846-469

AMERICAN SOCIETY OF SAFETY ENGINEERS

1800 East Oakton Street
Des Plaines, Illinois 60018-2187

847 699.2929
FAX 847 296.3769
INTERNET: http://www.ASSE.ORG

Judy T. Neel, CAE
Executive Director and Secretary

August 13, 1996

U.S. Department of Health and Human Services
CDC/NIOSH
NIOSH Docket Office, Robert A. Taft Laboratories
M/S C34, 4676 Columbia Parkway
Cincinnati, OH 45226

CERTIFICATION OF RESPIRATORY DEVICES

Dear Sir/Madam,

The following comments by the American Society of Safety Engineers (ASSE) are submitted in response to the Federal Register notice of May 16, 1996 (p. 24740, "Notice for Public Meetings and Request for Comments - Certification of Respiratory Devices".

As NIOSH is already of ASSE, we will dispense with an introduction, and instead enclose a fact sheet on the Society as a supplement (Attachment #1). One fact does need to be reiterated. ASSE is the oldest and largest Society of Safety Professionals in the world with a membership of over 32,000 dedicated safety professionals. We pride ourselves on our dedication to excellence, expertise, and commitment to the protection of people, property, and environment on a world-wide basis.

To this end, ASSE provides the following insight on the proposal:

1.) ASSE believes private sector testing laboratories have the expertise and experience to certify respiratory equipment. Utilization of private sector resources enables federal agencies such as NIOSH to operate in a more efficient/effective manner. The core objective of NIOSH is to conduct federal level research into occupational safety and health hazards. Certification of equipment is a private sector responsibility, and we support the return of this function to the private sector.

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NIOSH DOCKET OFFICE

2.) The Society supports the utilization of the ANSI accreditation program system as the guideline upon which testing qualifications for laboratories should be based. ASSE endorsed the ANSI system when MSHA proposed a similar initiative, and ASSE still believes the ANSI consensus system provides the combination of integrity, quality, and regulation which NIOSH requires, (Attachment #2). Utilization of the ANSI accreditation program also provides the checks and balances required for third party certification systems within the internationally accepted standards of competency for such systems.

3.) While ASSE supports the use of third party audits/evaluations to ensure quality and integrity we caution NIOSH to thoroughly research the utilization of ISO certified auditors to conduct audits/evaluations of manufacturers. We must point out there are other certified professionals, (e.g.: Certified Safety Professionals, Certified Industrial Hygienists, Professional Engineers), who could have the combination of manufacturing, quality, and safety/health experience needed to conduct such audits/evaluations. We have attached a copy of the requirements needed to earn the CSP designation as a potential benchmark (Attachment #3a)

ASSE recommends significant research be conducted before utilization of ISO certified auditors is considered. In fact, this very issue was addressed at the recent ANSI May 7-8, 1996 Chicago/Rosemont conference addressing the proposed ISO Safety and Health Management Standard. In this conference, representatives of the federal government expressed concern with the qualifications of ISO certified auditors. Mr. Franklin Mirer, a speaker from the United Auto Workers, pointed out that ISO certifications are now being advertised on at least two (2) billboards in the Detroit International Airport. The certifications can now be apparently purchased for a wide range of nominally small fees through different avenues (Attachment #3). We must also ask if NIOSH considered the international repercussions of utilizing ISO auditor certification as the guideline to follow. Utilization of such qualifications criteria could potentially mean turning over control of auditor qualifications to a foreign entity, (International Organization for Standardization in Geneva, Switzerland).

Thank you for your time and consideration. ASSE stands ready to serve your needs as a Technical Advisor through the regulation promulgation process, and if there are any hearings/meetings held on the issue of third party auditors/evaluators we would like to be included. If we may be of further assistance please do not hesitate to call me at 804/491-5081 or Tom Bresnahan, ASSE Director of Technical Services, at 847/699-2929.

Sincerely,

Nancy J. McWilliams

Nancy J. McWilliams, CSP, ARM
President

NJM/TRF/CORRS471
encl.

#1

American Society of Safety Engineers

Sociedad de EE. UU. de Ingenieros de Seguridad

protegiendo a las personas, las propiedades y el medio ambiente, desde 1911

1800 East Oakton Street
Des Plaines, Illinois
60018-2187
(708) 692-4121

Información sobre la Sociedad

La American Society of Safety Engineers (ASSE) fue fundada en 1911, y es la más antigua y más grande organización profesional sobre seguridad del mundo. La misión de la ASSE es de promover el progreso de la profesión de seguridad y fomentar la competencia, habilidades y conocimientos técnicos, científicos, administrativos y éticos de los profesionales de seguridad.

Sus 28,000 miembros administran, supervisan y son consultores en asuntos de seguridad, salud y el medio ambiente en la industria, los seguros, el gobierno y la educación. El profesional de seguridad ayuda a prevenir accidentes, lesiones y enfermedades relacionadas con el trabajo; crea ambientes más seguros para trabajar y para tiempo libre; y desarrolla productos seguros en todas las áreas de actividad humana.

La ASSE está guiada por una Junta Directiva de 25 miembros, que está compuesta de 13 Vicepresidentes Regionales, un Vicepresidente de Divisiones; seis Vicepresidentes Designados; y el Presidente, el Presidente Electo, el Primer Vicepresidente, el Ex Presidente Anterior, y el Director Ejecutivo. La Junta Directiva está guiada en su toma de decisiones por más de 28 comités permanentes y comités especiales.

Red Nacional de Contactos

La ASSE está compuesta de 133 capítulos y 50 secciones para estudiantes dentro de 13 regiones nacionales. Los capítulos ofrecen servicios locales a los miembros, redes de contactos y oportunidades de desarrollo profesional, por medio seminarios, conferencias, reuniones y boletines informativos.

Por medio de sus ocho divisiones, la ASSE ofrece oportunidades de desarrollo profesional y asistencia técnica para diversas trayectorias de carreras. Estas divisiones son: construcción, consultas, ingeniería, medio ambiente, atención a la salud, administración, sector público y seguro/ administración de riesgos.

Proporciona Instrucción de Calidad

Los miembros de la ASSE tienen oportunidades, durante todo el año, de tener desarrollo profesional por medio de seminaros bien enfocados, publicaciones técnicas, actas de conferencias, programas de capacitación, recursos de computadoras y ayudas audiovisuales. La Sociedad también tiene una exposición y conferencia anual.

La ASSE adjudica Continuing Education Units (CEU) (Unidades de Continuación de Instrucción) a los asistentes a seminarios y conferencias, con el fin de mantener su designación de Certified Safety Professional (CSP) (Profesional Certificado sobre Seguridad). La Sociedad también proporciona seminarios especiales y privados a corporaciones y entidades gubernamentales en toda la nación, dentro de las oficinas de dichas corporaciones y entidades.

Presta Servicios a los Miembros

Para Satisfacer las necesidades especiales de los profesionales de seguridad, la ASSE proporciona los siguientes servicios a sus miembros:

- Conferencia y Esposición sobre Desarrollo Profesional
- Seminarios de Continuación de Instrucción y Capacitación
- Publicaciones Técnicas y Cursos de Capacitación Audiovisual
- Publicaciones *Professional Safety* y *Society Updates*
- Directorio de Miembros y Boletín Informativo JobLine
- Conferencia de Liderazgo

ASSE Fact Sheet
Spanish Version
Revised: June 1993

Impone la Norma

Como secretaría para seis comités de normas de la American National Standards Institute (Instituto Nacional de EE. UU. sobre Normas), la Sociedad continúa ampliando su papel en el proceso de desarrollo de normas. Las normas son: A12/64 Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems (Requisitos de Seguridad para Aberturas en Paredes y Pisos del Sitio de Trabajo, Escaleras y Sistemas de Barandales); Z87.1 Eye and Face Protection (Protección Ocular y Facial); Z117.1 Safety Requirements for Confined Spaces (Requisitos de Seguridad para Espacios Confinados); Z359.1 Fall Arrest Systems, Subsystems and Components (Sistemas, Subsistemas y Componentes para Detención de Caídas); y A14.1 a A14.10 Safety Requirements for Ladders (Requisitos de Seguridad para Escaleras de Mano).

Por medio de sus actividades a nivel universitario, el Academic Accrediation Council (consejo de Acreditación Académica) mantiene una alta norma de preparación para futuros profesionales de seguridad y asegura que el contenido de los programas académicos sea relevante a las necesidades de la profesión de seguridad y a los constituyentes a quienes presta servicios. La ASSE ha acreditado 13 programas, en toda la nación, de licenciaturas y maestrías sobre seguridad.

Como miembro de la Accrediation Board for Engineering & Technology (Junta de Acreditación en Ingeniería y Technología), la ASSE fomenta la incorporación de principios y cursos de seguridad al plan de estudios de ingenierís de toda la nación.

La ASSE mantiene un fuerte compromiso hacia la certificación profesional, por medio de su participación en la Board of Certified Safety Professionals (Junta de Profesionales Certificados sobre Seguridad). Para ayudar a que las personas obtengan la designación de CSP, la Sociedad ofrece la *CSP Refresher Guide* (Guía de Repaso para CSP) y seminarios detallados de continuación de instrucción y capacitación, que se realizan durante todo el año en sitios metropolitaneos en toda la nación.

Reconoce la Superioridad

Se rinde reconocimiento a los éxitos notables, por medio de una diversidad de programas de premios. El honor más alto, la ASSE Fellowship (Miembro Ilustre de la ASSE), honra a personas que han proporcionado contribuciones amplias, significativas y por largo tiempo a la profesión y a la Sociedad. Entre los otros premios se encuentran los siguientes: Edgar Monsanto Queeny Safety Professional of the Year Award (Premio Edgar Monsanto Queeny al Profesional de Seguridad del Año), Johnson & Higgins Scrivener Editorial Award (Premio Johnson & Higgins de Escritor Editorial), y Veterans of Safety Professional Paper Awards (Premios de Artículos Profesionales de Veteranos de Seguridad).

Los premios a los estudiantes incluyen los siguientes: John E. Anderson Safety Student of the Year Award (Premio John E. Anderson al Estudiante de Seguridad del Año), Safety Equipment Distributors Association (SEDA) Scholarships (Becas de la Asociación de Distribuidores de Equipo de Seguridad), Crawford & Company Student Section Award (Premio de Crawford & Company a la Sección de Estudiantes) y Marsh & McLennan Student Paper Awards (Premio de Marsh & McLennan a Artículos de Estudiantes). La ASSE también patrocina el Charles V. Culbertson Outstanding Volunteer Service Awards (Premios Charles V. Culbertson por Servicio Voluntario Excepcional), Chapter Achievement Program (Programa de Éxitos del Capítulo) y Long Service Recognition (Reconocimiento por Largo Servicio).

Da Su Opinión

La Sociedad realza la imagen de la profesión de seguridad y de sus practicantes, por medio de extensos programas de comunicaciones con propósitos de promoción, y por medio de contactos frecuentes con la prensa del gremio de seguridad y salud. La ASSE también efectúa investigaciones sobre varios tópicos, incluyendo los estudios de la compensación de los miembros y evaluación de necesidades.

Cada año, la ASSE patrocina la National Safety Week (Semana de Seguridad Nacional) para llamar la atención al importante papel que los profesionales de seguridad tienen en la prevención de accidentes industriales, eliminando peligros, reduciendo costos de seguro y salvando vidas. La Sociedad también prepara declaraciones dobre su posición, respondiendo a legislaciones importantes sobre seguridad de salud, y cada mes presenta columnas sobre "ASSE Perspectives" (Perspectivas de la ASSE) y "Regulatory News" (Noticias sobre Regulación) en la publicación *Profesional Safety*.

Moldea el Futuro

La ASSE toma un papel activo para moldear el futuro de la profesión de seguridad. El Intersociety Relations Committee (Comité de Relaciones entre Sociedades) mantiene un contacto con otras sociedades y grupos profesionales en todo el mundo que comparten las inquientudes, metas y estrategias que tienen un impacto sobre los miembros y la profesión en general.

El Government Affairs Committee (Comité de Asuntos Gubernamentales) mantiene contacto continuo con agencias gubernamentales, incluyendo la Occupational Safety and Health Administration (Dirección de Seguridad y Salud en el Trabajo), Environmental Protection Agency (Agencia de Protección Ambiental), Consumer Product Safety Commission (Comisión sobre Seguridad de Productos para los Consumidores), National Highway Traffic Safety Administration (Dirección Nacional sobre Seguridad de la Circulación en las Carreteras) y National Institute of Occupational Safety and Health (Instituto Nacional de Seguridad y Salud en el Trabajo).

La Junta Directiva de la ASSE constituyó la ASSE Foundation (Fundación ASSE) en 1990, reconociendo así el crecimiento de la profesión, así como también la necesidad de proporcionar servicios más globales. La ASSE Foundation fue creada en forma que proporcione recursos financieros y de desarrollo profesional a organizaciones sin fines lucrativos y a personas que reúnan los requisitos, y trata de fomentar el desarrollo, investigación e instrucción sobre seguridad y salud, en beneficio del público.

#2

AMERICAN SOCIETY OF SAFETY ENGINEERS

1800 East Oakton Street
Des Plaines, Illinois 60018-2187

708 692.4121
FAX 708 296.3769

Margaret M. Carroll, CSP, P.E.
President

March 20, 1995

Ms. Patricia W. Silvey
Director, Office of Standards, Regulations
and Variance
Mine Safety and Health Administration
Room 631 4015 Wilson Boulevard
Arlington, Virginia 22203

Federal Register Notice - November 30, 1994 NRTL re
Use of Equivalent Testing and Evaluation Requirements

Dear Ms. Silvey:

Let me introduce myself as the President of the American Society of Safety Engineers. Attached is a fact sheet describing the ASSE as a significant stakeholder in the area of safety and health since 1911. It is the oldest professional safety organization in the United States with a membership of 31,000 dedicated to the protection of life, property, and the environment.

We are drawn to the notice in caption since we have attempted to move the Occupational Safety and Health Administration to privatize its NRTL program to perform the function the Mine Safety and Health Administration is now considering. We firmly believe that the ANSI accreditation program for product certification can be used by MSHA to identify competent independent certification organizations the agency can rely upon for the testing and evaluation currently performed by the MSHA staff. ANSI's accreditation program provides all of the checks and balances for third party certification systems within the internationally accepted standards of competency for such systems.

Just as we urged OSHA to consider ANSI's accreditation program, without compromising any regulatory requirements, we urge MSHA to review ANSI's accreditation program and if necessary we believe ANSI can address specific regulatory requirements.

With all due respect to your agency's regulatory responsibilities we believe the time is now to strike a bold course which will forge a partnership with ANSI's private sector accreditation program to promote worker's safety and health consistent with efficiencies and economies accruing to the taxpayers.

We have seen ANSI's comprehensive statement to the agency. And while we might like to fine tune some of its provisions, we believe the structure for an effective program and interaction between the private and public sector can be obtained in a mutually adopted document for the accreditation of testing laboratories. Although we urged you to look at the ANSI system, we are going to continue to urge and cajole OSHA to move its NRTLS program to the ANSI model.

In closing, let me, as a representative albeit president of a significant stake-holder, urge you and MSHA to review and significantly evaluate the ANSI proposal. I can not think of a more significant step for your agency to take which would benefit the overall economy of the federal regulatory sector.

Thank you for your careful consideration of ASSE's view. I would be most disposed to talk with you personally on this matter.

Sincerely yours,

Margaret M. Carroll, CSP, P.E.
President

MMC:sc
encl.

ANSI
American National Standards Institute 655 15TH ST., N.W., SUITE 300, WASHINGTON, D.C 20005-5794
TEL. 202.639.4090
FAX. 202.628.1866

GEORGE T. WILLINGMYRE, P.E.
VICE PRESIDENT
WASHINGTON OPERATIONS

February 13, 1995

Patricia W. Silvey
Director, Office of Standards, Regulations, and Variance
Mine Safety and Health Administration
Room 631
4015 Wilson Boulevard
Arlington Virginia, 22203.

RE: Testing and Evaluation by Nationally Recognized Testing Laboratories and Use of Equivalent Testing and Evaluation Requirements... F/R 59 No. 229/61376/Nov. 30, 1994

Dear Ms. Silvey:

The American National Standards Institute (ANSI) supports the initiative of the Mine Safety and Health Administration (MSHA) to use private sector independent laboratories to conduct much of the product testing and evaluation currently performed by MSHA staff. As we understand the proposal, MSHA would retain the responsibility for approving a particular product, but would rely on product testing and oversight of manufacturers' operations by independent third party certification organizations.

This privatization initiative has potential to demonstrate to Congress, the Administration and other regulatory agencies the considerable capacity of the private sector to offer constructive, viable, practical alternatives to federal government programs. The proposal is in total harmony with the recommendations of the Administrative Conference for increasing government use of private sector programs. If successful, the MSHA model could be repeated in hundreds of similar government run certification programs.

A key to success of the MSHA proposal will be adequate assurance that there will be no reduction in the level of safety of the products used in mines or degradation of the integrity of the certification process for these products. ANSI proposes to help in this regard by offering its accreditation program for product certification to assist MSHA identify the competent independent certification organizations MSHA could rely upon for the testing and evaluation currently performed by the MSHA staff. ANSI's accreditation program is a tough but fair evaluation of third party certification systems to internationally accepted standards of competence for such systems. Use of ANSI's accreditation program would be a revision to the MSHA federal register proposal which called for the Occupational Safety and Health Administration's (OSHA) Nationally Recognized Testing Laboratory (NRTL) program to perform this function.

How MSHA might expand its privatization initiative by taking advantage of ANSI's private sector accreditation program without any compromise in its responsibilities to the safety of American mineworkers but with a savings to the U.S. taxpayer is described in the attachment. ANSI further offers its commitment to work cooperatively with MSHA and OSHA to jointly develop and refine ANSI's accreditation program if necessary to address specific regulatory requirements.

Public and private sector partnerships are now more than ever necessary to address the national and international challenges facing our country. ANSI invites MSHA to forge such a partnership with ANSI's private sector accreditation program in order to take maximum advantage of private sector solutions to combined public/private sector shared concerns.

Sincerely,

George T. Willingmyre

George T. Willingmyre, P.E.
Vice President
Public Policy & Conformity Assessment

attachments

Use of American National Standards Institute (ANSI) Accreditation program to support selection of competent third party certification programs by the Mine Safety and Health Administration

Executive Summary

ANSI supports the initiative of the Mine Safety and Health Administration (MSHA) to use private sector independent laboratories to conduct much of the product testing and evaluation currently performed by MSHA staff. This privatization initiative has potential to demonstrate to Congress, the Administration and other regulatory agencies the considerable capacity of the private sector to offer constructive, viable, practical alternatives to federal government programs. The proposal is in total harmony with the recommendations of the Administrative Conference for increasing government use of private sector programs (See appendix A). If successful, the MSHA model could be repeated in hundreds of similar government run certification programs. A key to success of the MSHA proposal will be adequate assurance that there will be no reduction in the level of safety of the products used in mines or degradation of the integrity of the certification process for these products. ANSI proposes to help in this regard by offering its accreditation program for product certification to assist MSHA identify the competent independent certification organizations MSHA could rely upon for the testing and evaluation currently performed by the MSHA staff. ANSI's accreditation program is a tough but fair evaluation of third party certification systems to internationally accepted standards of competence for such systems. ANSI could assist MSHA implement its proposal with no loss of safety to American mineworkers and with a concrete savings to the American taxpayer. Public and private sector partnerships along the lines proposed are key to meeting the national and international challenges facing the United States today.

I. About ANSI

The voluntary standardization system in the United States is the most effective and efficient in the world. For more than 75 years, this system has been administered and coordinated by the private sector via the American National Standards Institute (ANSI). The ANSI federation is a unique partnership that welcomes standards developers, trade associations, labor unions, professional societies, industry, consumers, academia and government organizations to its ranks. The Institute does not write standards; it serves as a catalyst for standards development by its diverse membership. ANSI is the United States representative to the two major, non-treaty international standards organizations: The International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) via the U.S. National Committee. ANSI membership includes approximately 1300 companies, 35 government agencies and more than 260 technical, trade, labor and consumer groups.

II. Our understanding of the Proposal

MSHA proposes new procedures and requirements for testing and evaluation of products MSHA approves for use in underground mines. It would require manufacturers of certain products who seek MSHA's approval to use an independent laboratory recognized by the Occupational Safety and Health Administration (OSHA) as a Nationally Recognized Testing Laboratory (NRTL). MSHA would retain the responsibility for approving products based upon the applicant's submission of reports on the products completed by the NRTLs.

MSHA selected the OSHA NRTL program of accreditation for NRTLs after evaluating several alternative government accreditation programs and concluding that the OSHA accreditation program was the most relevant to their needs for assurance of the competence of the third-party certification organizations on which they would rely.

III. ANSI's Accreditation Program as an alternative to the OSHA NRTL Program

ANSI is well qualified to perform the accreditation function for the determination of competence of the third party certifiers that is presently proposed to be performed by the OSHA NRTL program. Use of the ANSI program could further leverage the resources of the private sector in meeting a national objective and at the same time reduce the level of government funding necessary to support the program.

A. How ANSI could help...ANSI's overall goals in conformity assessment.

As accepted by the Board of Directors in ANSI's Strategic Plan, the goal of ANSI's Conformity Assessment activities is:

> To promote confidence in products and services that meet standards:
>
> + through supplier's declarations;
> + when government regulations or the marketplace require third party conformity assessment, promote acceptance of third party systems;
> + at the lowest possible cost; and
>
> Global marketplace acceptance of a supplier's declaration, a product certification, a quality system registration or a laboratory test result, performed one time, preferable at the site of choosing of the first party supplier.

One of ANSI's strategies in pursuing this goal is the operation of a national accreditation system for product certification. This strategy entails evaluating the operators of certification programs based upon the relevant international criteria for the competence of such programs; seeking federal, state and local acceptance of the ANSI accreditations; and pursuing agreements with similar national accreditation programs in other parts of the world such that an ANSI-accredited

certification program could be accepted in foreign markets in return for our acceptance of the foreign country accredited certification program.

B. ANSI offer to MSHA to use ANSI accreditation program

The MSHA proposes to use the OSHA NRTL program to evaluate the competence of the certification programs upon which it would depend. MSHA notes that it evaluated several government sponsored programs before concluding that the OSHA NRTL program would be most relevant to its requirements. ANSI concurs that the OSHA NRTL program is the most relevant of the three government accreditation programs evaluated by MSHA to the needs identified in the MSHA proposal. However MSHA did not consider the potential of ANSI's private sector accreditation program to meet their needs. The NVLAP program of NIST is a laboratory accreditation program that does not include in its criteria those elements of a certification program relating to continuing surveillance of the certified product manufacturer's operations. The NVCASE program of NIST was not designed for domestic US application but rather to support US products' access to foreign markets when foreign governments require a US government assurance of the competence of a certification program or laboratory. OSHA's NRTL program is in fact the most relevant of the three government programs to MSHA's needs because while it is called a "National Recognized Testing Laboratory" program, it in fact incorporates several of the accreditation criteria appropriate to certification programs.

If the only alternatives available to MSHA were government sponsored accreditation programs, then the OSHA NRTL program is a reasonable choice based solely on relevance. But MSHA is not constrained to choose only a government sponsored program. ANSI's accreditation program is so similar to that operated by OSHA that ANSI has offered it as a vehicle for OSHA itself to meet its regulatory objectives. Please note in appendix B ANSI's offer of cooperation to OSHA to begin joint activities in order to build confidence in ANSI's accreditation activities that could ultimately lead to OSHA utilization of ANSI's process for its own purposes. Rather than add work to an existing federal program that would require additional federal expenditures to support the additional work, ANSI offers its private sector financially self sufficient accreditation program as an appropriate alternative to the OSHA NRTL program in supporting MSHA's reliance on competent third party certification programs upon which to base their approvals of products to be safely used in mines.

C. Details of ANSI's accreditation program

ANSI's accreditation program for certification programs strives to meet three objectives:

It aims to provide value to the accredited certification program by providing an independent assessment of the competence of the program to the international criteria relevant to operation of certification programs.

It aims to provide value to the federal, state and local government regulator or purchaser by providing a nationally and internationally accepted program upon which they can depend for the validity of the accredited certifications and equivalence of accredited certifications from different organizations.

It aims to provide value to the industrial users of certification programs by achieving acceptance of certified products in world markets through utilization of the same internationally accepted criteria for competence of programs used by other national accreditors and on-going international, regional and bilateral negotiation of mutual recognition agreements with peer accreditation bodies around the world.

