

Worker protection or deregulation? The moment of truth for EHS



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The Trump administration's drive to deregulate the American economy and workplaces means the occupational health and safety profession faces an inescapable moment of truth. Will it support the business-backed goal of eliminating decades-old worker protections?

Or will it join with environmentalists, community and public health advocates to defend rules needed to protect environmental and occupational health?

The Trump administration poses an unprecedented challenge, although its program has been promoted by business organizations and corporations for years. In just its first six months, the administration has:

- Signed Executive Order #13771 which requires the elimination of two existing regulations for every new one promulgated;
- Reversed Federal OSHA policies on non-discrimination and consideration of contractors' safety records in public contract bids;
- Delayed or rolled-back new regulations decades in the making, including on beryllium, silica and combustible dust, as well as the longstanding rule on maintaining accurate logs of employee injuries and illnesses;
- Proposed steep budget cuts for the Department of Labor, federal OSHA, NIOSH and MSHA – the House Republican proposals are even more draconian – including the elimination of the Harwood training grant program, the university-based Educational Resource Centers, and the Chemical Safety Board; and
- Proposed increasing resources for consultation activities while slashing funds for regulatory enforcement.

These employer-backed policy reversals and proposed budget cuts have exacerbated longtime contradictions within the OHS profession. One subset of professionals, who have risen through the corporate ranks, are distinctive in that they have come to identify much more strongly with company management than they do with the workforce they are tasked with protecting. Another group of professionals is notable for their view that workers are not indispensable partners in OHS programs, but rather disobedient and troublesome children who must be cajoled, disciplined or manipulated into not hurting themselves.

Deregulation or worker protection

In these abnormal times, it is no longer possible to just “sit on the fence” regarding the choice between corporate-promoted deregulation and actual worker protection. EHS professionals will have to choose one side or the other, and there are personal and profession consequences either way.

Deregulation, budget cuts and prioritizing consultation over enforcement undercuts responsible employers by encouraging “bad actor” behavior, which kills and injures workers, since there are few or no consequences for “low road” employers when enforcement is deemphasized.

Moreover, there is a growing body of academic research in California, Washington state and Pennsylvania reported in Science and professional journals that documents how enforcement activities significantly prevent injuries and lower injury-related costs for employers – 9 and 26 percent, respectively, in the California study.

EHS professions step up to the plate

The leading professional associations are speaking out and calling for genuine worker protection.

The leadership of the American Industrial Hygiene Association has called on Congress and the White House to maintain the Chemical Safety Board, the Harwood training grants, university-based ERCs and ag centers, implement the silica and beryllium standards, and continued funding for NIOSH, OSHA and MSHA. AIHA CEO Larry Sloan pointed out “you can’t make America great again without protecting the health and safety of America’s workers.”

The American Society of Safety Engineers has issued a “OSHA Reform Blueprint” that calls for maintaining existing agencies and their programs, and also calls for expanding federal OSHA’s jurisdiction to include public sector workers. The Blueprint does contain professional “gate-keeping” or “feather-bedding” proposals – such as reduced penalties for employers who hire “qualified OHS professionals” and expanding use of “third party auditing” – which undermine its credibility, but it still opposes wholesale deregulation.

The UK cautionary tale

The clearest example of the end result of massive government deregulation is the United Kingdom, and, most recently, the Grenfell Tower fire which reduced a 24-story building to a charred skeleton leaving at least 80 people dead and more are missing.

Starting with Prime Minister Margaret Thatcher in 1979, there has been an almost 40-year war on government regulations which has been dutifully taken up by both subsequent “New Labour” and Conservative Party governments.

In 2009, then London mayor Boris Johnson (now Foreign Minister) said that “health and safety fears are making Britain a safe place for extremely stupid people.” The mayor then closed 10 fire stations, eliminated 27 fire engines and laid off 600 fire fighters, closures that impacted the response to the Grenfell Tower fire.

In January 2012, Tory Prime Minister David Cameron told a Conservative Party conference his “new year resolution” was to “kill off the health and safety culture for good.” He said OHS concerns have been an “albatross around the neck of British business” and have become a “health and safety monster” that creates only “pointless time-wasting.”

The UK government preceded the Trump Administration in declaring a “one old rule eliminated for every new rule” policy in 2005. This became “two rules out for every new one” in 2011; and then “three rules out for every new one in” in 2014. Prime Minister Cameron explained to the Evening Standard newspaper that “we need to realize that some accidents are inevitable.”

From 2010 to December 2016, the Health and Safety Executive (UK’s equivalent to OSHA) experienced a 25 percent decline in field inspectors (from 1,311 to 980), a 70 percent drop in enforcement inspections, and a 25 percent cut in its budget, according to Hazards magazine.

Which side are you on?

The incineration of the Grenfell Tower was the logical result of decades of deregulation that is now the goal of the Trump administration and employer groups like the Chamber of Commerce and Business Roundtable. But as the New York Times editorialized on June 22nd: “This approach is not about safety or business burdens, it’s about increasing profits by reducing compliance costs.”

EHS professionals in the United States face an ethical and professional choice. But we can learn from another example from the UK as well. In June, more than 70 organizations and prominent OHS figures – including the Institution of Occupational Safety and Health, the Royal Society for the Prevention of Accidents, and the British Safety Council – wrote an open letter to Prime Minister Theresa May calling for a “sea change in attitude.”

“We, leaders in health and safety in the UK, call on you to scrap the government’s approach to health and safety deregulation, and think again,” the letter declared.

The EHS profession in the US – both associations and individuals – must think again and choose worker protection over deregulation.

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