

ASSE: Snare Offers OSHA Insights for 2005 and Beyond - 06/16/2005

Saying he wanted to provide his audience "with some insights about where OSHA is going in 2005 and beyond," Acting Assistant Secretary of Labor Jonathan Snare discussed the agency's "balanced approach," which includes outreach and education, cooperative and voluntary programs and enforcement.

"Workplace injuries and illnesses have been on a downward trend. From 2002 to 2003, recordable cases of injuries and illnesses declined 7.1 percent. The U.S. on-the-job fatality rate for 2002 and 2003 is the lowest ever recorded," Snare told several hundred attendees at the American Society of Safety Engineers' annual conference in New Orleans. "We intend to continue pursuing our balanced approach because it's working; it's having a positive impact on health and safety."

Snare told the audience about OSHA's detailed, 5-year Strategic Management Plan, or, as he referred to it: the "Strat Plan."

"This is our blueprint for guiding us as we carry out our balanced approach. Our Strat Plan dovetails with the overall mission and priorities of the Department of Labor and puts us on target to achieve our major objectives by 2008," said Snare.

The Strat Plan establishes three performance goals for OSHA:

- Reduce occupational hazards through direct intervention.
- Promote a safety and health culture through compliance assistance, cooperative programs and strong leadership.
- Maximize OSHA's effectiveness and efficiency by strengthening its capabilities and infrastructure.

"In addition," he added, "our strategic plan is in line with one of the Department's strategic goals: to foster quality workplaces that are safe and healthy."

While all of the programs and activities Snare described in his speech supported the goals set forth in the Strat Plan, Snare was quick to point out that the annual operating plans allow the agency "the flexibility to address emerging issues and situations that develop over the course of the 5-year period of the Strat Plan and to prepare new goals and strategies or make the necessary adjustments to meet these challenges."

2006 Budget

The first thing Snare discussed was the FY 2006 budget. President George W. Bush proposed \$467 million for OSHA, a \$2.8 million increase over the FY '05 budget. The funding will support the agency's existing programs and maintain its staff at 2,208.

In testimony before the House Appropriations Subcommittee in April, Snare said, "OSHA's budget request is a continuing investment in traditional and innovative strategies that have produced declining injuries, illnesses, and fatalities for the American workforce. Our responsibility is to continue using this investment wisely to help protect employees in this nation."

On June 9, the House Appropriations Subcommittee marked up the OSHA appropriations bill and the full committee is expected to do the same later this week.

Standards and Guidance

Despite its emphasis on compliance assistance, outreach, cooperative and voluntary programs and education, the agency continues to maintain a regulatory agenda, published semiannually by the Office of Management and Budget. This agenda informs the public of all standards and other regulatory activities that the agency expects to accomplish during the next year. The most recent agenda was published on May 16th. Snare highlighted several projects, including:

SIPS – The agency issued a final rule for the second phase of the Standards Improvement Project (SIPS). A third phase has been added to the agenda to continue activities to upgrade and revise existing standards.

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Consensus Standards Update - OSHA launched a systematic effort to update the standards that reference or are based on national consensus standards over the next couple years. Many of these standards date from the 1970's -- or even earlier.

Subpart V: Electric Power Generation - OSHA is proposing to revise the general industry and construction standards addressing electric power generation, transmission and distribution work. The proposal was published in the *Federal Register* on June 15.

The proposed rule makes the much older construction standard consistent with the more recent general industry standard and reflects current technology in protecting employees.

This proposed rule also requires improved protection of employees exposed to electric arcs and improved fall protection for employees working from aerial lifts. It also revises related standards for electrical protective equipment.

Subpart S: Electrical Safety - OSHA is also finalizing its revision of the general industry electrical installation standard. The final rule will update the electrical standards to make them consistent with the most recent editions of the *National Electrical Code* (NFPA 70) and the *Standard for Electrical Safety in the Workplace* (NFPA 70E). OSHA expects to publish the final rule later this year.

Cranes and Derricks Standard - A few years ago, construction industry stakeholders asked OSHA to update its 30-year old construction cranes and derricks standard. A number of stakeholders specifically asked that the agency use negotiated rulemaking for this project. The existing rule, which dates back to 1971, is based in part on industry consensus standards that in some cases date as far back as the 1950s.

In 2002, OSHA initiated a negotiated rulemaking process to update the standard. After soliciting nominations for a negotiated rulemaking committee, 23 members were appointed (C-DAC) in 2003. These members comprise a cross-section of the interests affected by the standard -- construction employers, unions, crane manufacturers, trainers and power line companies.

C-DAC met 11 times beginning in July 2003. After 1 year, in August 2004, it completed its negotiations and agreed on a draft regulatory text.

The C-DAC draft addresses the key hazard areas associated with the use of cranes in construction. It has innovative features addressing ground conditions, crane assembly and disassembly, work near power lines and operator qualifications.

"The principle benefit of using negotiated rulemaking is that the industry brings its collective expertise to the table and, with OSHA also at the table, works out solutions together," said Snare. "This is particularly valuable when, as in the case of cranes and derricks, there are highly complex technical issues involved. The end result is a product that is practical, viable and has a broad base of support among the affected interests."

He said the agency is currently developing an economic analysis. Once it is completed, OSHA will determine if it is required to conduct a small business review under the Small Business Regulatory Enforcement Fairness Act, or SBREFA. If not, OSHA will move directly to a proposal.

Confined Spaces - Over the past few years, OSHA has worked with the Advisory Committee on Construction Safety and Health, held stakeholder meetings, and completed the SBREFA Small Business review process. As a result of the feedback obtained through these mechanisms, OSHA has prepared a draft proposal.

The draft construction proposal is similar to the General Industry Confined Space Standard, but has the following differences, according to Snare:

- Improved clarity -- It is designed to be more easily understood by small construction employers who do not have separate safety staff.
- Hazard assessment -- It outlines a step-by-step approach for the employer to use when assessing confined spaces at the construction site.
- Multiple employers -- Since most construction sites involve multiple employers, it addresses coordination and information sharing responsibilities with respect to the general contractor and the subcontractors.

Snare said OSHA anticipates publishing a proposed rule by the end of the year.

Other Rulemaking Activities -- OSHA also expects to issue proposals for general working conditions in shipyards and explosives, and to have final action on assigned protection factors for respirators. In addition, the agency has ongoing rulemaking activities for crystalline silica, beryllium and hexavalent chromium. The agency, operating under a court-imposed deadline, plans to complete a final standard for hexavalent chromium in January 2006.

In addition to standards, Snare said the agency is working on a number of guidance products. "We're working on guidance for tuberculosis, mold, hazard communication, PPE for emergency responders, metal recycling and other topics," he said. "We are also exploring other emerging issues such as the Globally Harmonized System of Classification and Labeling of Chemicals, an important issue for addressing occupational health and safety in the

global economy. This, in fact, has been added to our regulatory agenda, with an advance notice of proposed rulemaking expected later this year."

For the full text of Snare's speech at the ASSE annual conference, click [here](#).

- Sandy Smith



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