ANSI's program is overseen by the ANSI Accreditation Committee reporting to the Board of Directors. ANSI's Board is balanced among government, professional and trade associations, industry, labor and consumer interests. ANSI's Board Membership is included as Appendix C. ANSI's Board includes government representation from the Occupational Safety and Health Administration, the Consumer Product Safety Commission, the Department of Energy, the Environmental Protection Agency, the Office of U.S. Trade Representative, the National Institute of Standards and Technology, the Department of Defense the General Services Administration and the United States Office of Consumer Affairs.

The accreditation process includes a formal application and evaluation of a certification organization's documented procedures to the relevant international criteria. This is followed by an on site evaluation of the degree to which the organization follows its procedures and has the appropriate competent staff and laboratory facilities. The evaluation includes an assessment of an on site certification activity by the accreditation applicant of one of his certification clients. Following initial accreditation, each accredited certification program is revisited annually to assess changes in personnel, facilities or scope of program. ANSI's procedures are documented in Appendix D, which includes the ANSI Policy and Criteria for Accreditation of Certification Programs, ANSI Manual of Operations for Accreditation of Certification Programs, Operating Procedures of the Accreditation Committee and ANSI Z34.1-1993 American National Standard for Certification-Third Party Certification Programs for Products, Processes and Services.

Similar to ANSI's role in safeguarding the integrity of the U.S. consensus standards development process, ANSI's accreditation program for product certification emphasizes public notice, rights of appeal and total integrity of the process.

D. Offer to customize program to particular needs of MSHA including special advisory committee

ANSI recognizes that there may be particular accreditation requirements specific to the needs of MSHA. ANSI is prepared to work cooperatively with MSHA within the framework of its existing procedures to meet these specific needs. ANSI is particularly sensitive to assuring the equivalence of certifications for the same product or standard by different accredited certification

organizations. There is sufficient flexibility within the existing accreditation frame work for ANSI to work in partnership with MSHA to assure that MSHA's objectives will be fully considered in the ANSI accreditation process. For example a joint ANSI/MSHA coordinating committee could very easily be accommodated.

E. ANSI's international activities to promote world wide acceptance of accredited certifications

ANSI places high priority on achieving world wide acceptance of the certifications of accredited programs. ANSI is pursuing international, regional and bilateral strategies to achieve this goal. At the international level ANSI provides the US access to the International Organization for Standardization (ISO) Committee on Conformity Assessment (CASCO) that creates the rélevant international guides for competence of such programs. ANSI was also a founding member of the International Accreditation Forum (IAF) and currently provides the international Chair and Secretariat for the IAF. The IAF includes the national accreditation organizations from thirty countries around the world and the IAF is striving to harmonize the accreditation procedures used in order to promote reciprocal acceptance of the product certifications issued by organizations accredited by IAF members. At the regional level, ANSI participated in the inaugural meeting of the Pacific Accreditation Cooperation, sponsored Trilateral discussions of mutual recognition of accreditation between the US, Canada and Mexico and organized a US conformity assessment briefing for the ANSI-hosted meeting in 1994 of the Pan American Commission on Standards (COPANT). Bilaterally, ANSI has executed Memoranda of Understanding with the national accreditation programs in The Netherlands, United Kingdom, Japan, Italy, Australia and New Zealand.

F. Consistency with European approaches to accreditation of certification programs

ANSI has also placed high priority on US access to the European Union marketplace. As indicated in Appendix E the European Commission has encouraged development of European national accreditation programs to support the European national governments' responsibility to appoint competent certification organizations (known as "Notified Bodies") for evaluation of compliance with European regulations. These national accreditation organizations are a mix of private sector, quasi private sector and government organizations in Europe. In all cases however, the European accreditation organizations are striving to utilize the same internationally based criteria for competence of certification organizations as used by the ANSI accreditation program. These organizations are ANSI's peers in the IAF mentioned above

G. Request for recognition of ANSI's program under the National Institute of Standards National Voluntary Conformity Assessment System Evaluation (NVCASE) Program.

In large part to support US government negotiations with the European Commission, ANSI has requested recognition of the ANSI accreditation program for certification programs under the

In large part to support US government negotiations with the European Commission, ANSI has requested recognition of the ANSI accreditation program for certification programs under the National Voluntary Conformity Assessment System Evaluation (NVCASE) program. ANSI intends to provide the mechanism to meet the European Commission requirement for competency of any foreign certification organization which would be a part of any formal government to government agreement to recognize U.S. testing and certification to the European requirements. While the NVCASE program is explicitly not intended for domestic application, ANSI's request for NVCASE recognition (See appendix F) is further evidence of the intention of ANSI's program to meet the relevant international criteria for accreditation programs which NVCASE will use in evaluating the ANSI program.

H. Remarks on NAFTA and GATT and ANSI use of relevant International Guides to assure compliance with international requirements consistent with GATT

Both the North American Free Trade Agreement (NAFTA) and General Agreement on Tariffs and Trade (GATT) include encouragement for government utilization of conformity assessment programs based on international criteria. Since ANSI's accreditation programs are based on the relevant international criteria, any certification program accredited by ANSI will be well positioned to satisfy this aspect of the NAFTA and GATT.

IV. Costs Analysis

ANSI's accreditation program is self funding. That is to say that organizations accredited by ANSI pay fees to ANSI that are designed to offset the ANSI expenses of operating the program. As a not-for profit section 501(c)(3) organization, ANSI does not operate its accreditation program as a profit center, but rather as a membership service responsive to the needs of its constituency. The benefits of such a self funded activity are that the directly benefiting parties shoulder the expenses of the service. The costs of ANSI accreditation paid by the accredited certification organizations are in turn supported by the manufacturers obtaining the accredited certifications in direct relation to their use of the certification service. If the accreditation service or certification service is not providing value it will not be used.

OSHA's NRTL program is not fee for service based. MSHA's cost analysis has not considered the extra work that OSHA will face in order to take on the additional responsibility for accrediting certification programs for MSHA. This additional work will require an additional resource commitment on the part of OSHA. Unless the OSHA NRTL program becomes a fee for service program the US taxpayers will pay for the additional resource expenditures. This aspect of the proposal must be further considered before implementation.

V. Regulatory Language

ANSI offers to work cooperatively with MSHA and OSHA to help define the specific regulatory language which would be necessary to develop an appropriate partnership with the ANSI accreditation program. One alternative would be to change the references to "National Recognized Testing Laboratories" to "Certification programs accredited under the American National Standard Institute's Accreditation Program for Certification" in all cases where NRTL now appears. There are no requirements or conditions indicated in the MSHA proposal that could not be accommodated under an ANSI-MSHA partnership. Rather than propose specific regulatory text that may not fully address MSHA's needs, ANSI suggests further staff to staff discussions and public workshops or hearings to refine the appropriate regulatory language.

VI. Conclusion

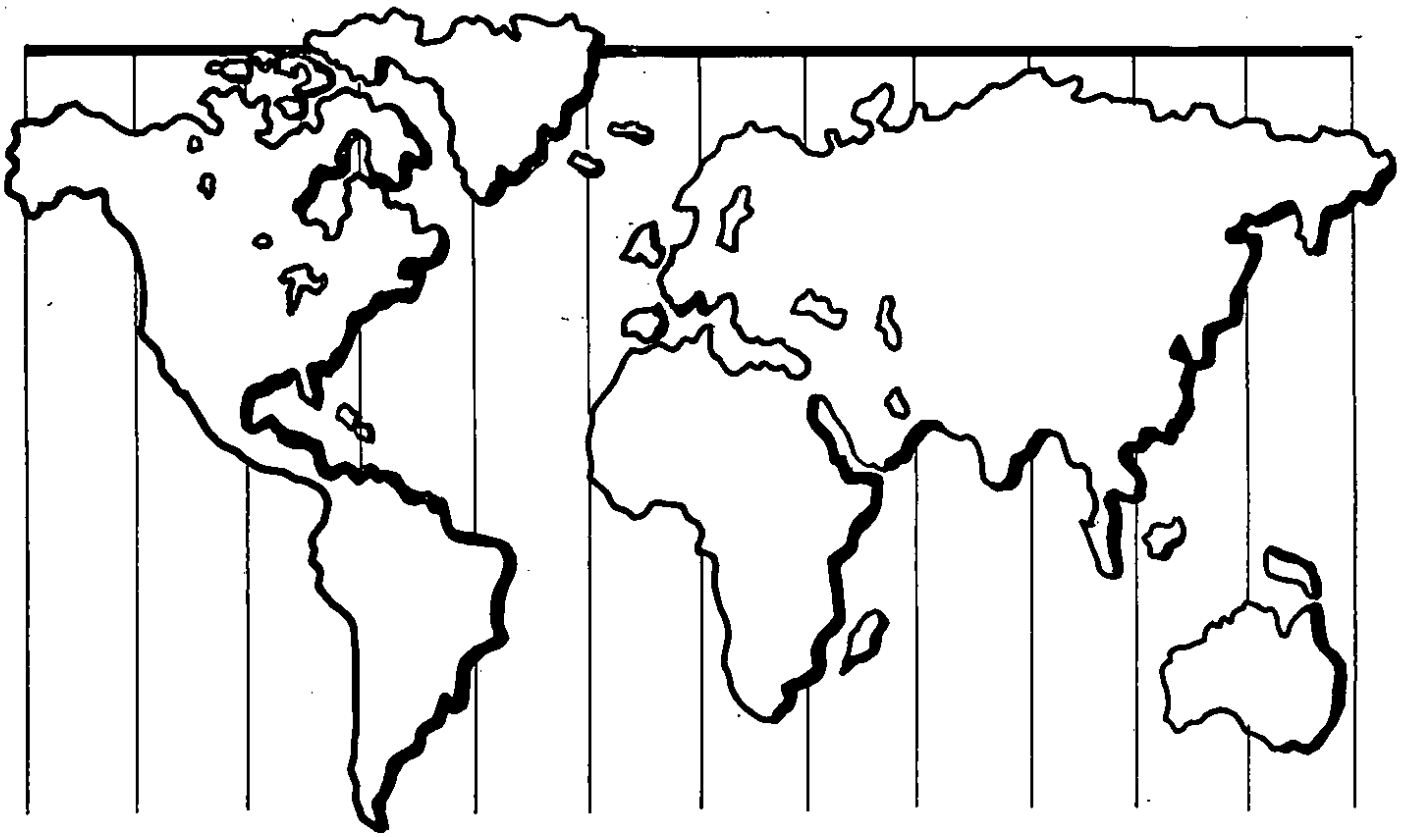
The MSHA proposal is a significant positive initiative to privatize a federal certification program without compromising the underlying public safety objective. The MSHA proposal can be further improved through use of ANSI's accreditation program to help MSHA identify competent certification programs in lieu of the proposed use of the OSHA NRTL Program. ANSI has a long and distinguished history of attention and concern for safety, health and quality. ANSI could assist MSHA implement its proposal with no loss of safety to American mineworkers and with a concrete savings to the American taxpayer. ANSI is committed to flexibility in adapting its accreditation program to any specific concerns or recommendations of MSHA and believes that public and private sector partnerships along the lines proposed are key to meeting the national and international challenges facing the United States today.

Appendices

A - Administrative Conference Recommendation 94-1
B - ANSI Conformity Assessment Procedures
C - ANSI Board of Directors
D - Letter of Offer of Cooperation to OSHA's NRTL Program
E - European Accreditation Philosophy
F - NVCASE Recognition Documentation

#3

PROCEEDINGS



INTERNATIONAL STANDARDIZATION OF OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEMS

Is there a need?

May 7-8, 1996,

Rosemont Convention Center, Rosemont, IL

ANSI American National Standards Institute

ANSI

American National
Standards Institute 11 WEST 42ND STREET, NEW YORK, NEW YORK 10036
TEL. 212.642.4900
FAX. 212.398.0023

Visit ANSI's World Wide Web site at http://www.ansi.org®

May 7, 1996

Dear Participant:

It gives me a great pleasure to provide you with this copy of the proceedings of the ANSI Workshop on International Standardization of Occupational Health & Safety Management Systems (OHSMS) held May 7-8, 1996 at the Rosemont Convention Center in Rosemont, Illinois.

This workshop provides an opportunity for all the affected stakeholder groups to come together to discuss the central issues relating to international OHSMS standardization. The information gathered at the workshop will assist ANSI in presenting a U.S. perspective at the International Organization for Standardization (ISO) workshop on this topic to be held September 5-6, 1996 in Geneva, Switzerland.

The OHSMS Workshop Proceedings include: the agenda; an OHSMS issues paper which includes an overview of the ISO standards development process and ANSI's role as the U.S. member of ISO; and the presentations of the workshop speakers. The speakers were selected based on their expertise in occupational health and safety issues. They will offer perspectives on OHSMS from the five major stakeholders; business and industry, standards developing organizations, labor, government and insurance.

Thank you for participating in the workshop and for assisting ANSI in representing U.S. interests on international OHSMS standardization.

Sincerely,

Sergio Mazza
ANSI President

Acknowledgments

The American National Standards Institute (ANSI) gratefully acknowledges the contributions of the speakers and moderators who participated in the May 7-8, 1996 ANSI workshop on international standardization of occupational health and safety management systems (OHSMS).

ANSI also recognizes the members of the ANSI International Advisory Committee (IAC) Task Group on Occupational Health and Safety Management for the substantial commitments of time and effort in planning the May workshop and creating a forum for discussion of the issues pertaining to international OHSMS standardization:

Richard S. Ayres and Joseph Cascio, IBM Corporation
Christopher L. Bell and James L. Connaughton, Sidley & Austin
Thomas F. Bresnahan, American Society of Safety Engineers
Leo Carey, U.S. Department of Labor/OSHA
Joel Charm, Allied Signal, Inc.
Stan Christian, Motorola, Inc.
Stephen Coye, Center to Protect Workers Rights
Dr. Allard Dembe, Liberty Mutual Insurance Company
Brian G. Dugan, Unisys
Edward R. Kelly, AMP, Inc.
J. Hans Kluge, Automatic Switch Co.
George Krafcisin, Kemper Risk Management Services
John E. Master, Chemical Manufacturers Association
John Meagher, American Industrial Hygiene Association
Bradford A. Russell and Nicholas A. Shufro, United Technologies Corporation
Bradley Sant, AFL/CIO

A · G · E · N · D · A

WORKSHOP ON INTERNATIONAL STANDARDIZATION OF OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEMS — IS THERE A NEED?

May 7, 1996 **(Full Day Plenary Session)**

Opening Remarks
Mr. Lawrence L. Willis, IBM Director of Standards; Chairman of the Board, ANSI

Industry Perspectives
Mr. Frank A. White, J.D., Vice President, Organization Resources Counselors

Mr. Peter J. Eide, Manager, Labor Law Policy, U.S. Chamber of Commerce

Coffee Break

Standards Developer Perspectives
Mr. Zack Mansdorf, Ph.D., CIH, CSP, QEP, Managing Director of Consulting Services, Liberty International Risk Services; President-elect, American Industrial Hygiene Association

Mr. Allen G. Macenski, J.D., CSP, FIAE, REA, Corporate Director Health, Safety and Environmental Services, AECOM Technology Corp.; Past President, American Society of Safety Engineers; Member, Board of Certified Safety Professionals; Former Chairman, ANSI ASC Z117 on Confined Spaces

Government Perspectives
Dr. John Howard, Chief, Division of Occupational Safety and Health, Department of Industrial Relations, State of California

Lunch

Mr. Joseph A. Dear, Assistant Secretary of Labor/Occupational Safety and Health, Occupational Safety and Health Administration

Labor Perspectives
Mr. Franklin Mirer, Director, Health and Safety Department, United Auto Workers

Refreshment Break

Mr. Michael J. Wright, Director, Health, Safety & Environment Department, United Steelworkers of America, AFL-CIO. CLC

Insurance Perspectives
Mr. Kennith D. Brock, Senior Vice President, Loss Prevention, Liberty Mutual Insurance Group

Mr. Eric M. Goldberg, Esq., Counsel, Law Department, American Insurance Association

May 8, 1996 (AM - Breakout Groups; PM - Plenary Session)

Stakeholder Breakout Groups

Industry Group Moderators: Mr. Richard S. Ayres, Mgr. Process Safety Technology, IBM Corp.; Mr. James L. Connaughton, Sidley & Austin; Mr. Joel Charm, Director of Occupational Health & Product Safety, Allied Signal, Inc.

Standards Developer Group Moderator: Mr. Thomas W. Lawrence, Jr., CSP, P.E., Manager, Regulatory Affairs, Safety and Property Protection, Monsanto Co.; Governmental Affairs Committee Member/former Board Member, American Society of Safety Engineers; Member/past President, Board of Certified Safety Professionals

Government Group Moderator: Mr. Bryan D. Hardin, PhD.; Acting Deputy Director, NIOSH

Labor Group Moderator: Mr. Bill Borwegen, Director, Health and Safety Department, Service Employees International Union

Insurance Group Moderator: Mr. George J. Krafcisin, Vice President, NATLSCO, Kemper Risk Management Svcs.

Coffee Break

Mixed Breakout Groups

Group One Moderator: Mr. C. Reuben Autery, J.D., President, Gas Appliance Manufacturers Association; Vice-Chair, ANSI Board; ANSI International Advisory Committee

Group Two Moderator: Dr. Robert J. Hermann, Senior Vice President, Science and Technology, United Technologies Corp.; Vice-Chair, ANSI Board; Chairman, ANSI International Advisory Committee

Group Three Moderator: Mr. Oliver R. Smoot, Executive Vice President, Information Technology Industry Council; ANSI Board; Chairman, ANSI Organizational Member Council; ANSI International Advisory Comm.

Group Four Moderator: Mr. Richard G. Meier, Deputy Assistant U.S. Trade Representative, Office of the U.S. Trade Representative, Executive Office of the President; ANSI Board; ANSI International Advisory Committee

Lunch

Group One Report

Group Two Report

Refreshment Break

Group Three Report

Group Four Report

Closing Remarks

Mr. Sergio Mazza, President, ANSI

International Standardization of Occupational Health and Safety Management Systems – Is There a Need?

An Outline of Issues
Prepared by a Task Group of
the American National Standards Institute (ANSI)
Board of Directors' International Advisory Committee

March 1996

ANSI American National Standards Institute

INTRODUCTION

There has been some interest expressed, both in the U.S. and internationally, in having the International Organization for Standardization (ISO) develop international voluntary standards on occupational health and safety management systems (OHSMS). This issue has come up in the context of both ISO/Technical Committee 176 (ISO/TC 176), which developed and is continuing to enhance the ISO 9000 series of standards on quality management systems, and ISO/TC 207, which is developing the ISO 14000 series of standards on environmental management systems. ISO has scheduled an international workshop on the OHSMS issue to be held September 5-6, 1996, in Geneva, Switzerland. In order to prepare to participate effectively in the ISO workshop, the American National Standards Institute (ANSI) is planning a national workshop on May 7-8, 1996, to which the various stakeholders will be invited. ANSI is recognized as the U.S. member of ISO and it is through the ANSI workshop that U.S. opinions can be channeled to the ISO workshop.

The purpose of this paper is to explore some of the key issues associated with the potential involvement of ISO in the area of OHSMS, as well as to provide some background information on the standards system process and on how an OHSMS standard might be developed by ISO. Background information on the ISO standards development process and ANSI can be found on page 4.

ISO AND OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEMS

Origins of the Issue and Current Status

The possibility of ISO working on an OHSMS standard initially arose in the contexts of both ISO 9000 (quality management systems standards) and ISO 14000 (environmental management systems standards). In the quality systems context, it has been suggested that occupational health and safety is a logical component of quality systems. In the environmental management systems arena, it has been suggested that occupational health and safety is often addressed in conjunction with environmental issues. Therefore, participants in ISO/TC 176, which is responsible for ISO 9000, and participants in ISO/TC 207, which is responsible for ISO 14000, raised the issue of an OHSMS standard to the ISO Technical Management Board (TMB) for resolution. The TMB was to determine need, support, and value added by ISO.

The ISO TMB's initial response was that it did not have sufficient information to make a determination on the advisability of proceeding with an OHSMS standards activity. It has scheduled an international workshop at which views on the issue will be aired. The ISO TMB has formed an ad hoc committee to plan this international workshop, a committee on which the U.S. is represented. ANSI has formed an ad hoc committee to assist ANSI's representative on the ISO committee, and to plan a corresponding national workshop in the U.S. on the OHSMS issue. This document is part of ANSI's effort to raise awareness and initiate discussion on this issue in the U.S.

Since the ISO forum on OHSMS standards will not be held until September 1996, the ISO TMB is unlikely to make a decision regarding whether to proceed until late 1996 or early 1997. It will be important for the U.S. to develop clear opinions on the issues so that it can, through ANSI, participate effectively in these deliberations.

Is There a Need for an ISO Occupational Health and Safety Management Systems Standard?

This is the question on which ISO seeks to gain information through its upcoming forum, and on which ANSI will also be seeking input in the U.S. over the next several months. This involves a consideration of who the primary stakeholders are in this process. The obvious stakeholders whose views

need to be assessed are those who are the subject of an OHSMS standard: employees and their employers. Other relevant stakeholders include health and safety professionals, insurers, and interested government officials. An open question is how do we assess the views of the various stakeholders in determining the demand for an OHSMS standard.

Is This a Topic That is Ready and Suitable for International Standardization?

ISO's historical function has been to harmonize existing national and regional standards in order to facilitate international commerce. This is reflected in the standardization process itself. Experts from around the world bring their practical experience with national and regional standards to the table in order to identify the core elements appropriate to an international standard. Accordingly, one of the most important questions that must be addressed when considering whether to proceed with a new ISO standard is the international experience with respect to the topic at hand. This will be one of the tasks that ISO and ANSI will be exploring within each respective workshop. However, a few initial observations can be made.

There appears to be a considerable body of expertise already developed on OHS issues. Occupational health and safety has been regulated in most industrialized countries for more than a century. Considerable attention has been given to the topic of employee health and safety by industry, labor, insurers, and government. Therefore, it is likely that there are many OHS experts among a number of the ISO member countries who could be brought together under the auspices of ISO to develop an international standard.

It is important to note that an ISO OHSMS standard would focus on systems issues, and some of these systems extend beyond the occupational health and safety arena. For example, the standard may address issues such as the degree to which employers should communicate with employees regarding OHSMS issues, or the extent to which the views of employees should be taken into account. Discussions on matters such as these imply a broad range of employer-employee issues that would likely call for expertise and input from stakeholders in addition to the OHSMS professionals.

It should also be noted that despite the existence of widespread expertise on OHSMS issues, there are no approved, consensus national or regional standards on OHSMS. Three countries—Australia, the U.K., and Norway—have proposed such national standards, but they have not been completed. In the U.S., industry and professional groups, in addition to individual companies, have developed or are developing private sector standards or guidelines addressing OHSMS. The U.S. Occupational Safety and Health Administration (OSHA), through its Voluntary Protection Program, plus a recent safety and health program standard initiative, has endeavored to address certain management systems issues. Certain states have also endeavored to address these issues.

Given this current state of affairs, a question arises as to what ISO can contribute in the area of OHSMS. One of the purposes of ISO is to facilitate international commerce by harmonizing different, and potentially conflicting, national and regional standards that might impede trade. It is not clear whether an ISO OHSMS standard will facilitate commerce. While there are no competing national or regional consensus standards in this area, there are differing practices, standards, and regulations. It is commonly believed that differences in manufacturing practices and working conditions in different regions of the world provide some economies with competitive advantages. However, the international disputes about trade and labor issues typically focus on wages, length of the working day, and the nature of employees (e.g., child or prison labor). ISO is not likely to be the appropriate forum for addressing these issues.

ISO's development of an OHSMS standard could minimize the potential for future conflicts in the ongoing development of OHSMS standards. In addition, apart from any trade considerations, there may be value to ISO developing an internationally accepted standard that could promote health and safety management practices.

Implementation of an ISO OHSMS standard may conflict with U.S. laws and regulations. For example, in the U.S., the employer-employee relationship is subject to almost a century of case-law and over fifty years of statutory, regulatory, and administrative law. To the extent that an ISO standard includes provisions on employer-employee communication/cooperation, these may conflict with such legal standards. This could be particularly problematic for organizations that may face commercial pressure to conform to the ISO standard while at the same time having to comply with U.S. labor law, and perhaps even with legally binding collective bargaining agreements that cover OHSMS issues.

