

Overriding Workplace Safety Rules:

House Republicans say “Congress Knows Best” when it comes to guarding against deadly job hazards

Two provisions in the Republican Labor-HHS-Education appropriations bill override existing Occupational Safety and Health Administration (OSHA) rules that address serious—and often deadly—workplace hazards. The result may be serious injuries and deaths that could have been prevented.

Workplace safety can be literally a matter of life and death. In 2010, 4,690 workers were killed on the job—an average of nearly fatalities 13 each day. That year there were also 933,000 workplace injuries serious enough to result in days away from work.

Grain Elevator Safety

Section 114 of the Republican bill uses a funding prohibition to change a longstanding OSHA standard regarding safety in grain elevators and other grain handling facilities.

Grain elevators can be extremely dangerous places. OSHA explains that “moving grain acts like quicksand and can bury a worker in seconds”. According to a survey by Purdue University of incidents in 2010, 51 workers were engulfed by grain stored in bins that year—the highest number on record—and 26 of these workers died, *including five youths under age 16*. Grain dust is also highly combustible, and OSHA reports that during the last 35 years there have been over 500 explosions in grain handling facilities which have killed more than 180 people and injured more than 675. None of this deterred the Republican majority from tinkering with grain elevator safety rules, however.

In particular, section 114 of the bill restricts the enforcement of section 1910.272(g)(1)(ii) of the OSHA safety standards. That safety standard says that before employees enter grain bins, silos or tanks, “All mechanical, electrical, hydraulic and pneumatic equipment which presents a danger to employees inside grain storage structures shall be disconnected, locked-out and tagged, blocked-off or otherwise prevented from operating.” The rule is designed to prevent engulfment and suffocation hazards caused by moving grain, as well as serious injuries from contact with unguarded, rapidly moving power equipment.

The bill, however, seems to say that OSHA can’t enforce that rule, as long as workers stay at least six feet away from any partially-guarded or unguarded equipment that is running—and that workers can be told to approach this equipment more closely as long as it is turned off and certain procedures spelled out in the bill are followed. It’s not known what possible basis the majority could have for second-guessing the details of safety rules—particularly in such a deadly work environment.

Roofing Safety

Another case of second-guessing the experts comes in section 116 of the Republican bill, which prohibits use of funds to “enforce the cancellation” of a temporary exception for residential roofing from procedures designed to prevent construction workers from being killed by falling from roofs.

The temporary exemption from general fall protection rules was issued back in 1995, because of concerns about the feasibility of applying it to residential roofing work in some situations. OSHA revoked this partial exemption in December 2010, after extensive consideration. As a result, all residential construction employers are now required to follow the regular fall protection standard, which does allow use of alternative means of protection in situations where conventional methods (such as harness and lines) are not feasible. OSHA delayed the effective date of this change for six months, and has been providing extensive compliance assistance and mitigating penalties while the industry adjusts to the new requirements.

OSHA's labor-management Advisory Committee for Construction Safety and Health recommended ending the exemption, as did the Occupational Safety and Health State Plan Association, which represents the 27 states and territories that run their own occupational safety and health programs.

In explaining its decision, OSHA noted that an average of 40 workers a year are killed as a result of falls from residential roofing projects, and that improvements in technology and equipment for fall protection has made these deaths readily preventable.

Despite the views of all these experts, the Republican appropriations bill would reverse OSHA's decision to apply the regular fall protection rules—at least for residential re-roofing and repair—and go back to the system that failed to adequately prevent deaths and injuries.