry, geographical area, operation or facility over which the State Plan is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan.

As a result, a trench excavation in Maryland must meet OSHA standards and Maryland

Occupational Safety and Health (MOSH) can visit, inspect, investigate, and enforce regardless of whether the employees are public or private sector (within the limitations outlined above).

By contrast, Delaware is not a state plan state. Hence, the Act applies to the private sector (with the few exceptions outlined in the Act) and state and local agency workers are not covered. Nonetheless, there is a culture among most state and local agencies towards positive worker safety. Indeed, a local agency can formally adopt OSHA standards as part of its health and safety plan.

Regardless of how formally OSHA's presence is for your agency, they provide a wealth of information on their [website](#). Admittedly, OSHA [standards](#) themselves are poorly organized, badly written, redundant, bureaucratic, and just plain tedious – written by lawyers for lawyers, one might say. But in fairness, some are written better than others and it is important to work yourself though the labyrinth of some key elements for public works, such as ladders, fall protection, personal protective equipment, confined space, and excavation safety.

Far more user-friendly are a number of training and illustrative tools. OSHA's [eTools](#) are easy to understand and robust illustrations of the standards for specific areas. For example, eTools for scaffolding, electrical, lockout/tagout, respiratory protection, and eye protection are all applicable to the public works and road agency world. Another series of advisories can also be helpful – for example, the confined spaces advisor is an interactive tool to help you understand how to identify and work with confined spaces. A host of short videos (suitable for use with tailgate safety talks) cover areas such as runover/backover/struck, excavation/trenching, carbon monoxide, sprains and strains, confined space, scaffolding, fall protection, electrical, and others, now including COVID-19 topics. In short, there are robust resources for safety on OSHA's website.

The more we talk about safety, the more it is on everyone's minds. Many things we talk about in safety are not breaking news...we are just reminding ourselves. But how many times did our parents say, "look both ways before you cross the street." "be careful," "don't run with those," "get your fingers away from that," and "drive safely?" In retrospect, wasn't that repetition helpful?

The culture of safety starts at the top...if elected officials, managers, and supervisors are supportive of safe practices, it speaks volumes to the rest of us...and the opposite is just as true. When you talk about safety, be enthusiastic and make good use of these OSHA resources. And if you get stuck or lost, contact the Delaware T2/LTAP Center and we will help you find what you are after.

Happy Birthday, OSHA, on this, your golden jubilee!

OSHA Long Title

An Act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

...Congress is adorable.