Application of ISO Standards

ISO standards are voluntary. However, they sometimes are transformed into legal requirements, such as requirements that certain types of products conform to specific ISO standards, or as a condition of government procurement. In the U.S., for example, the Food and Drug Administration has revised its good manufacturing practice regulations for medical devices to incorporate ISO 9000. Though ISO 14001 is still at the draft international standard stage, the U.S. Environmental Protection Agency (EPA) has been considering the potential use of the standard, including enforcement discretion, penalty mitigation, and regulatory flexibility. There can also be commercial pressure to conform to ISO standards; customers may demand that suppliers demonstrate conformance to a particular ISO standard. This has been the primary pressure pushing conformance to ISO 9000. Some organizations may seek conformance to ISO standards for their own reasons such as improved performance, competitive advantages, or publicity.

One type of conformance to ISO standards deserves special attention: third-party registration. An organization achieves registration to a standard through an accredited registrar that audits the organization against the desired standard. The registrar is accredited by a national "competent body" that is established for that purpose. For example, in the U.S., ISO 9000 registrars are accredited through the American National Accreditation Program for Registrars of Quality Systems, a joint effort of ANSI and the Registrar Accreditation Board.

However, third-party registration is not the norm for ISO standards. Most organizations that conform to the hundreds of ISO technical standards do not obtain registration to those standards; they simply self-declare their conformance to such standards. Registration is a recent phenomenon associated primarily with the ISO 9000 quality management systems standards series. The actual ISO standards, such as the ISO 9000 series and the draft ISO 14001, do not require registration; the pressure to seek registration is external to ISO itself. It should be noted that BS 8750, the British Standards Institution's draft OHS management systems standard, states explicitly that it is intended for guidance only and is not for use as a specification for third-party registration purposes.

These are a few of the important considerations in developing a view on whether ISO should develop an OHSMS standard.

Summary of Advantages and Disadvantages of an ISO Occupational Health and Safety Management Systems Standard

Potential Advantages

- A standard encouraging a systematic approach to OHSMS may improve performance in the employee health and safety area;
- An international standard would provide a baseline and vocabulary for OHSMS, which may assist companies in establishing a common platform for addressing and communicating OHS issues;
- A standard could assist companies in managing risk and liability associated with OHSMS issues;
- A standard might become a vehicle for cost-savings in the OHSMS area, for example, preventing injury and illness and thereby reducing worker compensation costs;
- A standard may be a framework for exploring opportunities for more flexible regulatory approaches to OHSMS issues in the U.S.; and
- An OHSMS standard consistent with ISO 9000 and ISO 14000 could promote an integrated approach to quality, environmental, and health and safety management systems issues.

Potential Disadvantages

- A new standard will require the commitment of resources to the development of another ISO management standard;
- A new standard may require additional costs, including the costs of development and implementation of a system conforming to this standard, and the costs of third-party registration;
- It may be difficult to address in the ISO context sensitive issues related to the labor-management relationship that are addressed in very different ways in various economic, cultural, and political contexts. ISO might become a forum for various stakeholders to advocate particular cultural, socio-economic, or political views regarding responsibility for OHSMS issues;
- An ISO OHSMS standard may conflict with existing laws and regulations impacting on employers and employees in the U.S.;
- There is uncertainty regarding the potential scope of the work of an ISO OHSMS standard;
- It may be difficult to achieve international consensus based on different systems of labor relations and management worldwide, and competing and widely divergent goals of stakeholders even within nations; and
- An ISO OHSMS standard might change the legal standards of care on OHSMS issues.

THE ISO STANDARDS DEVELOPMENT PROCESS AND ANSI

The American National Standards Institute

The American National Standards Institute (ANSI) is a privately funded federation of business and industry, standards developers, trade associations, labor unions, professional societies, consumers, academia, and government agencies. ANSI's mission is to enhance the global competitiveness of U.S. business and the American quality of life by promoting and facilitating voluntary consensus standards and conformity assessment systems. ANSI does not itself write standards but rather it serves as a cat-

alyst for the development of national consensus standards, establishing, promulgating, and administering procedures and criteria for their recognition and approval. Further, ANSI is the U.S. member to the two key international standardizing bodies: the International Organization for Standardization (ISO) and, through the U.S. National Committee, the International Electrotechnical Commission (IEC).

The International Organization for Standardization

Overview

ISO is a worldwide federation of national standards bodies, one in each country, comprising 110 members. The object of ISO is to promote the development of standardization and related activities in the world with a view to facilitating international exchange of goods and services, and to developing cooperation in the spheres of intellectual, scientific, technological, and economic activity. The results of ISO technical work are published as International Standards.

The ISO Process

The technical work of ISO is managed by a policy-level management board called the Technical Management Board (TMB), of which ANSI is a member. The actual technical work is carried out through technical committees (TCs), the voting members of which are the national bodies which have expressed an interest in active participation (identified as "P" members) in the work of a given technical committee. National member bodies may also apply for membership as observers (identified as "O" members) which permits them to follow the work. Liaison members ("L" members) are also permitted and can represent either external organizations which meet the necessary criteria, or other IEC/ISO committees.

A proposal to begin work in a new field of technical activity such as OHSMS normally comes from within ISO itself (e.g., national member or existing technical committee) but it may also originate from some other international organization. All new proposals are ultimately submitted to the ISO member bodies for consideration. If accepted, the new work will be referred to the appropriate existing technical committee or a new technical committee will be established. The decision to establish a technical committee is made by the Technical Management Board, which also approves its scope. Within this scope, the committee determines its own program of work.

The TMB, made up of twelve national body members (ANSI is a permanent member), is responsible for the organization, coordination, strategic planning, and programming of ISO's technical work. The TMB examines all proposals for new fields of ISO technical activity and decides on the most appropriate path forward. In the case of very straightforward proposals (e.g., one which impacts only one sector of interests), a review is conducted to determine whether or not there is any existing standardization activity in place and, if not, the proposal is submitted to the national bodies to determine:

- national body support for the proposal (two-thirds of those voting are in favor of the proposal);
- interest in participating (at least five national bodies must agree to participate for a proposal to be accepted); and
- interest in assuming the Secretariat of the technical committee.

The results of this review are referred back to the TMB for a final decision.

In the case of a more complex proposal (e.g., one which has broad impact on a number of sectors such as OHSMS), the TMB examines the proposal and determines an appropriate course of action. Numerous options are available to the TMB and, depending on the situation, one will be chosen. For example, the proposal may have a direct impact on the work of one or more existing technical committees, and the TMB may decide to convene a meeting of the leadership of the affected TCs.
Once a decision is taken by TMB to establish a new technical committee with a given scope and to assign the Secretariat to a national body, the membership of the committee is determined and a first meeting is planned. At this meeting, the TC reviews its scope and decides on an initial structure and program of work. The TC may establish subcommittees (SCs) and Working Groups (WGs) to cover different aspects of its work. Each subcommittee formed is assigned a scope which must be within the scope of the TC. A national body is assigned the Secretariat. In the case of Working Groups, a convener is appointed for each.

Development of an International Standard

An International Standard is the result of an agreement between the member bodies of ISO. Normally, the development of an international standard is a multi-stage process. A new work item proposal, accompanied optionally by an initial draft for consideration, is submitted for a three-month letter ballot of the committee members. If approved (five member bodies must agree to participate actively), the item is assigned to the appropriate group for development and a project leader is appointed. The initial draft will then progress to a final working draft, a committee draft (CD – subjected to a three-month letter ballot review), a draft international standard (DIS – five-month letter ballot review), and a final draft international standard (FDIS – two-month yes/no vote – no comments permitted). The entire process, from the formation of a TC to the publication of the final text of the International Standard, can take anywhere from three to eight years. Most standards require periodic revision and ISO has established the general rule that all ISO standards should be reviewed at intervals of not more than five years.

Exceptionally, and with the permission of the TMB, an existing standard may be submitted by a member body for fast-track processing. In this instance, the document starts at the DIS stage and can become an approved International Standard in less than twelve months. Candidate fast-track standards are normally standards that have already achieved wide acceptance internationally.

U.S. Representation in ISO

As mentioned previously, ANSI is the U.S. member of ISO. Whenever ANSI participates on an ISO technical committee, it does so based on the recommendation of the affected U.S. interests. To support this participation, ANSI accredits a Technical Advisory Group (TAG) and appoints a TAG Administrator. The TAG is responsible for developing U.S. positions for the technical committee and for selecting U.S. delegates to the TC meetings. The TAG Administrator is responsible for the overall administration of the TAG and for ensuring adherence to the procedures governing its operation. The TAG is an open body made up of interested, materially affected parties from the United States.

ORGANIZATION
RESOURCES
COUNSELORS, INC.

American National Standards Institute

Workshop on
International Standardization of Occupational Health & Safety
Management Systems--Is There a Need?

Rosemont, Illinois
May 7-8, 1996

Statement of
Organization Resources Counselors, Inc.
Frank A. White
Vice President

INTRODUCTION

Organization Resources Counselors, Inc. (ORC) greatly appreciates and sincerely welcomes the opportunity to participate as a presenter in this important American National Standards Institute (ANSI) workshop to explore, in ANSI's words, "the need for international standardization in the area of occupational health and safety management systems (OHSMS)." ANSI states that it intends to use the information and views generated by this workshop as a basis for formulating a "United States perspective to take to the International Organization for Standardization (ISO) meeting on this issue scheduled for September 5-6, 1996, in Geneva, Switzerland."

As I understand ORC's role this morning, it is to identify and discuss key potential advantages and disadvantages of an international OHSMS standard principally from the perspective of large U.S. companies. An important caveat at the outset is that any attempt to provide a monolithic "big business" perspective on this subject is necessarily a composite and is unlikely to capture the complete range of views expressed. What I will attempt to present today is an ORC perspective based on its experience and based on input from ORC member companies and other business organizations on the specific issues to be discussed today.

ORC is an international management and human resources consulting firm. ORC's Washington, D.C. office, established shortly after the passage of the Occupational Safety and Health Act of 1970, provides a unique array of occupational safety and health services to over 130 major U.S. corporations in diverse industries, principally in the manufacturing sector. These companies have in common a strong commitment to providing safe and healthful working environments. Through membership in one or more of ORC's Occupational Safety and Health Groups, including an International Safety and Health Forum, senior safety and health managers and professionals from ORC member companies work with ORC staff to improve their corporate safety and health programs and participate in the development of sound occupational safety and health regulation and policy at the Federal and State levels. ORC also sponsors an Environmental Group, whose member companies have closely followed the development of the ISO 14000 series of environmental standards.

FIRST PRINCIPLES – THE BENEFITS OF SAFETY AND HEALTH MANAGEMENT SYSTEMS

ORC believes firmly that safety and health management systems are essential to achieving and maintaining the highest level of safety and health protection for employees in the workplace. Further, ORC's experience is that those companies that are able to most fully integrate their safety and health management systems with broader company objectives, programs and structures often achieve the most consistently successful results in terms of overall safety and health performance.

Many if not most of ORC's U.S.-based member companies have facilities located world-wide and in general implement the same types of safety and health management systems in those facilities that are utilized in domestic operations. Almost 30 of our member companies participate in an annual survey of occupational injury and illness statistics in the participating companies' world-wide operations. The 1994 data, which are based on almost 3 billion work hours world-wide, reveal on the whole a high degree of consistency in the levels of safety and health performance of these companies from continent to continent. While not quantifiable, this consistency is certainly attributable in no small measure to the application of equivalent safety and health management systems in all operations. Thus, responsible companies recognize the need for effective safety and health management systems and apply them company-wide around the world to help achieve superior safety and health performance.

Further, it should be noted that ORC is on the record as supporting the development by OSHA of a basic, flexible, performance-oriented safety and health program standard because it believes in the business value of such programs and believes that OSHA needs to assert a leadership role in demonstrating the value of implementing such programs in a way that minimizes burdens and optimizes benefits.

A THRESHOLD ISSUE -- WHAT ARE THE CRITERIA FOR ESTABLISHING A "NEED" FOR INTERNATIONAL STANDARDIZATION?

In attempting to address the question of whether there is a "need" for international standardization of OHSMS, it is important to bear in mind how it is that the question has come to be posed at all and why it is being considered at this time. As the ANSI Task Group Issue Outline for this workshop points out, the possibility of ISO taking some action in the area of occupational safety and health management had its origins in ISO's deliberations over, first, quality management standards, and more recently, environmental management systems standards. The ISO Technical Committees (TCs) responsible for the development of ISO 9000 and ISO 14000 considered the subject of safety and health management to be logically linked to both the quality and environmental management areas. However, action was deferred by TC 176 and TC 207 on the integration of safety and health management into the quality or environmental standards. The issue of whether ISO should develop an OHSMS standard was subsequently referred by TC 176 and TC 207 to the ISO Technical Management Board (TMB) for resolution. The TMB has, in turn, scheduled the September workshop in Geneva to assist in its deliberations, and we are here today to help prepare for that workshop.

Thus, the consideration at this time of the "need" for an ISO OHSMS standard is, in substantial measure, a procedural offshoot or vestige of deliberations over already completed, or nearly completed, ISO standards addressing other subjects. The topics may well be, as ISO has suggested, indisputably intertwined in some important ways that will be discussed in more detail below. However, the immediate catalysts, as well as the more basic impetus, for the review by ISO at this particular juncture of a potential OHSMS standard stand in stark contrast to the types of stimuli that led to the consideration of, and led to American business' participation in, the development of ISO 14000, in particular.

Discussions with companies about their perceptions of the "business need" for an OHSMS standard inevitably result in a comparison with the circumstances that surrounded the development of ISO 14000. It is pointed out most frequently that American business involvement in the development of ISO 14000 was driven in large measure by the very real prospect of a proliferation of non-uniform mandatory and voluntary environmental management standards and the probability of resulting increased business costs and international trade complications. Further, a heightened world-wide public concern about environmental issues, the trans-boundary implications of environmental concerns and efforts to foster international cooperation on environmental issues, such as the 1992 United Nations Conference in Rio de Janeiro, all provided additional impetus for U.S. business involvement in the development of ISO 14000.

As will be discussed in more detail, the same sorts of international circumstances do not appear to be present or to be on the horizon with respect to OHSMS. For example, at an international level, there appears to be no trend towards the development of individual

national OHSMS standards in a manner that would impair the interests of U.S. businesses and would suggest the need for ISO to exercise its traditional role of "harmonization." Thus, as an issue that has arisen primarily as an outgrowth of previous ISO standards-setting activity, as opposed to an issue more fundamentally driven by external social, economic, political and other traditional business motivators for supporting external "standardization" efforts, the subject of OHSMS and the question about the "need" for an OHSMS standard takes on a very different character and alters the very nature of the inquiry from a business perspective.

POTENTIAL ADVANTAGES AND DISADVANTAGES OF AN ISO OHSMS STANDARD

With this background, I will outline some of the potential advantages and disadvantages that have been expressed by "large company" representatives from whom I have received input with respect to a possible OHSMS standard. Two preliminary points bear emphasis. First, I have not attempted to be exhaustive nor have I attempted to present the list of advantages and disadvantages that I will discuss in any particular "rank order." However, I have attempted to winnow down a very long list to those items that appear to ORC to be most significant and most commonly expressed. Second, the use of the term "potential" to describe advantages and disadvantages is important. Any final balancing of the potential advantages against the potential disadvantages will depend largely on an evaluation of the probability that each "potential" advantage or disadvantage will actually occur, i.e., how speculative it is or likely it is to actually happen.

[**NOTE:** EACH OF THE ITEMS LISTED BELOW WILL BE BRIEFLY DISCUSSED DURING THE ORAL PRESENTATION]

POTENTIAL ADVANTAGES

- An ISO standard could improve safety and health conditions in the workplace for some companies.
- An ISO standard could act as a tool to evaluate suppliers and contractors.
- An ISO standard could enhance the integration of OHSMS with company ISO 9000 quality systems (and/or ISO 14000 environmental systems) in some companies.
- An ISO standard could reduce competitive disadvantage associated with OHSMS costs if most companies around the world adopt an ISO OHSMS standard.
- An ISO standard could deter the development of new specification standards world-wide.

- An ISO standard could reduce level of government scrutiny/liability if governments recognize ISO certification as basis for special consideration.

- An ISO standard could provide limited indemnity from civil liability in some circumstances.

- An ISO standard could lead to reduced insurance premium costs.

POTENTIAL DISADVANTAGES

- OHSMSs of large U.S. companies have evolved over many years (in contrast to corporate environmental systems, in general) and for companies that have developed effective systems, the incremental benefits of an ISO standard in terms of improved safety and health conditions in the workplace are likely to be small.

- An ISO standard may not be flexible enough to accommodate the many types of effective company OHSMSs that have proven successful and may be more prescriptive than OSHA's voluntary and regulatory programs.

- The world-wide costs to large companies of establishing, getting certification of, and maintaining an OHSMS pursuant to the requirements of an ISO standard could be substantial.

- There may not be sufficient economic, political or social incentives for non-U.S. businesses to embrace an ISO OHSMS standard, thus resulting in no significant leveling of the competitive playing field, but merely adding to the burdens on U.S. companies.

- Neither ISO 9000 nor ISO 14000 is mature enough to allow a prediction of the business benefits of, or to apply the lessons learned to, yet a third ISO standard

- A separate ISO OHSMS standard, particularly one whose parameters and content cannot be confidently predicted, could complicate rather than enhance a company's ability to integrate its OHSMS with its quality or environmental systems.

- The different social, political and legal histories of and approaches to addressing labor-management issues in the international community, both in general and with respect to safety and health in particular, may complicate international decision-making on the important issue of "employee involvement."

- From a liability perspective, an ISO OHSMS standard could create another basis upon which litigants could assert corporate liability; it could become and inflexible and artificial "standard of care;" confidentiality of ISO audits becomes a concern.

- An ISO standard could be asserted as a basis for opposing any OSHA OHSMS standard but be relied on by OSHA as a de facto mandatory standard under the General Duty Clause.

SELECTED FOCUS QUESTIONS

2. Should an OHS management system standard address performance levels?
No; it should only address what systems should be established in as flexible and generic a way as possible.

4. If international OHS management standards are developed, what role should they play in the regulatory framework?
The answer to this question depends heavily on the scope and content of such standards, but an acceptable standard might be used as a basis for reduced inspection frequency/intensity and, possibly, as a basis for other compliance incentives. It is critical for an ISO standard to be compatible with any OSHA program standard and with the VPP.

5. How do current practices in OHS management and regulation differ from country to countries or regions?
The key question is whether there is inconsistency or conflict that would justify harmonization rather than merely whether they differ.

7. If an OHS management system standard is recommended, what should the scope, contents, and component parts be?
Any standard should be simple, flexible, performance-oriented and non-prescriptive. A model like the California safety and health program requirements might be an appropriate starting point.

CONCLUSIONS AND RECOMMENDATIONS

Every profession employs its own unique vocabulary and jargon, much of which all too often tends to obscure rather than enlighten otherwise relatively straightforward concepts. The legal profession is certainly no exception. But in this case, there is a legal concept -- the concept of "ripeness" -- that appears to apply particularly well to the issue ANSI has before it today. The question of whether an issue is "ripe" for decision-making really boils down to whether the conditions and circumstances that have given rise to the issue are sufficiently well-developed and well-understood, and whether the likely consequences of a

decision are sufficiently predictable, that it is possible to make a fully-informed and fair determination.

ORC and, we believe, most large U.S. businesses, have concluded that the issue of whether there is a need for an international OHSMS standard is not "ripe" for resolution at this time. This issue of ripeness should be of particular significance to ISO, which has as two of its interrelated principal charges the harmonization or "unification" of worldwide industrial standards and the facilitation of international trade through international standardization. Under the present circumstances, to the best of our knowledge, there are no OHSMS standards in place that require harmonization, nor is there yet a sufficient trend toward the development of potentially divergent standards to justify anticipatory intervention by ISO. In addition, and partially as a result of this lack of experience with international OHSMS standards, it cannot be predicted that the development of an ISO standard would facilitate international trade.

Further, in the view of many companies, it would seem prudent to have the time to evaluate more fully the business benefits and concerns arising from the implementation of both ISO 9000 and ISO 14000 before engaging in the development of a third "systems" standard. This might also allow for a more complete and more efficient business integration of these related areas.

Finally, from a business perspective, the speculativeness of many of the potential advantages of an OHSMS standard described above, when balanced against the relative likelihood of at least some of the potential disadvantages, e.g., the costs associated with implementation, tends to reinforce the business judgment that, on balance, the "need" for an international OHSMS standard has not been demonstrated at this time.

We would therefore recommend that ANSI urge ISO to defer the development of an international OHSMS standard at this time. Both ANSI and ISO may wish to monitor the development of international activities and conditions in this area and to reconsider the issue in the future should the circumstances warrant based on the factors discussed above.

STATEMENT
of the
U.S. CHAMBER OF COMMERCE
to the
ANSI/IAC WORKSHOP
on
OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT SYSTEMS
by
Peter J. Eide

INTRODUCTION

Good morning. I am Peter J. Eide, Manager, Labor Law Policy for the U.S. Chamber of Commerce. My responsibilities include developing and implementing business community positions on legislation and regulations affecting the utilization and management of human resources. Before joining the Chamber I practiced law for several years representing major companies before various agencies and in various federal and local courts. I served as a labor relations and employee relations manager for a large manufacturer and as an investigator with the National Labor Relations Board. I teach human resources management and labor relations at Washington-area universities and am a member of the American Bar Association, Section on Labor Law.

The Chamber is the world's largest federation of business companies and associations and is the principal spokesman for the American business community. It represents over 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 76 American Chambers of Commerce abroad.

More than 90 percent of the Chamber's members are small business firms with fewer than 100 employees. A majority of those firms have fewer than 10 employees. Yet, most of the nation's largest companies are also active members. The Chamber is particularly cognizant of the problems of small business, as well as issues facing the business community at large.

Besides representing a cross section of the American business community in terms of number of employees, the Chamber represents a wide management spectrum by type of business and location. Each major classification of American business - manufacturing, retailing, services, construction, wholesaling and finance - numbers more than 10,000 members. Yet no one group constitutes as much as 32 percent of the total membership. Further, the Chamber has substantial membership in all 50 states.

The Chamber's international reach is substantial as well. It believes that global interdependence provides an opportunity, not a threat. In addition to the 76 American Chambers of Commerce Abroad, an increasing number of members are engaged in the export and import of both goods and services and have ongoing investment activities. The Chamber

favors strengthened international competitiveness and opposes artificial U.S. and foreign barriers to international business.

BACKGROUND

The Chamber's policy declaration on occupational safety and health provides:

> Prevention of work-related accidents and occupational illness is a paramount responsibility of management. Accordingly, we urge employers to recognize the importance of voluntarily observing high standards of safety and health in the work place. The Occupational Safety and Health Act, although designed to attain this goal, requires a greater degree of government control than is needed to encourage voluntary compliance. The rights and responsibilities of management to direct effectively the operations of an enterprise should not be curtailed by unwarranted government restrictions, so long as the goal of worker safety and health is not sacrificed.
>
> In order for management to fulfill its responsibility, cooperation in the safety and health program is the obligation of each employee.
>
> An employee safety and health law and its administration should recognize its economic impact upon the business community. This requires adequate and equitable recognition of effects which may depend upon the size of the company affected, the differences inherent in varying industries, and the effect on capital assets.
>
> There should be effective separation of standard setting, enforcement, and judicial functions under law and due process provided to all parties.
>
> Where appropriate and necessary, state governments should be responsible for setting and enforcing equitable and consistent safety and health requirements, compatible and with full recognition of the foregoing and consistent with those standards established under the Federal Act. Federal authority should be sued only when states have relinquished their opportunity for carrying out an effective safety and health program.
>
> In promulgating any standard pursuant to the Federal Act, the government should assure that a significant risk has been established, that enforcement of the relevant standard will substantially alleviate that risk, and that based on a succinct description and comparison of the costs, benefits, and reasonable alternatives, the benefits of the standard justify its costs.

The Chamber has been heavily involved in occupational safety and health issues for years. We have taken leadership positions in the business community to amend the 1970 Occupational Safety and Health Act ("OSH Act"). In 1992, our Board of Directors approved the "U.S. Chamber OSHA Reform Proposal," which included many OSH Act amendments that we developed after thorough consultations with a number of business groups, business associations, and OSHA specialists. That proposal, generated as an alternative to the Comprehensive Occupational Safety and Health Reform Act then under consideration in

Congress (which the Chamber adamantly opposed), called for incentive-based voluntary health and safety programs.

In November 1995, the Chamber's Board of Directors unanimously endorsed the Safety and Health Improvement and Regulatory Reform Act of 1995. Accordingly, the Chamber has been actively supporting that measure. At the same time, while participating as a "stakeholder" in OSHA's process of drafting a standard on safety and health programs, the Chamber has voiced its concerns about OSHA's draft proposals which, in our view, appear to incorporate some of the most objectionable provisions of the failed Comprehensive Occupational Safety and Health Reform Act.

DISCUSSION

Need for an OHSMS

The first question posed is whether there is a need for an ISO occupational health and safety management systems standard (OHSMS)? We would answer in the negative. The reasons are many.

If there is to be a standard applied (whether voluntarily or not) to American employers, it should be developed exclusively by Americans for Americans with the vagaries of American legal and economic concerns in mind. It will be a Herculean task just to develop a workable OHSMS for the entire United States in light of the unique legal and economic circumstances of each state and region. While the objective of uniformity in the global marketplace may be laudable with respect to certain factors (e.g., the ISO 9000 quality standards), OHSMS uniformity that recognizes and incorporates entirely different legal and economic schemes as well as unique customs and traditions is unimaginable.

Add to this complexity the vast differences in industries and management methods (e.g., construction v. data processing v. health care) and one can easily see, indeed the conclusion is inescapable, that it would be virtually impossible to fashion an OHSMS that could be applied in the many different legal and economic circumstances in which employers operate.

OSHA is developing a safety and health program standard. Whether there is a need for this standard is questionable. Employers large and small will argue that OSHA's current Safety and Health Program Management guidelines meet any need for a SHP standard. The current guidelines are effective because they are voluntary. In an era of deregulation, regulatory reform, broad government downsizing, and unprecedented budget pressures on all agencies, it seems at best disingenuous for OSHA to invest significant resources developing a SHP standard which will undoubtedly meet increasingly stiff employer resistance as it is developed. Moreover, any such standards should be developed by the private sector -- not a government agency.

The agency's concerns as it drafts a proposed SHP standard include whether all industries should be covered and whether smaller employers should be covered by the standard or somehow accommodated. OSHA has also expressed concern as to whether all hazards should be covered by the proposed standard and to what degree. The uniformity issue(s) facing OSHA present significant problems as it develops a SHP for just the United States. Similar problems, only of much greater magnitude, would plague drafters of an international standard, even if it is to be applied on a voluntary basis.

One of our chief concerns is that any OHSMS developed for ISO purposes would become the basis of an occupational safety and health program standard (OSHPS) developed by the Occupational Safety and Health Administration (OSHA). The SHP standard currently being developed by OSHA, regardless of whether it is influenced by an ISO standard, most likely will not be voluntary. Rather, it would be another federal mandate on business (even though it may be phased in over an extended period). Thus, the voluntary nature of an ISO standard if applied in the U.S. is questionable. Even if the OSHA standard precedes an ISO standard, the latter will undoubtedly influence the application and enforcement of the OSHA regulation.

American businesses, large and small, will work with OSHA and try to make its standard development process less a creature of frustrated OSHA reformers from the 102nd and 103rd Congresses and more of a good-faith effort to effectuate the purposes of the federal law - a safe and healthful workplace for all Americans.

The facts are alarming and raise serious questions about the potential effectiveness of OSHA and ISO safety and health program standards. Workplace violence continues to be a major cause of work-related deaths and injuries. This violence primarily is a function of societal inadequacies coupled with failings in the U.S. criminal justice system. To focus on the role of employers in preventing or controlling situations that contribute to criminal misbehavior is to assume that employers can find and implement the corrective and preventive actions that have eluded the best and brightest criminologists, sociologists and political leaders in this country for generations.

Work-related vehicular mishaps cause even more deaths and injuries than violence. Employers do not willingly allow a person to operate a vehicle without adequate training in the safe operation of that vehicle. To allow inadequately trained employees to operate vehicles would certainly spell financial disaster for the errant employer. However, even the most conscientious and well-trained driver is subject to serious injury resulting from other drivers' mistakes. As with the issue of workplace violence, even intensive employer efforts to train employees cannot make safe an activity made sometimes unsafe by those outside the employer's influence.

Substance abuse (both alcohol and illicit drugs) is a significant contributing factor to all varieties of injurious workplace activities. However, it does not take an OSHA SHP or and ISO OHSMS to encourage employers to maintain workplaces free of the effects of

substance abuse. If government action is called for, and it may be, employers should be encouraged to eliminate substance abuse as a contributing factor to the degradation of workplace safety and health by removing obstacles to control mechanisms such as drug testing of applicants and employees.

Labor - Management Relations

It is apparent that increasingly fewer American workers, as a percentage of the private-sector work force, are electing to be represented by a union. In fact, organized labor represents a mere 10.4 percent of all private-sector workers. This represents a sixty percent drop since the 1950s. It raises the question of on what basis the AFL-CIO, and/or its constituent unions, assumes that it speaks for, and in the best interests of, American workers? It also raises the issue of why ANSI or any other national or international body would credit the AFL-CIO with that authority?

Organized labor deserves credit and appreciation for supporting the Occupational Safety and Health Act of 1970 and for its efforts in guiding the development of OSHA and its standards. However, its voice in OSHA and its regulations, as well as in development of an American position on ISO standards, should reflect its current position in the social and economic fabric of this country, not its position of 40 years ago. After all, organized labor strongly opposed both the North American Free Trade Agreement and the General Agreement on Tariffs and Trade. If their position if anti-international trade, then one must question their role in devising an international trade standard.

Unfortunately, the AFL-CIO and its constituent unions have undertaken a multi-million dollar campaign to increase their economic and political clout. We have seen organized labor resort to various means to coerce employers and employees into their sphere of influence notwithstanding the statutory guarantees of employee freedom of choice on the issue of union representation. Thus, it seems questionable whether this or any other organization should accept the unions' stakeholder input at face value. There most likely is an ulterior motive in their comments.

The economies of most industrialized countries, especially this one, are undergoing rapid and significant change as new technologies come on-line at a mind-boggling rate. In addition, no nation's economy is completely free of influence from market factors at play in other parts of the world. It is clear that the successful businesses of the next century will have flexibility as a common hallmark. As change becomes more and more constant, regulations and standards will increasingly become outdated or obsolete at a rapid rate. One could then argue that a well-designed health and safety program will be able to adapt to rapid industrial, economic, and societal changes. The opposition viewpoint will be that a standard designed in the 20th century will also need adjustment, probably on a frequent basis, in the 21st century, an era of rapid change.

It will not suffice to have a uniform international standard that forces antiquated procedures and mechanisms on American employers who will have the absolute need to incorporate and adapt to the most up-to-date business and medical concepts in order to remain competitive throughout the world. The same reasoning applies to OSHA's SHP standard. Will it prevent American businesses from keeping up with, or exceeding, their international competitors?

One element of OSHA's draft proposals on a SHP, and mentioned in the focus questions for this debate, is the issue of employee participation, especially as it relates to legal restrictions on cooperation between employees and employers. Recent polls of typical American workers reveal that most strongly desire the opportunity to participate in decisions affecting their work. Whether the issue is making production more efficient or the production process more safe, employees have substantive thoughts, suggestions, and ideas which, if heard and acted upon, improve job security, job safety and the general well-being of everyone affiliated with the firm.

Unfortunately, American labor law, as administered by the National Labor Relations Board (NLRB), severely restricts employers in their efforts to involve employees in their own work lives. The NLRB has interpreted the 1935 National Labor Relations Act, based largely on an adversarial model of labor-management relations, as prohibiting unfettered employee participation because that may constitute a company-dominated union. Ironically, the AFL-CIO remains adamantly opposed to legislation that would clarify this law so that it would allow employee participation through employee teams or committees while still prohibiting employer-dominated labor organizations.

The employee participation mechanisms envisioned in the Comprehensive Occupational Safety and Health Reform Act rejected by Congress during the 102nd and 103rd Congresses, but strongly supported by the AFL-CIO and its constituent unions, required autonomous employee committees carefully designed to facilitate union organizing once they were in place. Thus, the Chamber remains extremely wary of employee participation mechanisms endorsed by organized labor.

Bureaucratic Burdens

Almost all small businesses - thus, most businesses in this country - have small payrolls and limited administrative and management staffs. One of the primary concerns of the business community when considering proposed workplace health and safety standards are the critical differences between large companies with hundreds or thousands of employees, many of whom are specialists or experts in various staff areas such as safety, security, finance, accounting, legal matters, and human resources management, and small, privately owned businesses. On the other hand, most small businesses have limited management and administrative staffs to determine which government regulations may be applicable.

Small businesses do not have the in-house expertise or resources to adjust to rapidly changing regulatory and legal requirements. For example, rare is the small business that has on its staff, even temporarily, someone who is familiar with the voluminous regulations issued by OSHA. That agency has issued detailed regulations (or "standards") covering all businesses, as well as industry-specific standards covering only certain types of worksites such as those in the construction industry. Small businesses want to have safe and healthful workplaces; they want to comply with laws and regulations. However, most small businesses, due to their limited staff and resources, cannot devote precious time and effort to assimilating the rapidly growing body of federal and state regulations that may apply. Small businesses cannot call in a specialist or consultant every time OSHA standards change or new standards are issued. Similarly, a small company's attorney cannot be consulted on a routine basis or the fees will soon pose a serious threat to the company's competitiveness, or even its survival.

ANSI must remember the effect that international occupational safety and health standards and its regulations have on small businesses is vastly different from the impact that reform will have on large businesses and major corporations. Where another regulatory requirement may seem appropriate and reasonable for a large multi-site corporation with hundreds or thousands of employees, including several OSHA compliance experts, its impact on a one-owner, one-site operation may be disastrous. One size does not fit all.

Our plea for regulatory flexibility is not just about relieving the burdens of the small business person; it is also about the economic viability of this country. Small Business Administration statistics show the small business community as the primary job creators of today and tomorrow. Furthermore, the past two decades have been marked by technological advances that can be credited to small business "pioneers." This trend will undoubtedly continue in the future. Unnecessary regulation, whether voluntary guidelines or mandates, only serves to stifle the potential of small business.

Already there are too many laws and regulations with which every company must comply. A small business cannot even hope to keep track of them all, let alone ensure compliance. Large personnel departments with specialists devoted to compliance with federal regulations are even hard-pressed to ensure compliance in every circumstance they encounter. Being in business nowadays means the owner/manager must have ready access to a library of constantly changing statutes and regulations, and be able to effectively use those resources. To do this, the modern American business owner should be a lawyer.

It appears from looking at early drafts of OSHA's SHP standard that training will be a significant requirement for compliance with the standard. The workplace of the 21st century will in many respects closely resemble a class room as employers continuously try to update the knowledge and skills of employees. Fully trained and well-educated employees will be the critical key to success in intense international competition. The demand for continuous training will surpass the ability of most employers to provide it. Moreover, the expense of hiring an instructor or providing lengthy on-the-job training will create the need for

alternatives. The technology of the 21st century workplace will include extensive computer-based training programs relying on simulators for intensified on-the-job training.

The Chamber strongly encourages adoption of voluntary standards or guidelines that encourage constant training of employees in safe procedures. Such training should take advantage of relatively inexpensive, and therefore more likely to be available to small businesses, computer-based individualized instruction and simulation. These education and training devises will allow individual employees to progress at their own speeds and will encourage employees to broaden their skills and capabilities. Moreover, computer-based training will be easy to document in order to demonstrate compliance with the standard or guideline.

By far the subject of the most frequently-cited small business problem with occupational safety and health standards is the seemingly endless recordkeeping and paperwork requirements. Not only do those regulations impose sometimes severe restrictions and requirements, they compound the administrative difficulty by making complete and accurate records of compliance absolutely essential. While small business owners/operators may see the safety-enhancing value in compliance, they are perplexed by the need to thoroughly document that compliance for later inspection by a government official.

An international OHSMS standard will certainly include a requirement for ample documentation of the employer's compliance. Thus, business managers will have yet another layer of paperwork they may be obligated to complete. It is difficult to imagine a more objectionable aspect of even a voluntary OHSMS than a requirement to complete reams of forms or otherwise provide substantial amounts of data relative to compliance. Such a recordkeeping or reporting requirement diverts resources from actual efforts to improve workplace health and safety.

The Chamber strongly urges that if an international OHSMS standard is developed, it be structured in a way that imposes the least possible amount of paperwork or recordkeeping requirements on business.

Performance Levels

If an OHSMS standard is developed it should not address performance levels. To do so would disregard the unique circumstances each employer faces. Performance levels in a vacuum will be utterly unfair to employers who can do little or nothing to change the socio-economic conditions or legal/regulatory milieu in which they operate. Rather, any international standard should provide business with encouragement and guidance on effective ways to reduce occupational injuries and illnesses. If developed, an international standard should offer examples of best practices from which an employer could elect for that employer's unique circumstances.

A standard containing options for recommended practices will best serve the needs of small businesses which could then use the standard as a guideline for achieving improved occupational safety and health.

CONCLUSION

The U.S. Chamber opposes development of an ISO OHSMS standard. Such a standard would, among other things:

- Duplicate efforts already underway in this country,
- Potentially impede efforts to improve occupational safety and health in countries where requirements are more strict,
- Divert employer resources which otherwise would be dedicated to maintaining a safe and healthful workplace,
- Most likely be directly inconsistent or conflict with U.S. labor law,
- Impose significant new recordkeeping and paperwork requirements,
- Directly and significantly interfere with a firm's employee/labor relations,
- Impede employers' ability to be flexible in international competition,
- Fail to deal effectively with the two greatest causes of work-related injuries and deaths in the U.S.,
- Be a significant negative influence on OSHA's proposed Safety and Health Program standard in either its development or enforcement,
- Give organized labor in the U.S. undue influence in the development and implementation of such a standard,
- Circumvent the development process behind OSHA standards/regulations addressing such contentious issues as ergonomics, recordkeeping, and indoor air quality,
- Impose yet another impractical and/or indecipherable standard on small businesses,
- Impose significant additional costs on businesses large and small,
- Deprive most American employers of the opportunity to directly influence the development, use and enforcement of the standard,
- Necessarily involve the possibly high-priced services of private inspectors or certifiers whose credibility and neutrality would frequently be challenged.

The Chamber urges its members and all employers to make every effort to provide a safe and healthful workplace. The manner in which the federal government encourages employers to achieve that objective is the subject of bitter political disputes. The Chamber firmly believes that OSHA can and should be significantly changed so that it no longer is viewed by most employers as a harsh enforcer of incomprehensible, unreasonable, and unworkable regulations.

In light of the many complexities and difficulties mentioned above, and others, further development of an international OHSMS standard is not favored at this time.

Thank you for the opportunity to address this organization. I will be pleased to answer any questions.

THE NEED FOR AN OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT SYSTEMS STANDARD

S.Z. MANSDORF
PRESIDENT-ELECT, AMERICAN INDUSTRIAL HYGIENE ASSOCIATION

Introduction

The American Industrial Hygiene Association (AIHA) is pleased to participate in the American National Standards Institute (ANSI) meeting to investigate the need for an American and International Organization for Standardization (ISO) standard on occupational health and safety management systems (OHSMS). Our presentation has been organized to address the specific questions posed by ANSI in our letter of invitation to participate in this meeting as well as discuss related issues of pertinence.

It is our belief that a voluntary consensus OHSMS standard would be beneficial to American business, our profession, and the American workforce in promoting continuous improvement of health and safety in the workplace. Further, we believe that the development of consensus standards for health and safety in the United States and internationally will ultimately enhance the safety and well-being of workers world-wide.

The AIHA is a not-for-profit professional organization established in 1939 which represents over 12,000 industrial hygienists working for industry, labor, insurance, government, the academic community, at research institutions, and in most other sectors of the economy. The AIHA provides a wide range of services to members, allied professionals, and the general public. One key element of the AIHA service mission is the development and publication of technical guidance and documents related to the practice of industrial hygiene such as our recent *Guidance Document for Occupational Health and Safety Management Systems.*

The AIHA is also actively involved with standards setting on a voluntary and legislative basis through both staff and member participation. It is in this regard that we are pleased to have Dr. Zack Mansdorf represent us at this important meeting. Dr. Mansdorf is especially well suited to this task because of his position, work experience and professional credentials. He is currently Managing Director for Liberty International Risk Services (part of Liberty Mutual Insurance Company) and President-Elect of AIHA. He will succeed to President of AIHA in about two weeks at our annual business meeting and conference in Washington, D.C. Zack is board certified in both safety and industrial hygiene with over 23 years of broad-based experience, having worked for government, private industry, a research institute, and in consulting on a national and international basis. Most importantly, he has considerable experience in voluntary consensus standards setting through the American Society for Testing and Materials (ASTM) where he was elected a Fellow, and is a former technical assistance group member in ISO, representing the US vote on protective clothing standards.

The AIHA Vision

Before moving to a discussion focused on the ANSI posed questions, it is important to briefly describe our vision of an OHSMS standard. This will help reduce any misunderstanding or hearsay relative to our position. It is our belief that an OHSMS standard would, in essence, be simply a tool with which to systematically perform and document what an organization is legally required or volunteers to do regarding health and safety. More simply put and as others have described the process, "say it, do it, document it". Just as ISO 9000 does not guarantee quality products, we believe an OHSMS standard would not guarantee safety. However, we do believe it would lead to management systems and practices to ensure that the policies, procedures, and specifications already in existence at an organization are carried out in a systematic fashion. We believe this would enhance the effectiveness of health and safety programs and improve overall protection for workers. Further, we believe that voluntary consensus standards for occupational health and safety management systems should be developed as separate but harmonized standards under the guidance of qualified professionals in these fields rather than treated as subelements of the management of quality or environmental issues.

The Need for a National and International OHSMS Standard

There are a number of potential advantages and disadvantages of an OHSMS listed in the March ANSI issues outline, "International Standardization of Occupational Health and Safety Management Systems-Is There a Need?". Only two of the listed potential advantages are explored further in this section of our presentation.

We believe a national and international voluntary OHSMS standard would be beneficial because it would formalize a means to integrate health and safety into all aspects of business as well as providing for continuous improvement. Most safety and health professionals consider this a critical requirement for success and hence effective worker and company protection. Secondly, a standard developed through the ANSI and ISO consensus process could establish an accepted baseline of management practice with a potential to be used world-wide. This would help to reduce the tremendous disparity in occupational health and safety management practices between small and large organizations within nations and among underdeveloped and developed nations.

OHSMS Standards Work in Other Countries

Based on our current knowledge, most activity to develop formalized health and safety management systems standards has taken place in Europe with some less formal activities elsewhere. There have been two drafts of a British proposed standard (*BS 8750*), a draft of an Irish standard (*Occupational Safety, Health and Welfare Management System-Requirements*), and a proposed Norwegian standard integrating health, safety, environmental and quality (*Core Management Principles for Organizations Enhancing Quality of Products and Services, Occupational Health, Safety and the Environment*). We believe it is highly likely that at least one of these national standards will be officially published in the very near future.

To the best of our knowledge, OHSMS standards activity in other countries is not as far along with the exception of Australia and New Zealand where several drafts of their proposed standard (*Occupational Health and Safety Management Systems*) have been developed. It is also our understanding that the Koreans have begun preliminary discussions on an OHSMS. Others in the region, such as the Japanese, have not been developing similar proposals, but for many their practice has been to integrate quality management with safety management on a systems basis in the absence of standards.

Potential OHSMS Effects on Business

Concerns have been expressed by some business-linked associations and spokespersons on the potential negative effects of an ANSI or ISO OHSMS standard on commerce domestically and internationally. Most of the concerns that have been expressed to AIHA relate to competitiveness, additional administrative and cost burdens that may not be value added, and the potential for any proposed voluntary consensus standard to become either a defacto standard or be enacted into law. These concerns are certainly a reasonable reaction to any newly proposed standard relating to safety and health issued by any government body or any organization. The following paragraphs briefly address each of these major concerns.

Nationally, the baseline of worker health and safety within companies is very divergent with some larger companies having exemplary programs while smaller companies tend to have less effective or ineffective programs. We believe voluntary consensus documents and standards would help to raise the baseline for companies with marginal programs while not stifling innovation for more progressive and larger companies. Further, customer driven specifications (i.e., ANSI or ISO standards) requiring effective health and safety management systems would reduce the competitive advantage for those companies without adequate health and safety practices.

Internationally, we believe a similar argument can be made. As a nation, the United States has been a World leader in worker health and safety. While reductions in workers compensation and the other costs associated with accidents and disease ultimately reward the best U.S. companies, there are many developing nations and others that do not have our level of care for injured workers or for whom the care system is government subsidized. Therefore, the U.S. competitive advantage gained through diligent health and safety programs is lost to these competitors. Establishment of an ISO standard would help "level the playing field" for foreign companies while not establishing a significant burden for U.S companies.

The burden of recordkeeping and establishment of systems is often cited as a serious concern in relation to existing and proposed ISO quality and environmental standards. Clearly, it is more burdensome and expensive than to keep no records at all. Nevertheless, it is also quite clear that most companies have found significant improvement in their management of business through better systems and recordkeeping, and the management of health and safety is no exception in this regard. More importantly, a harmonized standard would use most if not all of the systems

already in place for ISO 9000 and the soon to be published 14000.

We feel any auditable system will require recordkeeping not unlike the requirements for financial records business must develop and maintain. We recognize the additional burden this presents; however, we feel it is offset by the benefits to be gained. It should also be noted at this point that although many representatives of industry would suggest the concept of an OHSMS standard to have an overall negative value considering all factors, several industry authors have recently published articles or have been quoted on the value of an OHSMS approach in industry[1]. Additionally, many companies have already instituted measures to merge their ISO 9000 and safety and health functions since they feel this approach is both cost efficient and effective.

Performance Levels and Regulatory and Legal Issues

It is our position that an OHSMS standard should be performance based, and not specification driven, and that it should be written in a manner that provides guidance. We believe that proper management is the key determinant in the effectiveness of health and safety programs. Therefore, we believe in the merit of establishing management systems whose performance is auditable rather than the less systematic and less global specification type standards. We further believe that organizations should have a means to determine if they are effectively carrying out their own policies and procedures. Our experience is that some type of auditing of health and safety programs from a specification standpoint as well as management standpoint is fairly routine now for many companies.

The legal adoption of a voluntary consensus OHSMS standard published by ANSI or other standards setting bodies is a possibility although we do not believe imminent. Given, the length of time required to develop and publish U.S. and ISO standards, it would not likely occur in this decade. Adoption into law of consensus standards would follow current practices by OSHA and others and is described under the new Technology Transfer Bill (Public Law 104-113). This bill requires federal agencies to "use technical standards that are developed or adopted by voluntary consensus standards bodies" under many circumstances. If an OHSMS standard were adopted at the federal level in the future, we believe that as a consensus document and through ruling making protections, it would represent what is essentially negotiated rule making. This is the direction and philosophy sought by most of those affected by federal regulations.

OHSMS Practices Compared to Other Countries

Most of the countries in Europe and the Americas, with some variation, have health and safety practices and requirements similar to those in the U.S. The Europeans have also embraced ISO

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[1] See the Myra Plotnick (of Monsanto) article in the January/February issue of OH&S Canada titled "Working in Perfect Harmony" and the article by Sandy Smith in Occupational Hazards magazine titled, "IBM Spells Safety I-S-O" in their December 1995 issue.

standards and CEN safety and health requirements. Other countries of the world vary greatly with some equivalence based on their stage of economic development (e.g., the Australians have similar standards to the British). What is important to note is that a guidance based OHSMS standard would allow for variation among countries, provided that a system is established to assure the policies, procedures, and requirements for any particular country and organization within the country are followed. It could be used to establish a base of essential elements for any health and safety program, such as employee training and exposure assessment, without specifying exactly what is to be done or how it is to be done. Therefore, we do not believe that country to country variation in culture and requirements will significantly diminish the value of an ISO OHSMS consensus standard.

Scope of a U.S. OHSMS Standard

The AIHA has patterned their guidance document on ISO 9000 with the intent to harmonize the essential requirements with the forthcoming ISO 14000. We believe this is the least burdensome approach. We would suggest this approach versus any registration or certification approach at this time. Further, we would encourage self-certification and the use of first and second party audits by qualified health and safety professionals. It is not our intent to purposely create a market for third party auditors. AIHA is committed to taking a proactive role in promoting good science, our members, our profession and the protection of workers and the community. We are equally committed to working with ANSI and others to assure that any consensus standards developed reflect the views of the many stakeholders involved and affected.

Summary and Conclusions

We believe our *Guidance Document for Occupational Health and Safety Management Systems* could be used as the starting draft for development of an ANSI national standard that would reflect the needs and interests of all parties concerned. A U.S. national standard could then be submitted, if desired, to ISO for consideration as the starting draft for an international standard for OHSMS. We believe that development of an OHSMS is a "good practice" professionally; however, we also recognize the need to address the divergent and competing needs of all of the stakeholders concerned. AIHA is pleased to be able to work with ANSI and its members in accordance with ANSI policies and procedures to help develop the U.S. position for the September ISO meeting in Geneva.

WORKSHOP ON INTERNATIONAL STANDARDIZATION OF OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEMS—IS THERE A NEED?

THE STANDARDS DEVELOPER PERSPECTIVE

MR. ALLEN G. MACENSKI, J.D., CSP, FIAE, REA, CORPORATE DIRECTOR HEALTH, SAFETY AND ENVIRONMENTAL SERVICES, AECOM Technology Corp.

Description Of ASSE's Mission Including Its ANSI Activities

The American Society of Safety Engineers (ASSE) was founded October 14,1911, in New York City, with 62 members. Originally named the United Society of Casualty Inspectors, its philosophy was to promote "harmonious action in safety work and educate members in all matters relating to industrial safety and accident prevention." Throughout its growth, our non-profit organization has dedicated itself to advancing the safety profession and enhancing the knowledge and capabilities of safety practitioners.

ASSE has, and continues to play a key role in the development of many important national programs and standards. We were a charter member of the ANSI predecessor organization, the American Engineering Standards Committee and the first secretariat, then called sponsor, of the ladder project (A 14). Society members have served on federal committees, supported key safety and health legislation, and expanded the body of knowledge that has been the foundation for professional development activities.

In 1948, ASSE worked with the National Safety Council to research the feasibility and reliability of plastic eye protection. During the early 1960's ASSE did the pioneering work at Wright-Paterson to develop decelerating devices for the safety belts used today to protect workers exposed to risks of falling from heights. Again, in 1964, the Society provided important revision of the Walsh-Healy Act, and our concern for the American worker continues today with our efforts to stabilize the various OSHA reform measures that have been introduced to Congress. We have been relied upon by our National Leadership for our expertise and objectivity. For example, in 1971, President Nixon appointed three ASSE members

to various Occupational Safety and Health Administration positions, including the Assistant Secretary of Labor.

ASSE has also served the National Institute for Occupational Safety and Health as a contractor to design and develop an accident potential recognition program. In 1986, the United States Congress passed legislation commemorating National Safety Week as an observance of important safety and health issues for public health and safety protection.

The Society and its 32,000 plus membership continues to expand its focus both in the United States and abroad, with chapters in Puerto Rico and the Middle East, and a section in the United Kingdom and members in 54 other countries. ASSE has evolved into a multifaceted, service-oriented organization offering a broad spectrum of programs encompassing the protection of people, property and the environment through education, standards, legislation, publications and public awareness programs.

ASSE is the world's oldest and largest professional safety organization. Its mission is to promote the advancement of the safety profession and foster the technical, scientific, managerial science and ethical knowledge, skills and competency of safety and health professionals. Our members manage, supervise, consult and educate on safety, health, and environmental issues in industry and business, government and education world-wide. Our members who are the world's safety and health professionals help prevent accidents, injuries and occupational diseases; create safe environments for work and leisure; and develop safe products in all areas of human activity.

As Secretariat for five American National Standards Institute committees, the Society continues to expand its role in the standards development process. An American Society of Safety Engineers representative on any standards committee represents a very broad spectrum—the Professional safety movement—and the Society's claim as an independent professional organization performing a public service as well as a professional function. ASSE representatives are assigned to support the over forty standard setting activities of four national standard setting bodies. As such, they must reflect the Society's chartered responsibility "to promote the growth and development of the Safety Profession," through effective and

competent service on safety and health standards committees. ASSE's Standards Participation Policy affirms that the voluntary consensus standards system as presently constituted most effectively forms the basis for protecting life, property, and the environment.

It is with this as a background to our efforts, that I am pleased to be here today to address this body on the issues of international standardization of occupational health and safety management systems.

Safety Management Principles

Before discussing the basic issues and possible approaches to standardization of occupational health and safety management systems, we perhaps ought to examine briefly some of the underlying principles of accident prevention plans and programs. In 1971, in the first edition of *Techniques of Safety Management,* a number of principles were gathered together and discussed in some detail. These principles, from various sources, concerned such things as accident causation, the relationship between frequency and severity, the management of safety, the importance of accountability and measurement, and so on. The fifth principle in that list, is the rationale for this entire discussion:

> The function of safety is to locate and define the operational errors that allow accidents to occur. This function can be carried out in two ways: (1) by asking why accidents happen—searching for their root causes--and (2) by asking whether certain known effective controls are being utilized.

W. C. Pope and Thomas J. Cresswell put forth in their article, entitled "*Safety Programs Management,* " in the August 1965 issue of the *Journal of the American Society of Safety Engineers,* the basic theory that defines the foundation for our deliberations today. This article defines safety's function as locating and defining operational errors involving (1) incomplete decision making, (2) faulty judgments, (3) administrative miscalculations, and (4) just plain poor management practices. Pope and Cresswell suggest that to accomplish our professional purposes, we in safety would do well to search out not what is wrong with people but what is wrong with the management system that allows accidents to occur. This thinking is borne out in the ASSE publication *"Scope and Functions of the Professional Safety Position,"* where the position of safety is defined. This concept directs the safety professional to look at the

management system, not at acts or conditions that are prescribed by compliance standards. Over the past 25 years, the field of health and safety management has matured slowly, from a regulation-based, compliance-driven, "command-and-control" regime to that of a work environment where there is employee involvement and stewardship for safety. And, where organizations aspire to ever-increasing voluntary protection activities such as the Occupational Safety and Health Administration's Voluntary Protection Program (VPP). Later today, we will hear from the Undersecretary of Labor for OSHA, Mr. Joe Dear who, I am sure, will detail how effective this approach has been in the United States. If we extend the Pope and Cresswell theory, that any unsafe act or unsafe condition allowed to exist in the work environment along with on-the-job accidents are all symptoms of something wrong in the management system of the organization, then we may begin to see that management system standardization must be undertaken and defined by the safety profession if we are to be successful in our efforts of conservation of life. The concept of management system standardization is possible in the area of occupational health and safety. It is feasible to develop hazard controls, methods, procedures and programs that may be utilized by all types of industries and organizations. To implement a systematized approach to health and safety administration through an international standard is possible. The recent publication of ISO 14001 *Specification for Environmental Management Systems* demonstrates that such a task can be completed in an equally complicated and controversial area of our profession. A substantial number of organizations view this development as another benchmark for doing business. The ISO 14001, *Environmental Management Systems* standard will provide elements of an effective environmental management system that can be integrated with other business-management functions to help a company achieve its environmental and economic goals. If companies wish to anticipate and meet environmental objectives, and ensure ongoing compliance with national and international rules and regulations, the ISO standards will be essential.

Is There a Need for an International Occupational Health and Safety Management System Standard?

The rise in worker understanding as to the hazards of their jobs, the increased public concern with industrial tragedies throughout the last decade, and the need to prevent on the job injuries and illnesses

has led to a number of health and safety issues which today's business organizations now have to find ways to deal with. This rising public interest has attracted the attention of many bodies, including the US and European Union legislatures and other national organizations and pressure groups. There should be no question that, there is a considerable body of expertise on occupational health and safety issues. Occupational health and safety has been regulated in most industrial countries for over a century. Considerable attention has been given to the topic of employee health and safety by industry, labor, insurers and government. Thus, we are here today to debate and explore the need and possible direction we in the United States will take as the concerns for worker health and safety are addressed on the global front. However, the parallel history of quality management codes and standards has shown that unless one standard is accepted by all, then individual proprietary standards will most likely proliferate. This happened during the 1960s and 1970s and led to a chaotic scene, which is only now beginning to rationalize around ISO 9000.

A standard that requires a progressive organization to establish and maintain procedures to specify its occupational health and safety objectives and any consequent targets at all relevant levels would begin the process of reducing workplace hazards and the resultant occupational injuries and illnesses that cost this nation and others, valuable assets.

Major Advantages

As viewed by a professional association, there are many advantages to begin the process of defining a suitable occupational health and safety management system standard. They are:

1. Management practices will be defined that will promote continuous improvement for organizations' protection of their workers and the prevention of injuries and illnesses in planning new processes and activities.
2. Organizational commitment will result in better management and cost savings. The creation of a standard will help organizations manage occupational health and safety operations and improve performance of their programs.

3. Practitioners will experience greater recognition and receive greater respectability because of the consistency that will be defined by a "common, worldwide" protocol for safety and health management for multi-national and international operations.

4. Customer/supplier transactions will have a higher level of expectation and a specification will be available for the purpose of segregating competition.

5. Multinational trade agreements will have a standard for the purposes of facilitating trade relationships, whereas in the past there may have been barriers involving worker protection and safety.

6. There will be a worldwide focus on occupational health and safety management and the profession, thereby sensitizing international cultures to the need for well trained and credentialed practitioners.

7. Harmonization will be more likely between national rules and labor standards that complicate and interfere with the commercial activities of international organizations.

8. Conservation of life will be increased through a framework to move beyond compliance to accident and disease prevention.

9. Organizational performance and public posture will move away from just "bottom Line" analysis to more credible humanistic performance as an indicator in reporting to the public and stockholders.

10. All size organizations will be able to use this standard to establish performance goals and programs. Thereby giving every business the opportunity to increase productivity and profits.

It should be noted that despite the existence of widespread expertise on occupational health and safety management systems issues, there are no approved, national or regional consensus standards on occupational health and safety management systems. Two countries, the United Kingdom and Norway, have proposed such national standards but they have not been completed. Here in the United States, trade

groups, one professional group, and individual companies have developed or are developing private sector guidelines addressing occupational health and safety management. For this reason, it may be an advantage to begin the development of an international standard now, because there have been no predetermined turf issues defined ahead of the discussion.

Major Disadvantages

1. Implementation of an ISO Occupational Health and Safety Management Systems standard may conflict with laws and regulations in the United States. For example, in the United States, the employer-employee labor relations area is subject to almost a century of case law and over fifty years of statutory, regulatory and administrative law. To the extent that any ISO standard includes provisions on employer-employee communication, cooperation or involvement, these may conflict with existing legal standards. This could be particularly problematic for organizations who may face commercial pressure to conform to the ISO standard while at the same time having to comply with United States labor law and with legally binding collective bargaining agreements that may cover occupational health and safety management system issues.

2. A new standard will require the commitment of resources to the development of another ISO management standard at a time when there may not be enough private support for such an effort to assure that the best representation is available for international deliberations. Only those organizations with the resources to focus the time, effort, support and travel expenses of senior staff actually participate. Even the voice of professionals may not be heard, since a high percentage of representatives are persons who, with a few exceptions, may not be well-versed in the discipline of occupational health and safety management or the science involved in the field.

3. A new standard may require additional costs for an organization, including the costs of development and implementation of a system conforming to this standard. Or if self-declaration is used for conformance to such a standard (as it is used most often with most of the ISO standards), the impact on improving the work environment may be minimal at best. It should be noted that BS 8750, the British Standards Institute's draft occupational health and safety

management systems standard states explicitly that it is intended for guidance only and is not for use as a specification for third party registration purposes.

4. As with any ISO standard, if minimal process documentation is used as a basis for compliance, coupled with a conformity assessment that does not require automatic improvements in the quality of the occupational health and safety management systems, the standard will promote mediocrity. That will hinder the advancement of the art and science of safety, and safety management.

5. There is the potential for the occupational health and safety management system standard to create a new duty of care under national law in countries where there is no, or few "common law" principles established. The likely significance to organizations doing business in such an environment will be defined by that government's consideration of the quality of the occupational health and safety management system (whether or not it is ISO-based) when it decides: (a) whether to prosecute or enforce and/ or (b) the severity of the penalties it will seek. If an ISO standard became a generally accepted standard of care by which management actions were judged, then any management action which deviated from the ISO standard could become prima facie evidence of management bad faith, or willfulness, or intent to evade that countries' safety laws.

This is compounded in the United States because many, if not most, criminal and civil legal actions following industrial accidents are matters of state law. The single standard of care that would be suggested by the ISO process and standard might very well be inappropriate and inconsistent with the criminal or tort law of many states. Because it is the possibility of criminal or tort liability which drives management conduct in a given state, it is unlikely that an ISO standard, even if developed, would find general applicability in those states where it was inadequate or inappropriate for the state's jurisprudence.

International Consensus - How difficult or impossible?

It may be very difficult to address, in the ISO context, sensitive issues related to the labor-management relationship that are addressed in very different ways in various economic, cultural and political contexts. The ISO meetings might become a forum for various stakeholders to advocate cultural, socio-economic or political views regarding responsibility for occupational health and safety management issues. It may be difficult to achieve international consensus based on different systems of labor relations and management worldwide and competing and widely divergent goals of stakeholders even within nations. If this were to occur, it may set back the safety movement and our profession because of the discord that would be created openly. There is uncertainty regarding the potential scope of the work of an ISO occupational health and safety management standard. For example, some might argue the age of the worker or length of the work shift, or other labor issues should be relevant topics for the beginning of the development of an occupational health and safety management standard, rather then focusing on the systems necessary to have in place to reduce the hazards associated with the work of the employee, no matter what their age, or how long they may be asked to do any particular task. The ISO process of one country, one vote puts the United States at a distinct disadvantage when it comes time to voice a more reasoned and technically sound approach to hazard control and safety management systems implementation. I say that because we have in this country, the greatest numbers of practitioners in the field of safety and health (over 100,000), and title to the vast majority of the body of knowledge in this area. From our position, the professional association, we see that the development of a standard would be extremely difficult and time consuming to arrive at consensus. Such a standard must be lead by a seasoned safety professional if we are to be successful and if we are to have an international standard of value.

Should a Standard Address Performance Levels?

Like the ISO 9000 and 14000 series of standards, we feel that when an occupational health and safety management standard is developed, that it must be a management system standard and not a performance specification standard. To become an ISO registered entity, an organization should be required to convincingly demonstrate to an independent, external registrar that it has implemented all the elements of

the standard. That it has an effective system for maintaining its compliance to applicable national laws and regulations. That its management practices promote continuous improvement of its systems for the protection of its workers in planning new activities. The ISO standard is an exciting development in worldwide efforts to promote and advance the profession of safety and health. If done well by knowledgeable individuals, it could establish a model for responsible, institutional management practices which in all organizations, whether in developed or less developed countries, in large or in small enterprises, will be the necessary first step on the road to accident and illness prevention and sustainable development.

The Prospect of Independent External Audits

It is our position that, such audits are necessary and will protect the credibility of registrations, as well as promote serious efforts to institute management systems. Audits will also protect the credibility of the profession. While this proposed standard is not likely to become the total solution for the promotion of global worker protection, we expect that it will play a significant role in promoting an organization's health and safety discipline and culture that must be prerequisites to sustained achievements in occupational health and safety hazard reduction efforts. We would hope that the United States government would react sympathetically to companies that have occupational health and safety management systems in place in conformance with future ISO requirements. For example, taking into account the quality of a company's health and safety management system when deciding to establish penalties or filing administrative charges when the corporation has been independently audited and has demonstrated a commitment to continuous safety improvement.

The American Society of Safety Engineers is most interested in the issue of professional qualifications as it may impact potential conformity assessment. If and when it would be time to develop registrar requirements and credentials, we would request consideration of a leading role in that process. We, for example, have initiated the Inter-society Forum of health and safety organizations that has most recently published a coalition statement dated February 23, 1996, endorsing the concept of independent workplace reviews to the proposal in current Occupational Health and Safety Act reform legislation now before

Congress. The coalition of the American Society of Safety Engineers, American Industrial Hygiene Association, the American Association of Occupational Health Nurses, the American College of Occupational Medicine and Nation Society of Professional Engineers represent more than 100,000 occupational and environmental health and safety professionals. Having had extensive experience as secretariat for ANSI, we know how to bring diverse groups together to build consensus around issues such as professional credentials. Our Professional Members and the Certified Safety Professionals around the world would be the most likely body or practitioners to draw from for the important role of management system registrars and to perform independent external audits.

What Scope/Topics/Contents?

Any ISO proposal must begin with a requirement for a comprehensive, written policy statement and commitment to continual improvement of accident and illness prevention efforts. We also feel that a suitable organization and staff with well outlined responsibility and authority within any organization is necessary to be effective in accident prevention programs. There must be well defined programmatic goals and objectives that effectively address the issues of workplace hazards, processes and employee exposures as it relates to the reduction and control of risks associated with all occupations. A management program must be defined and practices spelled out to control injuries and illnesses based on the best known intervention techniques. The authority for health and safety decision making should be a suitably trained, qualified and credentialed person responsible for occupational health and safety management oversight. Training, awareness and competence of employees to take responsibility for their own well-being must also be addressed. Communication systems and programs must be adequately employed to assure that there is constant and open interaction between all levels of the organization. Systems and procedures for the documentation of vital information and data must be included. Control procedures must be present and implemented to address the probable risk of injury or occupational disease that has been projected during the organization's ongoing hazard assessment activities. Emergency preparedness programs to address major risks must be also included in the overall standard. Continuous monitoring and self-assessment measurementation of programmatic effectiveness should be a part of the

organization's continual status assessment of their efforts. Reliable programs for correction and follow up of programmatic deficiencies and preventive actions should be employed and auditable. As stated earlier, an occupational health and safety management system audit, by a qualified third party, must be included as a qualifier to continual registration. Finally, there must be present suitable and effective internal management reviews that are auditable. Any standard proposed should be designed to demonstrate consistency of processes, not necessarily of end results.

Implementation Issues

What role should this proposal play in the regulatory framework of the United States? We hope that the Occupational Health and Safety Administration would be an interested participant in what ever deliberations there are on this issue and especially in defining successful health and safety management systems based on their experience with their VPP activities. Further, that they postpone their undertaking of rulemaking in this area until there is a clear picture of what the consensus is in this area. The United States regulatory efforts should then endorse the criteria that has been defined and encourage conformance to the standard and provide assistance to businesses in developing or upgrading their own management systems. Integration with the regulatory scheme would not be advised. But, the ISO standard should require that compliance with relevant national occupational health and safety standards such as the Occupational Health and Safety Act be a keystone requirement for conformance and/or registration.

Conclusion

It has been a pleasure being here today to present our views on this proposal. I believe that most professional safety people would agree that integrating health and safety into a fully-integrated business management strategy is essential if firms are to maximize their competitive position in the future. Each of us, as professionals, work to establish and maintain that philosophy within the organizations that employ us. The task is not easy or quick. The appearance of an international standard to help us in our efforts is welcomed by most of our members. Fundamental changes are needed in many international

organizations in regards to the lines of authority, and accountability for safety and health. Recognition for the contributions that have been made by health and safety professionals in improving the work environment for employees is long over-due. Development and implementation of a meaningful ISO occupational health and safety management system standard into business planning and overall management (including strategic planning and investment decisions about business units, facilities, and operations) must be undertaken. For those who wonder if this issue could be addresses under an already existing ISO standard such as 9000, or the recently published 14001, my response is a resounding no! Occupational health and safety is a stand alone discipline and body of knowledge requiring its' own and separate systems and analysis. In other words, firms world-wide must begin to address occupational health and safety factors as part of their core business practices, not as something to be handled elsewhere, or by someone else, or to be deferred. The vision is simple: occupational health and safety management must evolve to a point at which it is no longer viewed as a set of activities that are separate from or adjunct to a firm's core business processes. Achieving sustainable quality in occupational health and safety management while continuing to improve business competitiveness will require fundamental changes in the culture and business practices of many organizations. The development of an ISO standard in occupational health and safety management systems will help business transition to a more responsible and competitive position by seeking to simultaneously improve health and safety performance by reducing costs and improving workplace environmental quality. Without this standard, there will be the development of conflicting national standards that will become challenges to international business activities. Without this standard, access to the skills and expertise of professionals who can change the culture and business practices of international organizations may be limited, if not denied.

Mr. Chairman, the American Society of Safety Engineers will standby whatever decision the ANSI standards development body will make. Thank you for inviting us here today.

AMERICAN NATIONAL STANDARDS INSTITUTE

WORKSHOP ON

INTERNATIONAL STANDARDIZATION OF OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEMS: IS THERE A NEED?

Rosemont Convention Center
Rosemont, Illinois
7 May 1996

STATE GOVERNMENT PERSPECTIVE

John Howard
Division of Occupational Safety and Health (Cal/OSHA)
Department of Industrial Relations
State of California

State Workplace Safety Management Standards

Despite the absence of a national or an international occupational safety and health management standard, many states now require that employers develop occupational safety and health management standards.[1]

The coverage formulas for these standards vary from state to state. Six states require all their employers to develop and implement a workplace safety and health program. Other states limit coverage only to employers with a certain minimal number of employees and/or membership in a high hazard industry. Still other states require employers with above-average workplace injury and illness rates or workers' compensation claims to develop and implement programs.

The content of state-mandated occupational safety and health management standards also varies from state to state, but many state programs have several elements in common. I would like to illustrate these common elements by reference to California's standard.

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[1]These States include: Alaska, California, Florida, Hawaii, Louisiana, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oregon, Tennessee and Washington.

California's Injury and Illness Prevention Program

California's occupational safety and health management standard is called the Injury and Illness Prevention Program, or IIP Program. In 1989, the California Legislature enacted Senate Bill 198 which added Section 6401.7 to the California Labor Code. Section 6401.7 requires every California employer to establish, implement and maintain an effective Injury and Illness Prevention Program in their workplace.[2]

The IIP Program must be in writing, it must be effective and it must include, at a minimum, eight elements. These elements are:

(1) Management Responsibility

A California employer must designate in his or her IIP Program the person who has the authority and responsibility for implementing and maintaining the Program.

(2) Compliance

The IIP Program must include a system to ensure that employees comply with safe and healthy work practices. That is, the employer must ensure that the employer and his or her employees adhere to the Program.

(3) Communication

The IIP Program must include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal.

California law provides that the employer may utilize as the mechanism for complying with the communication requirement, a labor-management safety and health committee, but leaves the decision whether to do so up to the individual employer.

Unlike California, thirteen (13) states mandate that employers establish safety and health committees. One state requires committees of all employers and the other twelve (12) require them only of employers with a certain number of employees, or of employers who are in a high hazard

[2]See also, Title 8, California Code of Regulations, Section 3203.

industry, or of employers who have high workers' compensation loss rates.

Of the states which require committees based on employee number, the number of employees which triggers the committee requirement ranges from a low of five (5) in one state to a high of twenty-five (25) in another state.

(4) Hazard Assessment

California's IIP Program requires that the employer establish procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices.

Inspections must be made to identify and evaluate hazards:

- When the Program is first established;
- Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent new occupational safety and health hazards; and
- Whenever the employer is made aware of a new or previously unrecognized hazard.

(5) Investigation

The IIP Program must include procedures to investigate the circumstances leading to any occupational injury or illness.

(6) Abatement

The IIP Program must include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices or work procedures in a timely manner based on severity of the hazard, whenever the hazard is observed or discovered.

(7) Training

The IIP Program must provide training and instruction to all supervisors and employees:

- When the Program is first established;
- To all new employees;

- To all employees given new job assignments for which training has not previously been received;

- Whenever new substances, processes, procedures or equipment are introduced to the workplace which represent a new hazard; and

- Whenever the employer is made aware of a new or previously unrecognized hazard.

(8) Recordkeeping

Lastly, employers must record the steps taken to implement and maintain their IIP Program including keeping records of scheduled and periodic inspections and of training required for each employee.

In sum, the California standard requires effective demonstration of management commitment, effective written systems to ensure employee compliance and employer-employee communication, effective written procedures for accident investigation, hazard assessment and hazard correction, and documentation of training and recordkeeping.

Of note, California law also requires that every inspection conducted by Cal/OSHA include an evaluation of the employer's IIP Program.[3] But, in addition to reviewing the employer's compliance with the IIP Program requirements at every compliance inspection, Cal/OSHA Consultation also has joined with numerous employer and industry groups in educational efforts to improve their members' workplace safety and health efforts by using the IIP Program as a template to design more effective occupational safety and health management systems.

Cal/OSHA has also found that the IIP Program provides an effective blueprint for an employer to use who is interested in qualifying for one of California's Voluntary Protection Programs (VPPs).

California has found that the IIP Program requirements are flexible enough to allow employers to customize their programs so that they can effectively address the unique features of their workplaces. The IIP Program allows government to address newly emerging hazards within the framework of the IIP Program without developing another specification standard.

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[3]See California Labor Code §6314.5.

For instance, when California was contemplating the development of a standard to address workplace security hazard assessment, hazard correction and employee training for all the employment settings affected by workplace violence, it was recognized that California already had an existing regulatory framework to address workplace security hazards--the IIP Program.[4] As a result, California has one less specification standard!

Flexible, easy-to-implement and performance-oriented--these are structural attributes that any programmatic management standard--whether national or international--should have. The importance of flexible, programmatic standards cannot be overstated if only for the fact that we are in an era when the current supply of government regulations greatly exceeds the public's demand for them.

With the IIP Program, California has started on the road to building a greatly streamlined regulatory structure by putting a comprehensive management standard in place as the foundation stone. Now, we are turning our attention to the development of generic standards for permissible exposure limits, exposure monitoring, medical surveillance, training and recordkeeping.

GAO Review of State Workplace Safety Management Standards

What has the experience been with state management standards like California's? Unfortunately, there is little quantitative information available about the performance of state management standards or the positive injury reduction outcomes they may have produced.

In 1992, the General Accounting Office (GAO) reviewed the six (6) states with legislated requirements for employers to develop and implement comprehensive worksite safety and health programs.[5]

The GAO review was triggered by four major concerns which were being expressed about a comprehensive management program requirement which was part of OSHA reform at the time.

First, there were concerns that "too-specific program requirements" would constrain employers from developing the kind of safety and health programs that would best meet their needs, and that enforcement agencies might establish burdensome reporting requirements, such as requiring frequent detailed reports

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[4]See, "Cal/OSHA Guidelines for Workplace Security," 30 March 1995 (revised).

[5]See General Accounting Office, "Occupational Safety and Health: Worksite Safety and Health Programs Show Promise," GAO/HRD-92-68, May 1992. The GAO reviewed the following states' programs: Alaska, California, Hawaii, Minnesota, Oregon and Washington.

about activities conducted pursuant to the program.

The GAO found that the employers interviewed indicated that they had encountered no significant implementation problems largely because of the performance-oriented approach adopted by the states.

Second, concerns were expressed that the costs of implementing the program, such as conducting self-inspections, paying consultants to develop a program, and implementing hazard prevention procedures, would be too high, especially for small businesses.

The GAO found that for some employers, the costs of implementing safety and health programs were seen as a normal cost of doing business. Some small employers reported that despite initial start-up costs, implementing a program had actually been profitable for them because reduced injuries resulted in savings in lowered premiums for workers' compensation.

Third, concerns were expressed that assessing management commitment is prone to overly subjective enforcement by government.

The GAO reported that state compliance personnel usually focused on specific outcome measures of management commitment rather than on the intangible of management commitment itself. For instance, compliance personnel looked for things as records of the resources allocated to carry out the safety and health programs, and any documentation of corporate policies and goals established for safety and health.

Fourth, concerns were expressed that there were many obstacles to obtaining and documenting employee involvement in safety and health programs, such as how would enforcement agencies assess informal employee involvement, and if programs require involvement through joint labor-management committees, what would the potential liability be for such activities.

The GAO found that concerns about liability appeared to have been successfully addressed by many employers by defining the employee's role as advisory and affirming that management is ultimately responsible for workplace safety and health. They also found that informal involvement can be effectively evaluated through employee interviews and general on-site observation.

The GAO concluded their 1992 study by saying that they concurred with the value of comprehensive safety and health programs, but found it

> "difficult to recommend requiring all employers to have such programs, given the limitations on the quantitative data on program impact and the lack of

certainty about the burden such a requirement would pose. Where the risk of injury or illness is high, however, consideration should be given to requiring employers to have these programs--even if there is some uncertainty about the likely burden--because the potential number of lives saved or injuries and illnesses averted is high."[6]

International Standardization of Occupational Safety and Health Management Systems

Safety and health management programs add value to the economic enterprises of which they are a part. They minimize many wasteful transaction costs, increase productivity, improve employee morale and enhance business reputation. They are such a good idea that everyone should have one, and, in California, everyone by law must have one. However, not everyone does, and therein lies the dilemma for government agencies like Cal/OSHA who are responsible by law for making sure that all employers establish, implement and maintain an effective IIP Program.

A "command-and-control" regulation like the IIP Program is premised on sound occupational safety and health policy, but in order to be successful it requires not only attentive and robust enforcement, but it also requires the provision of extensive and suitable consultative assistance.

On the other hand, voluntary, or market-driven safety-enhancing behavior, is much less dependent on governmental enforcement and consultative resources. In addition, the cost of complying with a government mandate is usually captured in the external costs of doing business and is looked upon as a burden, but the cost of a market-driven incentive is considered as part of profit-generation and is viewed more favorably. Thus, the context in which a safety and health management standard is promoted--pro-competitive or anti-competitive--is important to its ultimate effectiveness as a public policy initiative.

Any voluntary efforts by employers to establish and implement management systems which improve the safety performance of their business activities should be heartily supported by government agencies responsible for employee safety and health. Cal/OSHA is no exception and supports the voluntary efforts by employers to add value to their businesses by implementing management systems to ensure workplace safety and enhance their employees' well-being.

After all, a primary aspect of government's mission is to encourage

"employers and employees in their efforts to reduce the number of

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[6] Ibid., p. 11.

occupational safety and health hazards at their places of employment and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions."[7]

At the same time, however, it should be remembered that voluntary management standards cannot substitute for safety and health program requirements already codified in law, nor can non-compliance with a legally-enforceable program standard be excused in lieu of complying with voluntary management standards.

Advocates of an international occupational safety and health management standard need to be mindful of the eighteen state jurisdictions with safety and health program requirements already in place and the experience they have had to date in implementing these standards. Five challenges come immediately to mind. The first two challenges relate to the process of developing international--as opposed to national--standards as it compares to California's standards adoption process, and the latter three relate to implementation issues.

First, I would guess that the one-country, one-vote process of determining what the elements of an international occupational safety and health standard should be works best after a cohesive national perspective on the issue has been developed. If California is any guide, standards development usually emerges from a series of competitive engagements between government and various interest groups.

How can you internationalize an issue which has yet to be nationalized in a robust debate about its costs and its benefits? "Leapfrogging" over a national debate about the contentious cost/benefit issue may invite poor acceptance of the final product, give advantage to other nations with more cohesive positions, and be counterproductive to the continued process of international standardization.

For instance, the major block of participant countries in the internationalization process--especially those social democracies in Europe--would probably not endorse the concept currently being vigorously espoused by some in this country that all standards should be subjected to quantitative risk analysis. Stanford University economist Kenneth Arrow points out in his most recent book that cost-benefit analysis has a potentially important role to play in helping inform regulatory decision-making.[8] How many participants in Geneva would agree to subject an international occupational safety and health standard to such analysis?

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[7]See 29 USC 651(b)(1).

[8]K.J., Arrow et al., Is there a role for benefit-cost analysis in environmental, health, and safety regulation? Science 272:221-2 (12 April 1996). See also, K.J. Arrow et al., Benefit-Cost Analysis in Environmental, Health and Safety Regulation (AEI Press, Washington, DC, 1996).

Second, the numerical superiority of European countries in the process of the internationalization of any occupational safety and health standard may also contribute to poor acceptance of the final product. For instance, nearly 90% of California's $100 billion international export business involves trading partners which are Pacific Rim--not European--countries.

Will California's world traders view a voluntary occupational safety and health management standard developed chiefly by euro-centered traders as a market-driven enhancement applicable to their business? Or, depending on the final form of the standard, will such a process only increase existing suspicions about the role that European regulatory thinking has played in the development of "Eurosclerosis?"[9]

Third, the two common approaches used to ensure "supplier" conformance with ISO standards--self-certification and certification by an accredited registrar--raise issues which California has already faced in implementing its IIP Program.

Self-certification permits employers the most latitude in customizing their own program and avoiding the intrusion and cost of third party involvement. However, self-certification remains a viable option for large employers only. Implementation of the California IIP Program was designed to be "self-certifying" also. And, for most employers that has been true. But, for a significant minority--mostly small employers--the implementation experience has been far different.

Since the inception of the California Program in 1989, some employers have been prey to unscrupulous "consultants" who employ high pressure scare tactics and, on occasion, deliberately misrepresent themselves as affiliated with Cal/OSHA. These individuals have thwarted overall acceptance of the Program by the employer community as a tool to improve the employers' safety performance. Employers have paid exorbitant sums for "assistance" from these individuals, but are left only with an IIP Program which is nothing but an ineffective "paper program."

Accreditation seems preferable as a means to protect employers from unscrupulous and/or incompetent consultants and may provide the basis for augmenting the resources available to government to enroll more employers in already established VPPs. The availability of accredited registrars (with the technical expertise to advise employers on complex safety and health issues) in a voluntary system parallel to government consultation would be a valuable referral source for those

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[9]See, J. Branegan, "Europe's Job Crunch." Time (15 April 1996), p. 79, describing "Eurosclerosis" as the combination of a staggering tax burden and a blanket of regulations that smothers all but the hardiest European entrepreneur and has resulted in an 11% unemployment rate and zero job creation for the last three years.

employers who wish not only to have their program certified by ISO, but also to be enrolled in a VPP.

Thus, from the perspective of state government with limited consultative personnel resources, the idea of developing third party accreditation and certification processes which are totally independent of the need for government involvement is an attractive idea. However, administrative and legal problems are sure to arise when such a private sector certification process is "not enough," and pressure develops for adding "value" to the process by coupling it to governmental compliance reviews of mandatory management programs in those jurisdictions where such requirements exist.

But, no matter how compatible such parallel voluntary certification processes are, there will always be differences when it they are compared to reviews by government compliance personnel during a complaint or accident investigation. This is where "process" meets "results," and, like it or not, results are graded for effectiveness by government. The existence of this dichotomy in enforcement powers, which are available to government and not available to the private sector, can lessen the value of certification by an accredited registrar or lead to unavoidable conflicts between the two.

Fourth, the value of any occupational safety and health management system, as California has discovered in reviewing tens of thousands of them, lies in the Program's "on-the-job" effectiveness. Effectiveness is a dynamic system attribute, and is inextricably linked to on-going program results. International management systems that focus solely on the evaluation of static management processes, and ignore actual results, will have limited applicability to workplace safety programs which must be effective in order to be legally sufficient.

For instance, California has found that management concern for workplace safety and health is often only an "espoused" value, not an actual value. A cursory evaluation of an employer's IIP Program may reveal a policy expressing management support for employee safety and health and questioning management representatives may even echo those espoused values.

A more thorough evaluation of perceived support at all levels of the organization reveals the complete lack of effective implementation of those values. Production meetings are devoid of any discussion of safety issues, occurrences of near-miss incidents trigger no investigative response, and employee and supervisor performance appraisals are devoid of any evaluation of the employee's or the supervisor's compliance with the employer's safety program.

Fifth, a final challenge concerns the fate of any international standard within which government standard developers of the future "nest" command-and-control type standards.[10]

If the past several thousand American occupational safety standards are any indication, government standard developers often start out on the performance-oriented road. Interested parties--especially the regulated employers--extol the many virtues of performance-oriented standards. But, soon after implementation begins.... those same employers who said when the standard was being developed, "Just tell us what you want," now return after the standard is published and say, "But, you didn't tell us what you wanted us to do!"

Government agencies start thinking about what might not get done, and then fire off an multitude of written responses to interpretive questions, rush to issue "helpful" guidance documents, distribute (but not widely) compliance directives twice as long as the original standard, and finally revise the compliance directives several times. Finally, the original performance standard disappears under the accumulated weight of such "underground" rulemaking. In fact, government agencies might be candidates for a new type of 12-step self-help program whose catchphrase is--"Stop me before I specify again!"

Conclusion

Developing a national or international standard in occupational safety and health management when nearly 50% of states already have requirements ***in law*** for such programs, is fraught with a number of challenges.

At the same time, though, opportunities exist on a voluntary employer track parallel to government to augment government's efforts to ensure that employers provide a safe, healthful and secure workplace for their employees. But, those opportunities for safety performance improvement can best be actualized when the market is the driver, not government.

On behalf of the twenty-one other states who administer their own occupational safety and health program, I want to thank the organizers for including a state government perspective in the Workshop today.

Thank you for your attention.

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[10]See D. Dyjack and S. Levine, "Development of an ISO 9000 Compatible Occupational Health Standard: Defining the Issues," Am. Ind. Hyg. Assoc. J. 56:599-609 (1995); S. Levine and D. Dyjack, "Development of an ISO 900-Compatible Occupational Health Standard--II: Defining the Potential Benefits and Open Issues," Am. Ind. Hyg. Assoc. J. 57:387-91 (1996).

OHSMS Standards: Ready in America. Ready Internationally?

Joseph A. Dear
Assistant Secretary of Labor for Occupational Safety and Health

Workshop on International Standardization of Occupational Health and Safety Management Systems

American National Standards Institute
Rosemont, Illinois
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Thank you, James McCabe [Program Administrator], Frances Schrotter [Vice President, Standards Facilitation]; Edward Kelly [Chairman, ANSI/IAC Task Group on OHSM], and Lawrence Wills [Chairman of the Board of ANSI].

It's a pleasure to be here to talk with you about occupational health and safety management systems (OHSMS). The American National Standards Institute is providing a valuable service in raising the level of discussion about developing and standardizing such systems. Your specific agenda this week -- whether ANSI, representing the United States, should support an international standard -- is important. But, as even your long letter of invitation suggested, it is fraught with questions.

It goes without saying that safety and health on the job are vital for all of the world's two and a half billion workers. The International Labor Organization estimated last month that 220,000 workers die every year from work-related accidents. Whatever the numbers, too many people die or are injured by preventable workplace injuries and illnesses.

Yet, what actions can we take to reduce these unnecessary and costly tragedies? Even in the United States -- where worker safety and health are considerably better than in most poor and middle-income countries -- there's much room for improvement. It's unconscionable and unacceptable that

more than 6,000 Americans die from workplace injuries, as many as 50,000 more lose their lives from work-related illnesses, and another 6.8 million are either injured or contract illnesses on the job.

It also goes without saying that working conditions -- not to mention economic, legal and cultural circumstances -- differ tremendously among the world's 200 or so nations. What a rich democracy with an institutionalized commitment to worker health and safety can aim for and accomplish are quite different from what poorer or nondemocratic countries can do, or choose to do.

So, what is the point of international standards?

There are big-picture arguments that speak to such diverse issues as fairness, international trade, and economic efficiency. But, even these are not cut and dried.

Every worker everywhere should be able to return from work each day in the same condition as he or she left home. Many basic worker protections -- like prohibitions on child labor, and standards on wages, hours, and occupational safety and health -- have been addressed by the International Labor Organization (ILO), and through regional agreements like the European Union and NAFTA's North American Agreement on Labor Cooperation. The ILO's Convention 155, adopted in 1981, was aimed at generating national policies on occupational safety and health. And workers' rights, including the right to a safe and healthy workplace, have been built into U.S. trade policy under initiatives like the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI).

However, setting international OHSMS standards under the International Organization for Standardization (ISO) may be a different kettle of fish.

Since it was established after World War II, ISO's mission has been to harmonize national and regional standards to facilitate trade. This has been practical and valuable -- although not easy -- when

it comes to technical matters like standardizing the specifications of products and tools in manufacturing. Standard-setting does boost international commerce and, in turn, increase businesses' profitability and people's standards of living. And it is more important than ever as the global economy becomes increasingly integrated.

The ISO made a bold departure a decade ago when it started venturing onto the terrain of setting the 9000 series of standards on quality management systems. Since they were published in 1987, 25,000 manufacturing sites in Europe and North America have been registered. At the time of the 1992 Rio Earth Summit, the ISO's Technical Management Board had begun to develop standards for corporate environmental management systems, which are expected to be finalized this summer as the 14000 series.

The ISO 9000 and 14000 standards, as well as more traditional technical standards, have been generated by the reality that differing national standards increase business costs and thwart trade.

It can be argued that these ISO standards not only codify best practices but also help create a level playing field for businesses to compete in the global economy. These same arguments can be applied to occupational health and safety management systems standards.

But, are we ready for international OHSMS standards? Is the issue "ripe," as Frank White has said?

Moving from international technical standards to social standards introduces a welter of complex and difficult issues.

What would be the impact of such standards on workers, employers and other stakeholders, such as government, professional associations, and insurers?

Who is the **"we"** -- 265 million Americans, or the 5.8 billion people who share the Earth?

There are real national differences in practices and standards for occupational safety and health, but **how** can we most constructively address these differences to improve working conditions and boost trade -- ISO's fundamental reason for being?

How do we separate what would be ideal from what is practical -- without entirely losing sight of our ideals?

As the leader in the global economy, how does the United States navigate the international politics of this issue so that our worker protection, professional, and economic interests are not hurt by being either a laggard or overly enthusiastic?

There are pros and cons for all stakeholders. Which are "real," and which veer into the realm of perceptions? How do we come up with a meaningful balance sheet, since many of these pros and cons are not easily quantifiable or cannot be measured in similar terms?

I'm not telling you anything new when I say: There are no easy answers.

However, because ANSI's task is to come up with answers and present an American position on OHSMS standards at the ISO meeting in Geneva in September, it may be useful to disaggregate the pros and cons for all stakeholders, and raise a few key questions.

Although the U.S. and other countries have had an array of health and safety laws and regulations for many years, this country has not set standards for **management systems** for workplace health and safety. OSHA's Voluntary Protection Program, other voluntary safety and health programs, as well as several states, have addressed some of these issues. But only a handful of countries -- Australia, Britain, the Netherlands, some Scandinavian nations, and India -- are actually working on national OHSMS standards. So, there is not yet a body of national standards to be harmonized.

There's also the question of whether other nations should be setting standards for this country? As you know, the U.S. has only one vote in the ISO process, although it accounts for more than one-fifth of the world's economic output. The European Union has done good work on occupational safety and health, but it has 15 votes. It doesn't take higher math to question the fairness of the process, and I know many companies in the U.S. are doing just that.

From the perspective of American workers, the potential impact of ISO standards is murky. Some say they could reduce existing national, industrywide or collectively bargained safety and health protections to a third world lowest common denominator. Others fear that workers would have little or no involvement under an ISO system. Alternately, some view international OHSMS standards as a way of improving American working conditions because industry in this country has been slow to develop such standards.

As other speakers have indicated, many American businesses see international standards and the concomitant third-party registration process as simply adding dollar and time costs, above and beyond what is already required for OSHA compliance. Thus, some businesses propose self-auditing or second-party auditing as an alternative to third-party ISO registration.

Some also worry about the impact on labor-management relations, fearing that OHSMS standards would give workers too much say in how business systems are developed and managed. And, at a time when we are drowning in liability lawsuits, would an ISO standard add another potential basis for employee litigation?

Yet another concern is that some companies are already voluntarily linking occupational health and safety with quality management under the framework of ISO 9000; these pioneers might have to redesign their processes to conform to a new OHSMS standard. Also, would a new ISO

standard be flexible enough to embrace effective systems already developed by companies?

Others argue that businesses should be amenable to an ISO standard because it would address safety and health issues on a financial basis, rather than in purely social or political terms. They say that putting it on this basis makes it easier to sell to management. An ISO standard might simplify matters for multinationals if they did not have to deal with differing national laws and standards. American businesses also don't want to be behind the curve if European and other countries go forward with ISO standards.

Growing numbers of companies realize that improved health and safety actually benefits the bottom line by increasing productivity, reducing the number of person-hours lost to injuries and illness, and cutting workers' comp costs, which tripled in the U.S. during the 1980's. As one OSHA-sponsored study estimated, the direct and indirect costs of accidents to American business may be a third of a trillion dollars a year.

In addition, part of the compliance cost argument is already becoming old hat, as the new, reinvented OSHA offers employers the choice between low-cost partnership and high-cost enforcement.

The insurance industry -- generally a natural ally of its business customers -- also may see an ISO standard as helpful in reducing injury and illness claims, and as a useful tool in doing actuarial assessments of risk.

The pro-and-con arguments just keep going on: Some businesspeople believe that lower labor costs -- including costs of worker safety and health -- provide some countries with competitive advantages. Because this means that poorer nations may undercut American firms' ability to compete, some corporate leaders think that OHSMS standards -- like international technical or scientific

standards -- might level the playing field for employers with good safety and health programs.

Companies are also increasingly sensitive to public pressure. Businesses know that many consumers don't want to buy from manufacturers that use child labor or slave labor, that have sweatshop-like working conditions, or are oblivious to environmental or public health hazards. In today's highly competitive global economy, recognizing these kinds of customers' concerns can make a big bottom-line difference.

After law-enforcement officers raided California garment-industry sweatshops with slave-like working conditions last summer, for example, many manufacturers and retailers jumped on the bandwagon to be recognized as "Trendsetters" that have publicly committed to not buy clothing from contractors using sweatshops.

The recognition that good occupational safety and health practices can provide a competitive edge has spread to American companies operating in developing countries. For example, we expect American companies, or their affiliates or suppliers, to participate in a Labor Department program to upgrade working conditions in Guatemala this year.

Yet, the playing field may well remain skewed if businesses in low-wage, low-safety countries have little economic or political incentive to adopt an ISO standard.

A lot of "on the one hand, ... on the other hand."

Despite all this inevitable hand-wringing by stakeholders, I must commend the standards organizations that have done important work in getting the discussion going. As you know, the American Industrial Hygiene Association has developed a proposed ISO-compatible set of OHSMS standards, and the American Society of Safety Engineers and the American Society for Quality Control have weighed in favor of a new standard.

Now, for the stakeholder you've all been waiting to hear about: Government, and OSHA in particular. While I'd like to give you an unambiguous thumbs-up or thumbs-down, OSHA -- like business and labor -- also has mixed feelings.

The new OSHA's emphasis on strategic public-private partnerships to advance best practices may dovetail with the ISO 9000 quality management approach based on management commitment and worker involvement. If a reliable third-party mechanism were included in the OHSMS, it might free up OSHA inspectors to focus on enforcement in problem industries and work sites.

But, who would the third parties be, and what would ensure their integrity and qualifications? Who would certify them, and what would the certification criteria be? Would third-party auditors be agents of OSHA, or agents of employers or workers?

Would the effect of third-party certification be to exempt employers from OSHA inspection? **The answer should be a clear no**: Third-party inspection under an ISO standard should not have anything to do with whether OSHA continues its enforcement program.

Although Virginia is testing a version of third-party auditing, we simply don't know the answers to these and many other questions. Furthermore, third-party registration is not required for systems standards like the ISO 9000 series, and most organizations self-declare their conformance with technical standards. Thus, there isn't really a good precedent for third-party auditors.

But, even if we could decide on who the auditors would be, whose occupational safety and health management system standard would they audit?

So, where does OSHA stand on standards?

One of OSHA's highest priorities is to propose a national safety and health program standard this year. The standard would include several basic components: management

commitment, employee involvement, work-site evaluation to identify hazards, hazard prevention and control, health and safety training, and periodic evaluation of the program to make sure it's working.

OSHA also has a precedent when it comes to harmonizing an existing standard. We have taken the lead in an effort to harmonize hazard communication requirements globally. Common approaches to classifying chemical hazards, and preparing labels and material safety data sheets will improve protection for workers, and facilitate trade. Employer, worker, and government representatives, as well as international organizations, are all involved in the harmonization process.

Obviously, OSHA is not unfriendly to the idea of standards, and has a direct interest in participating in any international standards-setting effort. But, we know that the costs and benefits for all must be weighed. That's why we strongly believe that all stakeholders should be involved -- when it comes to our work, or a possible ISO standard. The principle of tripartite involvement of management, labor and government, which undergirds the ILO process, may be preferable to the ISO standard-setting process.

At OSHA, we believe businesses and workers should be integral players in developing and implementing safety and health systems. We are putting together the national standard because companies should develop safety and health management systems themselves.

Indeed, constructive partnership is emerging more generally as the way government should do business with business, and work with workers.

But, as the President **and** most Republicans agree: If government is to do less, the private sector must do more.

Business-government partnerships like OSHA's Voluntary Protection Program -- in which companies work with us to develop better ways to involve and protect their workers -- illustrate that

together we can provide worker safety and health protections, and improve businesses' quality and competitiveness through good corporate citizenship. These partnerships also demonstrate the effectiveness of government in serving all of its citizens -- individuals and businesses.

The VPP encourages employers to provide and improve site-specific safety and health management systems, with meaningful employee input, to prevent and reduce hazards. If companies become VPP participants, they are removed from OSHA inspection lists. The VPP -- which some have suggested might be a model for an ISO standard -- is nearly 15 years old, but it's doubled in size since President Clinton took office.

This program is also a good example of how we are reinventing OSHA, and listening and working with businesses and employees.

As OSHA celebrates its 25th birthday this year, it is embarking on a new course **not** because its destination has changed, but because we believe we can reach that destination -- of safer, healthier workplaces -- in better ways. Like many other organizations, our reinvention also stems from the huge and growing gap between OSHA's mission of protecting workers and OSHA's resources. Last year: $312 million and just over 2,000 inspectors for more than 6 million workplaces. After seven months of Continuing Resolutions that effectively cut our budget by 15 percent, we're now operating at a $305 million level for the rest of this fiscal year, under the budget agreement finally hammered out two weeks ago.

The resources-mission gap, and this Administration's commitment to partnership, underlie the three-pronged strategy for the new OSHA outlined last year by President Clinton, Vice President Gore and Labor Secretary Robert Reich.

1) Give employers a choice -- between partnership with OSHA and employees to provide

better safety and health, ... or traditional enforcement;

2) Use common sense regulations and enforcement, by identifying clear priorities; focusing on key rules; eliminating or reforming out-of-date and confusing standards, and working with businesses and employees to develop rules, and

3) Focus on **results** -- not red tape.

We know, and businesses know: Effective management of worker safety and health is good business and good human-resources policy.

It's in all our interests to improve safety and health. It's in no one's interest to see America's workers injured or killed, companies lose money, or government resources go to policing employers.

Safety and health programs can make a big difference. The experience of American states may offer some lessons for us as we develop a national standard, and contemplate whether an ISO standard would be useful and -- if so -- how it should be structured and implemented.

Thirty-two states have programs that either have been legislated or implemented through workers' comp programs. Washington state's program goes back to the 1940's, and a few date to the 1970's, but most have come on-line in the last few years.

The basic premise underlying these programs is that management makes worker safety and health as high a priority as traditional goals like productivity and profits. Companies that do so consistently have accident and injury rates well below those of other firms. A California study found that businesses that have implemented comprehensive worker protection programs have reduced injuries and illnesses by 40 percent.

In Oregon, for example, every employer with 11 or more workers, and any smaller employers who have a lost-workday case rate in the top 10 percent in their industry or a workers' comp

premium in the top 25 percent, must have a safety committee with equal numbers of employer and employee representatives. Committee members get industry-specific training in hazard identification and investigation. The committees gather reports of hazards and safety-related suggestions, investigate safety-related accidents and occupational illnesses, and have inspection teams conduct at least quarterly inspections. They are also empowered to recommend ways to eliminate hazards and unsafe working conditions. OSHA believes that employee participation is essential to effective safety and health programs, but we are more flexible than Oregon in recognizing that there are many other ways -- in addition to forming committees -- to achieve that desired end.

What's been the result? Occupational illness and injury rates and workers' comp costs have been declining every year since Oregon's program was instituted. If its experience could be duplicated nationwide, one study estimated that 754,000 lost work days could be prevented, and we could save up to $68 billion -- **after** the costs of implementing these programs.

OSHA is firmly behind such approaches, and we're taking a number of different tacks to make them spread throughout the American workplace. As I've suggested with the VPP, **we think they should be developed in consultation with management and employees.** They are currently required for Federal employers, and, when we reach a settlement with a private employer, we often require that company to institute a safety and health program. We also believe in incentives like reduced penalties for employers with effective programs. And we provide consultation to small employers to help them put such programs in place.

Comprehensive safety and health programs are fundamental to assuring that management is firmly committed to workplace safety and health. But, until OSHA wends its way through the national standard-setting process, it won't be possible to define a clear national consensus about what

the minimum criteria are for occupational safety and health management systems. Thus, the benefits and risks of an international standard for the United States -- as well as the need for one -- are still uncertain.

A strong international standard could bolster the position of companies that have effective programs. It could reduce the threat of competition from firms seeking short-term competitive advantage by not managing occupational safety and health hazards. And it could benefit workers by setting global norms of acceptable practices.

A weak standard could diminish workers' protections and rights to participate in decisions about their working conditions. If a standard is too process-oriented, it could mean high personnel costs that do not add value for firms trying to comply. A weak standard also could undercut national efforts.

Our efforts at global harmonization of hazard communication standards demonstrate that we want to make progress on the international front. But, what distinguishes hazard communication from OHSMS is that OSHA already has a standard in this area, and a U. S. position has been formulated.

As the cliche goes, the world is becoming smaller. Economic globalization is galloping ahead. International technical and financial standardization have been trotting behind. More socially-oriented standards, like ones on health and safety, are at the starting gate, and soon may be ready to run.

But, first, we must get a good American standard onto the track, so we have something that we can harmonize with other countries.

Our primary focus this year must remain the development of our proposed U.S. safety and health program standard.

Safety and Health Program Management Standard: The Need for a Performance Orientated Approach that Incorporates the Principles of the Quality Movement[1]

by

Franklin E. Mirer, Ph.D.
Director
Health and Safety Department
International Union, UAW
8000 East Jefferson Avenue
Detroit, MI 48214

These comments address the development of an ISO or ANSI standard for safety and health program management. This is an opportunity to explore the relationship between health and safety programs and the quality movement.

To start at the bottom lines:

First, the UAW is opposed to any sort of "third party" certification of safety and health programs as a substitute for existing statutory protections. An employer's claimed compliance with a program management standard must not diminish workers' rights to planned OSHA inspections, or worker's rights to have penalties assessed against employers who permit exposure to hazards.

Second, the failure of management to take up the challenge of setting a standard for health and safety programs will demonstrate neglect by corporate management to the point of hostility for the well being of employees. ANSI and ISO have addressed quality programs and environmental management. A choice to ignore workers' safety and health will clearly show that management's priorities don't include workers.

Setting a standard and allowing third party certification or registration are clearly different things. A choice by management not to develop a standard without the prospect of certification and reward for certification will be just clear a statement of lack of care.

Third, the subject is muddied by confused and vague understanding of:

- the logic of process management,
- the role of consensus standards,
- the relationship of process and specification standards,
- the relationship of auditing to inspection,
- the nature of employer domination, and,

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[1] Presented to the ANSI Workshop on International Standardization of Occupational Safety and Health Management Systems, Rosemont, IL, May 7, 1996

- outdated views of the source and nature of the prevailing safety and health hazards to which American workers are exposed.

Fourth, the nature and practice of the quality management standards (ISO 9000) needs critical review before a safety or environmental program management standard can be based on those templates. Frankly, the templates are deficient and the certification vogue is unfortunate and misleading.

Fifth, the voluntary ANSI or ISO activity should be planned to provide support and rapid advance of an enforceable OSHA health and safety program standard.

And finally, designing a performance oriented health and safety program management standard will take the good will and best efforts of all parties.

The critical policy question is substituting a new inspection process for traditional safety inspections, whether by OSHA or by others. For this, we have to look into the theory behind the inspection process.

The UAW is familiar with and has participated in the ANSI standards process. Indeed, a UAW Health and Safety Staff member chaired the ANSI committee which drafted a standard for energy lockout. The process was useful. However, the rule ended up being a consensus less strict than those requirements imposed within many companies. When OSHA rulemaking was conducted, the on-the-record, OSHA process found and plugged several loop-holes in the voluntary rule. The voluntary rule permitted a foreman to lockout equipment for another employee, a compromise the UAW only accepted when outnumbered on the committee. The UAW is currently active on the Robot committee, and a number of others.

The UAW has reviewed the audit and process templates available: the 5-star system, the STOP program, the OSHA PEP and VPP. Joint audits of all facilities in the auto companies are now conducted by UAW and management representatives together. The UAW and these managements share the goal of first, putting into place a safety process which is pro-active and provides continual improvement, and second, auditing that process.

There are two problems with present models which need to be fixed. First, the UAW feels that many of the models of causation of injuries and illnesses within these templates are operator error models which are sophisticated versions of "blame the worker" safety approaches. Second, labor and management agree that it is possible for a program to look great on paper, and awful on the plant floor.

It is hard not to be skeptical about the ISO 9000 quality *certification* process, on which the proposed safety and health management program is based. Recently, a UAW employer named Motor Wheel in Ypsilanti, Michigan told UAW Local 982 the plant was closing. The plant was closing in part because the competing Mexican unit was ISO

9000 certified, while the Michigan plant was not, because management hadn't spent the money to get certified. The ISO 9000 paper process is enormous -- 35 procedures to be written, paper trails to be created. One UAW local representative who participated in the process for his facility said the documentation cost over $200,000 in labor to produce, and did nothing for quality. The Detroit airport now has at least 2 billboard ads for ISO 9000 registrars. It is hard to resist suspicions that ISO 9000 registration can be bought, and that ISO 9000 compliance is a paper chase with no necessary connection to quality.

In contrast to safety and environment, there is a check on ISO 9000. Some one is buying the parts, inspecting the parts, putting the parts into something else which is inspected or operated. Potentially, there is a penalty to the manufacturer and the ISO 9000 registrar if quality isn't real. The UAW fears there is no similar check on ISO 14000 environmental management or an occupational health and safety program standard.

Obviously, the consequences of failure are different: it's one thing if your car doesn't start one morning because of poor quality, it's another if a worker dies.

The UAW is also familiar with and actively involved in the quality process and with various attempts at safety management systems. The Quality Network at General Motors even produced a book, co-authored by the UAW and GM co-leaders of the effort. UAW representatives at the national and local level are devoted partisans of the Deming methods. Deming quality principles support health and safety programs, the logical structure is applicable to health and safety programs, and many plant level representatives have sought to incorporated health and safety into their facilities Quality Management System in order to make it subject to audit and certification.

Reading ISO 9000, it is hard to find a connection to Dr. Deming's principles of quality. Dr. Deming's teachings were a social model of how organizations really work, not a set of procedures for running quality programs. Deming's social model was cooperation, and recognized that typical management tools pitting worker against worker, department against department, and manager against manager undermined quality and efficiency. Deming delighted in skewering self-serving bureaucracy. He emphasized that fault was to be found in the production system and design, not individuals. Dr. Deming's book was called Out of the Crisis. He called for profound change in emphasis, not just a few new procedures.

Profound change is needed in health and safety.

A condensed version of Deming's principles applies to safety and health programs:

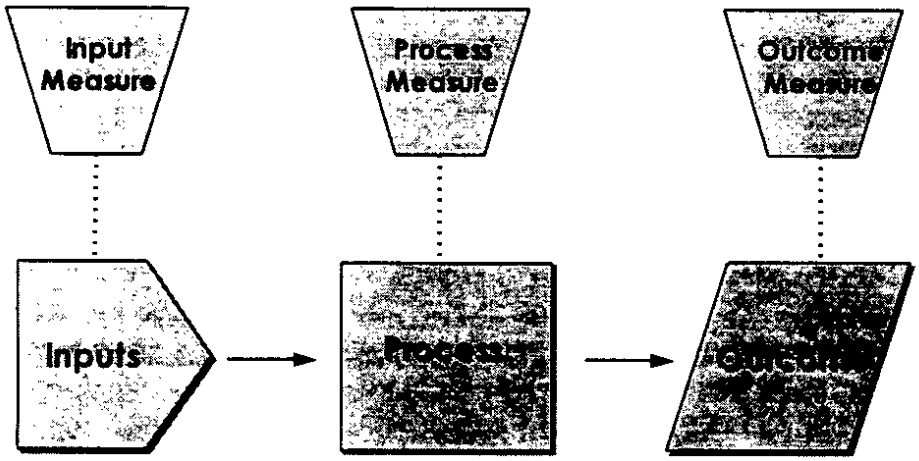
- Create constancy of purpose for improvement, improve constantly and forever.
- Institute training on the job.
- Break down barriers between areas, put everyone to work

- Eliminate slogans, exhortations and targets for the workforce
- Eliminate numerical quotas and goals, annual rating system

- DRIVE OUT FEAR

Driving out fear, in health and safety, means admitting serious, even drastic, health and safety problems if they are there. The health and safety response to Out of the Crisis would be a lot more than writing a few procedures and handing out some tee-shirts.

Process Control Schematic



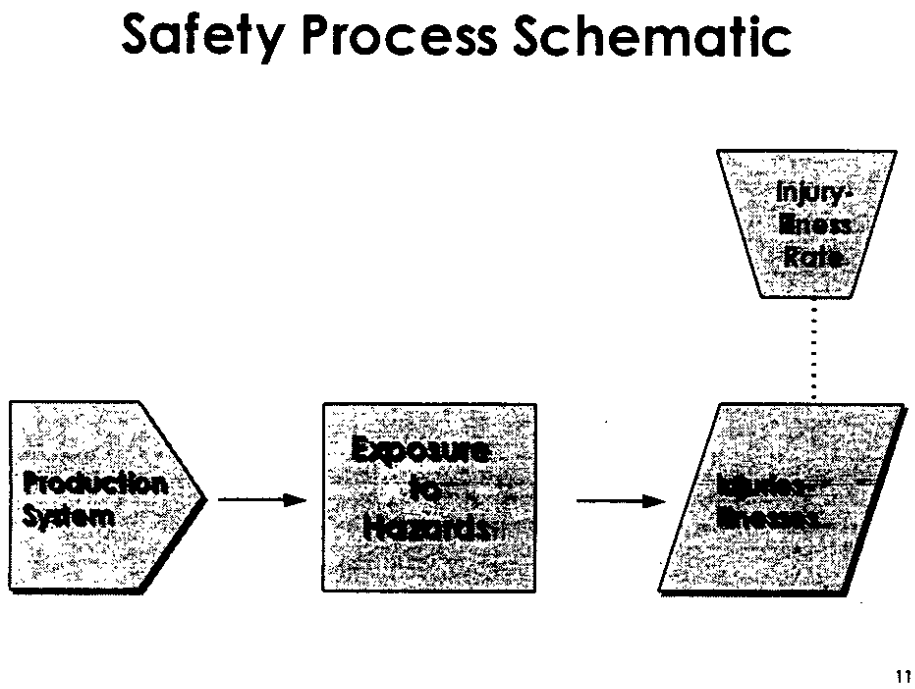
Process Control Schematic (Figure 1)

Quality Theory is based on a schematic of production which identifies inputs, a process, an outcome, and some kind out outcome measure. For example, suppose we are painting cars, and need to have a quality paint job. Quality theory tells us:

- You can't manage the outcome numbers;
- You need instead to manage the process;
- Measurements must be "honest;"
- Must use statistical methods to distinguish real changes from random variation;
- Must distinguish system causes from special causes;
- If the process is properly controlled, the outcome will take care of itself;
- Each process is the outcome of a prior process.

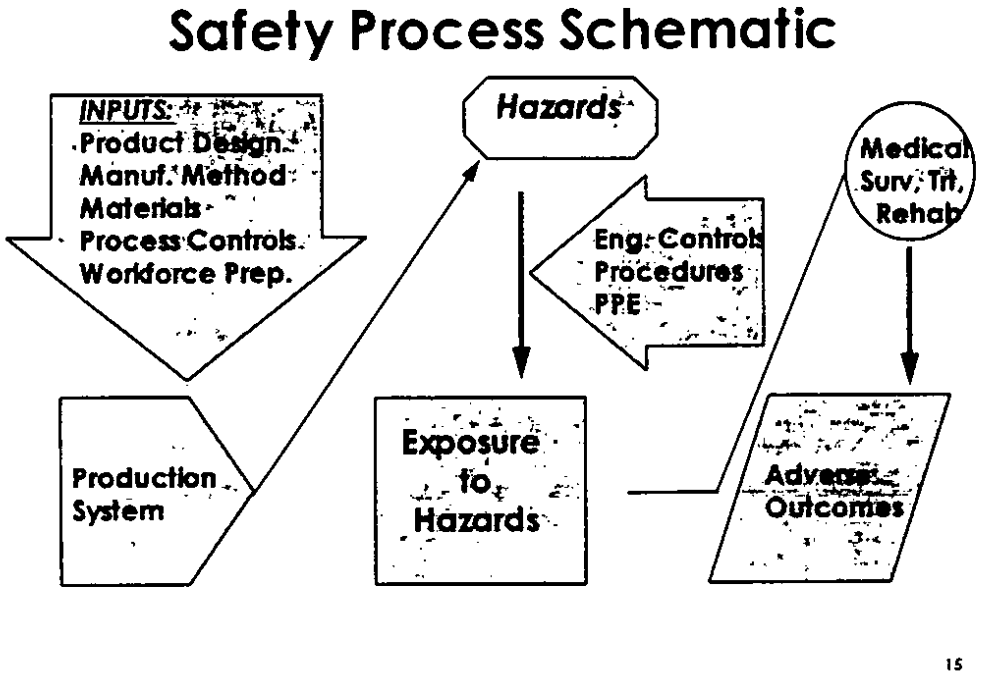
Taking the painting example, you can't just tell employees to give you 95% "good" paint jobs. You have to understand the process that makes good and bad paint jobs. You need an objective measure of good and bad paint jobs. You need to measure the process output to see how it varies and why, so that you can tell random changes from

real differences. In the painting example, humidity, or cleanliness of the paint guns, or composition of the paint, may be critical variables to paint quality. Theory says if we control those variables, the paint outcomes will take care of themselves. Booth humidity, for example, is the process variable which must be measured and controlled to control the paint process. However, booth humidity is itself the result of a prior process. If humidity is out of control, then the ventilation process of which humidity is the outcome must be analyzed and controlled.



Safety Process Schematic (Figure 2)

The model applies to health and safety. Here, the process which results in injuries is the production system itself. The production system generates exposure to hazards. The hazards are characteristics of the system. Contact with hazards produces adverse outcomes which are measured, among other ways, by the injury and illness rate as a typical process measure.



Safety Process Schematic with Inputs and Modifiers (Figure 3)

The safety process is determined by the production system. The fundamental determinant of the production system is the product: are we making gray iron castings, or are we a hospital? Other inputs are the manufacturing method, the materials, the process controls and the workforce. The production system "emits" hazards.

In between the worker and the hazards are engineering controls, procedures and personal protective equipment, the traditional activities of safety programs.

Adverse outcomes come from contact with hazards, and may be mitigated by medical surveillance, treatment and rehabilitation.

The best opportunities for prevention are at the production system level, and may be called "Design in Safety." For ergonomics, the product design may be the only opportunity to eliminate hazards. For chemical exposures, selection of the materials may be the only opportunity. Often the method of production is the only solution, such as the expanded metal process for making batteries.

"Adverse Outcomes" include:

- Fatal or severe acute traumatic injury
- Injuries generally
- Cumulative Trauma Disorders
- Short Onset Chemical Effects

- Illness from long term exposure to chemicals, physical agents
- Stress Outcomes
- Fires, Explosions and Environmental Releases
- Property loss

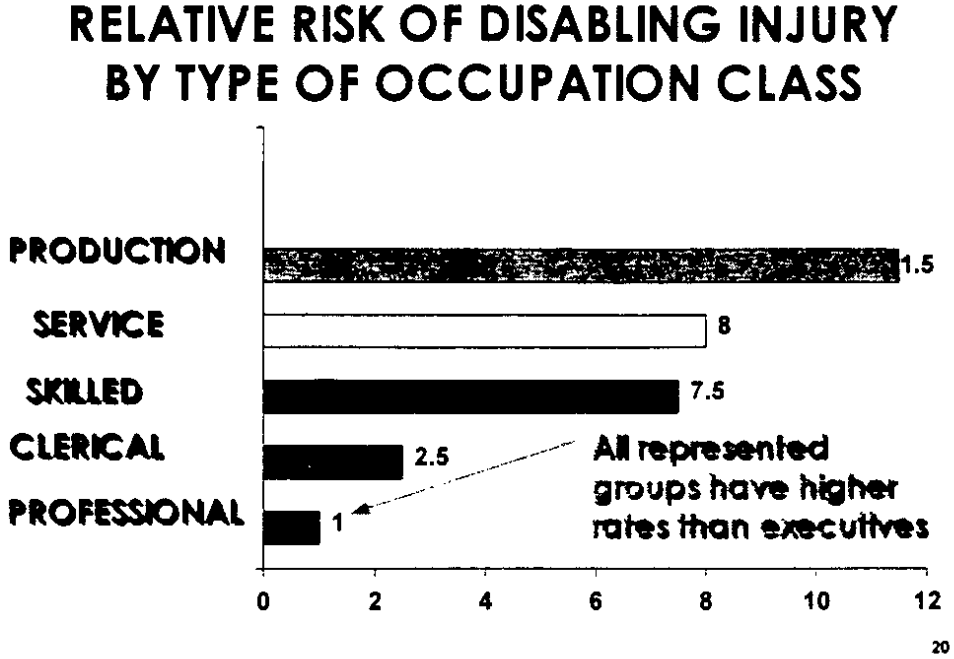
Multiple adverse outcomes can arise from the same production process. The outcomes listed here are likely complete for manufacturing, mining and transportation sectors. Infectious agents might have to be added to encompass the health and social service sectors.

"Adverse Outcomes" is a better term than "accident" which is typically used in safety. "Accident" is a term in the past synonymous with injury, typically acute traumatic injury. Injury epidemiologists rejected the term because there are no "accidents." Some safety management documents use accident to expand the targets of prevention from injuries alone to illnesses or near misses or property damage. However, accident still carries the dubious sense of unforeseen or unforeseeable event.

Safety management theory should tell us that:

- Adverse outcomes are usually the predictable result of exposure to hazards
- Hazards are usually known previously
- The presence of hazards can be measured
- Unfortunately, the debate about whether "unsafe acts" or "unsafe conditions" cause the majority of injuries persists. No evidence supports claims that "unsafe acts" predominate as cause of injuries. As discussed below, only a limited number of adverse outcomes are plausibly related to "unsafe acts."
- Most situations where unsafe acts or human error is advanced as a cause of an adverse affect are really mistaking system causes for special causes.

Some information on adverse outcomes helps guide prevention.



RELATIVE RISK OF DISABLING INJURY BY TYPE OF OCCUPATION CLASS (Figure 4)

The BLS 1992 survey of disabling occupational injury had instructive information on relative risk of injury or illness by occupational class. Production workers suffered 11.5 times the rate of injury as professionals and managers. Skilled and service workers suffered about 8 times the rate. Even clerical and technical workers suffered 2.5 times the injury rate.

This disparity shows the class nature of occupational risk. When persons in management talk about the cost or burden of health and safety protection, it is the protection against injuries they are unlikely to experience. The disparity in injury rates also demonstrates that work environments are responsible for injuries and illnesses.

According to BLS, which collects management data, the toll of injury and illness among UAW members is huge:[2]

- 33% recordable injury/illness
- 12.0% Lost Workday injury/illness
- 9.6% Repeated Trauma Disorders

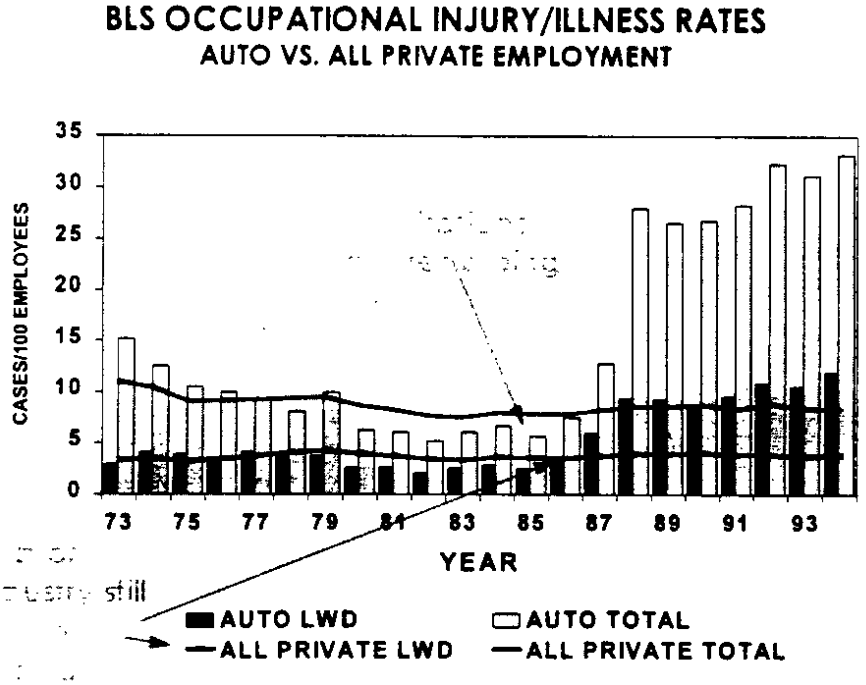
[2] BLS survey data for SIC 3711, Motor Vehicles and Car Bodies, for 1994, the most recent year available. These industry sector rates are the most purely UAW-represented. Additional SIC codes with substantial UAW representation include automotive stampings, truck and bus bodies, motor vehicle parts, engine electrical equipment, auto and apparel trimmings. These sectors all have incidence rates between 20 and 30 per hundred.

- > 1% of worktime lost due to injury/illness; this translates into a workers' compensation cost of $1000 for every man and woman working in auto plants.
- True rate for RTD's is well above 10%
- Short onset chemical illnesses (for example, respiratory problems from TDI, or welding, or machining fluids) are still undercounted
- Chronic illnesses (cancer, silicosis) known from research but not included in statistics.

Severe acute trauma, as represented by fatalities, afflicts skilled trades workers and those in mechanical material handling at much higher rates than UAW members generally. In 1995, 10 workers in UAW represented units were killed at work.

Occupational cancer has been observed among workers in foundries, machining plants, plating and die cast (hardware) plants, among model and patternmakers, electronics assembly, stamping and vehicle assembly. Deaths from work related chronic disease are calculated at 5 to 20 times the risk from acute traumatic injury; however, the victims are statistical victims rather than persons with names. The occupational cancer studies were all done in plants which were in compliance with current PEL's.

These problems are experienced by the best protected American workers. The overall burden of injury is vastly understated by official statistics.



BLS OCCUPATIONAL INJURY/ILLNESS RATES AUTO VS. ALL PRIVATE EMPLOYMENT (Figure 5)

The time trend of official injury and illness rates in the auto industry shows a 5 fold increase in injuries (and 60 fold increase in illnesses) from 1973 to 1994. The jump was spurred by 6 figure OSHA citations for not recording injuries. The recording problems were abated by structured programs including union participation and audits.

The chart shows no shift in the overall injury rate. In fact, there is little movement for the whole history of OSHA. The reason there is not movement is because most industry persists in not recording, especially latent injuries and repeated trauma disorders.

The massive falsification of injury and illness rates makes this index completely unreliable as a tool for measuring safety and health performance. Indeed, the first task of a Deming related safety and health program would be to get reliable numbers, and to admit the magnitude of the problem.

MUSCULOSKELETAL INJURIES ARE MAJORITY OF INJURIES CAUSING DAYS AWAY FROM WORK (Figure 6)

Proportional data are more reliable than absolute rate data. Management reports to the BLS show that Musculoskeletal injuries, which include strains and sprains and cumulative trauma disorders from overexertion and repetitive motion, and the majority of recordable cases suffered by workers. These proportions hold across manufacturing, service, retail and wholesale and transportation sectors. In auto assembly and parts depots, these types of injuries are nearly 65% of the total. This

shows that no progress can be made in safety and health without addressing ergonomics.

Recognition that certain broad categories of job assignments have contrasting spectra of adverse outcomes which arise from the spectra of exposures in those job assignments is a major advance in implementing and evaluating an occupational safety and health program. In the auto industry, and probably in the manufacturing sector generally, distinct groups can be identified:

- Skilled Trades
  (maintenance, repair, installation, service)
- Mechanical Material Handling
  (powered material handling vehicles, cranes)
- Other support
  (cleaners, production service)
- FIXED PRODUCTION
- Service Sector
- Clerical and Technical

JOB HAZARD MATRIX

Job Group: / Outcome:	Skilled Trades	Mechanical Material Handling	Other Support	Fixed Production
Severe Acute Trauma	★	★		
Injury Generally				★
CTD's				★
Short Onset Chemical	★		★	
Chronic Disease from Chemicals	★			★
High Risk Service			★	

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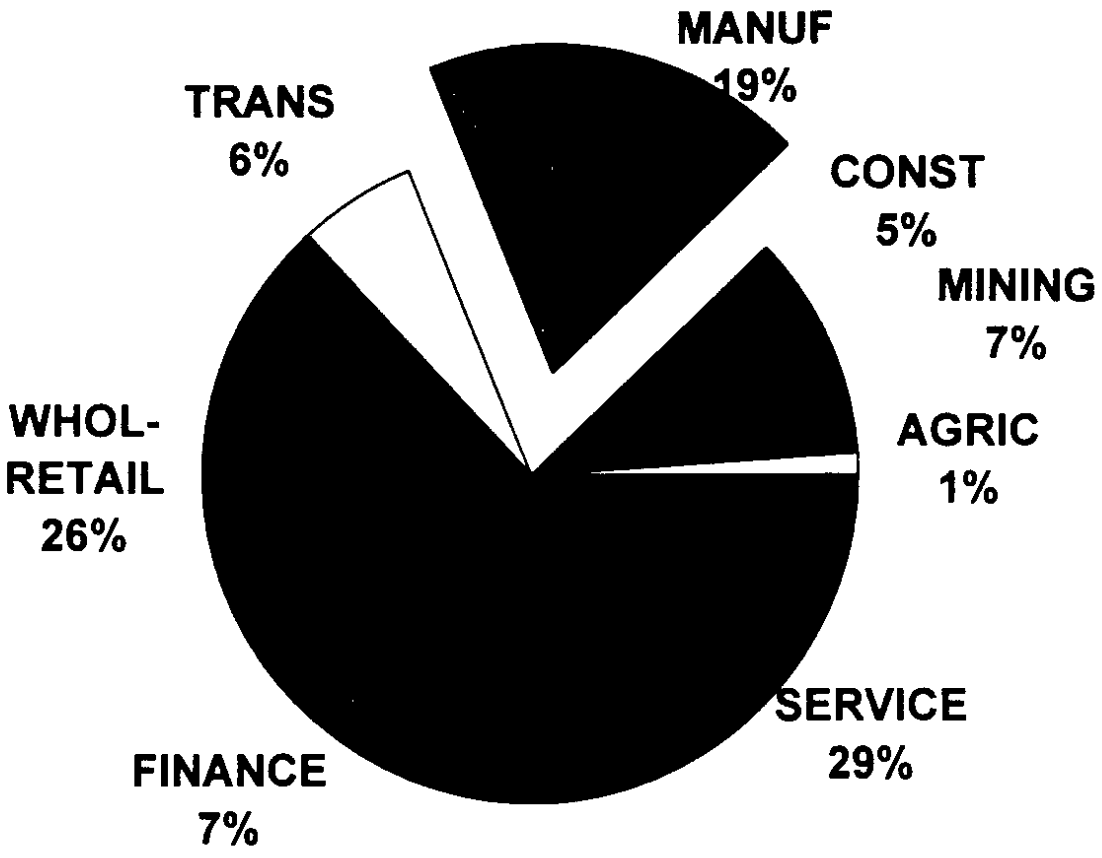
JOB HAZARD MATRIX (Figure 7)

A job hazard matrix showing the differential likelihood of particular adverse outcomes in particular job assignment categories is a necessary tool to advance and evaluate health and safety programs. For example, in the auto industry skilled trades and mechanical material handling groups suffer a much higher risk of acute trauma compared to

production. Therefore, programs to abate hazards for such outcomes should be directed to these categories, and results of such programs should be evaluated in that category and not the entire workforce. By contrast, injuries generally and repeated trauma disorders occur in higher rates in fixed production occupations; ergonomics would be directed there and results of ergonomics evaluated there.



PRIVATE EMPLOYMENT BY SECTOR (Figure 8)

It can be argued that the matrix above is specific to manufacturing and maybe only to one sector of manufacturing. As shown, less than 20% of employment is in manufacturing. Certainly the health and safety profession and government have historically ignored the service and white collar sectors. Some of these sectors, such as health care, have high risks. However, the UAW believes that the outcomes and the

job task groups described above are generally correct. Even if imperfect, the matrix provides a much better starting point than a single both for employees and outcomes.

Applying the quality theory to health and safety would tell us that we can't manage the injury illness rate (outcome), and shouldn't be setting injury and illness rate targets or goals. The reasons are:

- Managing the outcome is contrary to quality principles. You have to manage the process, not the outcome.
- Managing the injury rate is after the fact: industry can't define any significant rate of pain, suffering or permanent disability as "acceptable."
- Managing outcomes can't prevent long latency effects, and can't account for catastrophic and irreversible results, such as fatality, amputation or major explosion.
- Most workplaces don't generate a statistically reliable rate, especially for high gravity outcomes.
- Injury recording is subject to falsification and distortion.

In order to prevent adverse outcomes, a safety and health professional must continue to stress that:

- Can't improve safety by setting number targets or telling people to "work safely."
- Need to reduce exposure to hazards
- Hazards are created by the design and organization of the production process:
- Exposures to hazards are the outcome of the production process (which includes safety controls)
- Correct approach is to control and measure exposure to hazards

This logical analysis tells us that OSHA Style Inspections are actually the correct approach according to quality principles:

- If we assume that violations of OSHA standards correspond to exposure to hazards;
- Inspectors look for hazards (violations)
- Each violation a "sentinel event" for program failure -- the violation may be system or special cause problem
- Large numbers of violations indicate safety program system failure; can lead to increasingly severe penalties.

However, current OSHA-style inspections have shortcomings. To prevent adverse outcomes, safety programs must go beyond these limitations. It is critical to build on the existing framework as needed, not abandon the fundamental approach. The limitations of current OSHA compliance approaches are:

- Standards don't always correspond to hazards:
  Ergonomics causes 1/2 injuries, but there is no standard for ergonomics.
  Chemical exposure PEL's too high

- Inspectors can't find all the hazards. The present enforcement scheme allows employers respond by correcting only the hazards found, rather than correcting system failures which cause other hazards to arise.
- Sampling is not statistically valid to measure progress towards compliance.
- OSHA inspections are after the fact of exposure -- they are not aimed at preventing exposure. This is an improvement over just enforcing after injuries. However, high gravity enforcement is often limited to situations of adverse effect such as a fatality.

A functioning safety process will prevent exposure to hazards. If the management process operates correctly, the hazards will take care of themselves.

The intellectual problem in developing a program management standard is deciding how the process can be measured?

The facility or industry injury rate can't be managed: incidence rate is a check on whether the hazards have been correctly identified and measured. Injury rate can be reduced only by reducing exposure to hazards. Inspection for hazards controls injury rate. Exposure to hazards (OSHA violations) also can't be managed directly. Exposure to hazards can be controlled by improving the health and safety management process. Presence of hazards is a check on whether the performance indicators for the management process are correct.

The purpose of ANSI and other consensus standards needs to be clarified. ANSI standards typically:

- Permit product and process compatibility
- Make it possible to screw in a light bulb
- Provide guidance to achieve a determined goal
- Provide cover to management that wants to do the right thing
- Provide guidance to comply with OSHA standards
- There is a big difference between compliance and CERTIFICATION

The relationship of performance and specification standards needs clarification:

- Performance standards are measurable
- Usually quantitative or semi-quantitative
- Two observers will agree on a performance result
  As an example, a Permissible Exposure Limit (PEL) is a performance standard for chemical exposure control: the engineering methods used to gain compliance don't matter if exposure is within the limit.
- ANSI and OSHA safety (acute trauma prevention) standards tend to be specification standards
- Most OSHA safety standards ***were*** ANSI standards.
- Performance elements tend to be vague and subject to dispute by different observers

- Specifications are needed for many safety standards because the exposure is not easily measurable: What is the PEL for Fall Hazards?

When should there be a performance standard and when a specification standard, assuming the distinction is correctly maintained?

- "Performance" was hi-jacked in recent years to mean vague and unenforceable
- Specifications are needed where performance can't be readily measured
- Standards may contain performance and specification elements
- Program standards are typically specification standards

In fact, ISO 9000 can be viewed as all specification and no performance. ISO 14000 is worse: vague or no specification, and no performance.

The process elements for health and safety programs have been pretty much identified. The critical tasks for devising a standard will be defining the objective, performance measures for these process elements:

- Management leadership
- Employee participation
- Hazard Analysis
- Workplace inspection
- Incident investigation
- Data analysis
- Health and Safety related maintenance
- Medical program
- Emergency response
- Job related health and safety training

Performance measures for these elements will be challenging. For example, what is the performance measure of top management commitment? A statement of policy signed by the plant manager? This could just be lip service, but on the other hand, the absence of lip service is an indicator of lack of commitment. The biggest contribution of management health and safety professionals to this process would be to write down a graduated wish list for each element. Without performance standards for each element, the standard will be a specification document which provides little guidance.

Hazard Control is listed as a process element in many of the program evaluation standards, for example, the OSHA PEP. This is logically incorrect. Whether hazards are controlled or not is an <u>outcome</u> not a part of the process. If hazards persist, then the program has failed regardless of success on program elements. If the performance indicators on the process are good, and the outcome bad, then either the process has been incorrectly specified, or the performance indicators are incorrectly specified, or the measurements of performance are bogus.

Management domination is a critical topic and may be a permanent conflict line in occupational health and safety. Employee participation is almost universally recognized as a critical component of effective health and safety programs. This brings US labor law into the health and safety arena, but it also permits a logical analysis of a conflict area.

- Labor law protects labor organizations from management domination. Because of a general lack of workplace democracy and enforcement of labor law in the United States, many are surprised that routine management practices are actually illegal. Many joint and cooperative structures set up by unions and management through negotiations are actually illegal outside a unionized workplace.
- Labor law defines management dominated labor organizations. Labor organizations are collective structures which "deal" with employers regarding conditions of employment. Management can deal with employees as individuals, but it can't set up a structure to deal with employees as a group, only a union can do that.[3]
- Any structure management can unilaterally walk away from is management dominated. By contrast, a contractual agreement must be renegotiated, and can be dissolved by management only after bargaining to impasse in good faith.
- Any structure where management selects employee participants is management dominated.
- Any structure where management defines the rules, rights and agenda is management dominated.
- Health and safety is a collective activity and a collective right -- any organized employee participation activity falls under the labor law framework.

While labor law only applies to collective organization, it is worth applying the concept of management domination to health and safety in general because it defines the line of conflict. Voluntary standards are management dominated because there is no framework which requires management to agree to any particular level of protection or any protection at all. Compliance with voluntary standards is management dominated because management can by itself choose not to do it. If third party certification exempts workplaces from planned inspections or penalties, than OSHA protection itself will be management dominated. That will be a major loss in workplace democracy.

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May, 1996

[3] European countries require labor-management structures in the absence of a union. For example, Works Councils in Germany, and health and safety representatives in Sweden are required and are not related to unionization of a workplace. In the US, employers only have to deal with employees collectively after a union has been recognized.

Remarks of
Michael J. Wright

ANSI Occupational Health and Safety
Management Systems Standards Workshop
Rosemont, Illinois
May 7, 1996

First let me convey the apologies of Peg Seminario, Director of Health and Safety for the AFL-CIO. She was originally scheduled for this session, but was unable to make it, and asked if I could fill in. But what you will hear from me are my own views, not some sort of official AFL-CIO policy. There is no AFL-CIO position or policy on the issue of an ISO safety and health management standard. I expect there will be one at some point, but for now we are just exploring the ground; that is why we welcome this seminar.

The United Steelworkers of America has about 700,000 members in the United States and Canada. They work in the steel industry, of course, but also in rubber, plastics, non-ferrous metals, underground and surface mining, chemicals, shipbuilding, general manufacturing, health care, and even public service. The hazards they face are equally diverse. Last year, 39 of our members died in workplace accidents; 41 died the year before; ten died in the first quarter of this year; seven in this quarter so far. If our epidemiology is correct, for every worker that dies from a traumatic injury in the workplace, ten workers or retirees die from the latent effects of occupational disease. Add the supervisors and the contractors who die in steelworker represented plants -- and we care just as much about them -- and we lose somebody from traumatic injury every week, somebody from an occupational disease every day.

All of those accidents are different; the exposure histories that resulted in disease are also different. But there are some trends which may be instructive. First, many of the fatal accidents do not result, at least primarily, from a violation of OSHA standards. In part, that is a demonstration that OSHA standards are effective; in part, a demonstration

that OSHA has yet to write specific standards for many important hazards, like in-plant rail operations.

Second, almost every death resulted from a failure of safety and health management. By that I do not necessarily mean "management" defined as the group of people who do the managing. Rather, I mean the process of management -- the process of assessing priorities, setting goals, deploying resources, directing the work, evaluating the results. Management failures are at the base of almost every accident I or my staff have ever investigated.

Third, underlying many of those failures in safety and health management are economic forces sweeping across American industry today. Before that gets too abstract, let me relate one tragic example.

In June of 1994, workers in a small steel plant in central Pennsylvania were preparing to tap the electric furnace. The steel industry was in a boom period; the company had orders to fill; the plant was working heavy overtime. The furnace itself was well beyond the point when it should have been shut down for a replacement of the refractory brick. The lining of the furnace had gotten so thin that glowing hot spots had developed in the shell. But the company wanted to get one or two last heats made.

So when the tap began at 4:00 A.M., the lining and the shell of the furnace burned through and molten metal and slag began to escape. That was bad enough. But in the path of the molten metal and slag was the main supply line for the cooling water. The line melted through; the water flashed into superheated steam and exploded with devastating force. Two workers were in the path. One was badly burned, but ultimately recovered. The other died three days later. He was 27 years old; he left a wife and two small children.

The accident had two underlying causes. First, the furnace refractory was pushed well beyond its safe operating life. Second, the water line was in the wrong place. Furnaces are generally designed to keep the main cooling water supply line above the height of the metal and slag to prevent this kind of accident. However, this furnace had been modified during its last reline, in order to increase its capacity. The engineers

apparently never thought about the cooling water supply; nor did they do a general safety and health analysis of their redesign.

Several things stand out about the accident. First, neither of those hazards is regulated by a specific OSHA standard, although they arguably fall under the General Duty clause. However, both hazards clearly resulted from management failures -- the decision to operate the furnace with a dangerously thin refractory, and the failure to design safety into the technological change in the furnace.

There are five trends in American industry whose implications for safety and health worry us greatly. Two were illustrated by this accident. All of them are important to an understanding of safety and health management.

First, industry is working at very high rates of capacity utilization. But any large plant is not a single process, it is hundreds of processes which interact in direct and indirect ways; as a result of that interaction bottlenecks frequently occur. The real answer to a bottleneck is to engineer it out, but that takes time and money and may result in short-term production losses. So maintenance is skipped, or some quick fix is slapped on, thereby compromising safety.

Second, jobs have changed enormously in the past decade. Job combinations, job transfers, and new technology mean that an increasing number of workers are doing jobs very unlike those they did three or five or ten years ago. Safety training and job safety analysis may have improved, but not enough to keep pace. The USWA has collected comprehensive reports on fatalities since 1980. A disproportionate number of fatal accidents claim people with long company service, but short service in the job they were doing at the time of the accident. That has always been the case. Today, however, there are many more people in that circumstance.

Third, technological change. The last decade has seen more technological change than any other time in the Century. Technological change can greatly improve quality and productivity, but safety must be considered at every step. Too often it is not.

Fourth, overtime. Overtime is probably at its highest rate since World War II, certainly at its highest rate since the government began collecting statistics in the 1950s. I

know people who have worked more than 100 days without a day off. I know people who routinely work double shifts, and one individual who, in the last two months, worked three triple shifts -- 24 hours straight. Some of that is voluntary and some of it is not. There is no question but that it is enormously stressful on the individual involved, and on the safety and health system in the plant.

Finally, the use of outside contractors. Some companies are simply contracting out the most dangerous work. They are doing it, we believe, partly because of lazy management. It is easier to contract something out than to safely deploy your own work force to do the work. Sometimes it is done to avoid safety and health protections that the regular work force may demand, but that contractors do not. Further, since contractor accidents are not included in a company's own accident rates, even when they occur right inside the plant, the company can maintain an artificially good safety record. For that matter, contractor accidents are hard to chart, since any given plant may have dozens of contracting companies. But the fatality records tell a clearer story. The two steel plants with the highest numbers of accidental deaths since 1994 are the USX Gary Works, with nine, and A.K. Steel, in Middletown, Ohio, with seven. Five of the nine at Gary and six of the seven in Middletown were contractor employees. But contractors account for only a small fraction of the hours worked in the two plants.

Now what can we do about all this? I think the answer is clear to everyone in the room. The only way to really overcome those problems is build comprehensive safety and health programs with full attention to underlying problems, and with full worker participation. That means analyzing every aspect of the workplace and the process. It means insuring that as a plant moves to higher and higher capacity utilization, production bottlenecks are overcome in a manner that does not put the workforce at risk. It means comprehensive job safety analysis, and comprehensive safety training for all workers. It means analyzing new technology and making it safe before it is installed, instead of after the first accident. It means insuring that there are enough workers to get the job done on a reasonable and humane work schedule, with the contracting out of only those jobs the workforce cannot do. And, of course, it means that everybody in the plant -- labor and

management, workers and employers -- has to work together on the basis of mutual respect and responsibility. For that to occur, workers must have a real voice and the freedom to use it without retaliation.

I have managed to get through most of this talk without reference to the ISO. The question is, can an ISO standard be helpful to this process? It is tempting to say yes, any help from any quarter would be welcome. So we certainly welcome ANSI's and ISO's exploration of this issue.

However, there are a number of problems that need to be considered before moving to an ISO standard. The first of those comes from the nature of the ISO itself. ISO is often mistranslated as "International Standards Organization." The accurate title in English is the "International Organization for Standardization." The distinction is important. ISO's historical function is more to reconcile conflicting standards and practices than to invent new ones. Only recently, in the ISO 9000 and 14000 series, has the ISO begun to diverge from its past role. Since we are discussing a set of global guidelines for the internal management of an enterprise, and not a uniform standard for equipment which will be sold world-wide, harmonization will be difficult to achieve unless the harmonized standard is so general as to be useless.

Safety and health is, in fact, handled very differently in different countries. In the U.S., most of our standards are hazard-specific regulations. Other countries concentrate more on the organization of a safety and health program. In particular, most democratic, market-economy countries, make some form of joint safety and health committee the centerpiece of their safety and health laws. Legislatively-mandated committees are very controversial in this country. Bills requiring them failed to reach the floor in the last, Democratically-controlled Congress. They have no hope in this Congress. Yet it is hard to see how an accepted ISO standard on safety and health management would not incorporate a provision which is central to the safety and health management system in most of the developed world.

Then there is the question of the interaction between ISO standards, and national and international law. At the very least, an ISO standard should require compliance with

national regulations and international instruments. It should also require consistency across borders. Unfortunately, our experience with ISO 14001, the draft standard on environmental management systems, is not good in that regard. ISO 14001 avoids that issue by requiring compliance with "applicable" laws and regulations. The word "applicable" is open to interpretation. Drafters, for example, rejected references to international instruments like the Montreal Protocol on Ozone Depleting Chemicals, the Basel Convention on Climate Change, the OECD Guidelines on Hazardous Technologies, or any other international agreement. ISO 14001 does claim Agenda 21 of the United Nations Conference on Environment and Development as its intellectual parent, but does not reference such key elements of Agenda 21 as the public reporting of environmental impacts, full impact accounting, and the need to move to international best practice.[1]

We are, therefore, skeptical about whether the ISO would require compliance with important international instruments like International Labour Organisation conventions as being a prerequisite for ISO compliance -- especially in the United States where so many of those conventions have not been ratified. However, were the ISO to ignore a widely accepted body of international law, an ISO standard could create serious confusion.

Third, it is hard to imagine a useful management instrument that does not set some standard of performance. Once again, our experience with ISO 14001 is problematic. Nowhere does ISO 14001 measure performance. The company must have an environmental policy statement "appropriate to itself," it must have a management system in place to support that statement, and it must provide for internal or external auditing. But nowhere is there any requirement to meet acceptable levels of behavior. Under the draft ISO 14001 standard, certification is based on whether a company knows what it is doing, not on whether what it is doing is at all protective of the environment. A good program should be based on both.

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[1]For a fuller discussion of this point, see Harris Gleckman and Riva Krut, ISO 14001: An Uncommon Perspective, prepared by Benchmark Environmental Consulting, Portland, Maine, for the European Environmental Bureau, October 1995.

Fourth, there are serious questions about the ISO certification process. Although many companies that are ISO 9000 certified are acting in good faith, there are inherent problems with a system that bases important consequences on a successful audit, but then allows a company to pick its own auditor. We have had direct experience with this problem. In one case, the union submitted a great deal of evidence to the auditor that the company was falsifying its records, and not living up to any of its management procedures. The evidence was ignored by the auditing firm. In another case, workers were ordered by the company to lie to the ISO auditors, on threat of discipline. Incidentally, there is no law protecting such workers. None of the whistle-blower legislation applies to such private audits. That makes us think twice about a potential ISO certification process with respect to a safety and health management systems standard.

Despite these reservations, we welcome the attention of ANSI and the ISO to safety and health management. We need international cooperation. Even more, we need international progress based on broadly applicable standards with real obligations and real enforcement. This process could contribute to that eventual outcome, whether or not an ISO management standard is ever written.

In fact, voluntary ISO guidelines might be useful even in the short run, so long as two conditions are met. First, they must be developed in full consultation with the ILO, and with full participation by both management and labor. Second, the guidelines should not in any way diminish a company's obligations with respect to any existing law or regulation. Certainly, they should not replace any regulation. They should not reduce a firm's chances of inspection. And, finally, and perhaps most controversially, they should not even add good faith to the calculation of a penalty. Indeed, the case could be made that a company that is ISO certified should know what it is doing. Therefore, any violations would be more likely to be willful.

The one impact a voluntary management guideline should have is the most important one -- making the workplace safer. If guideline makes sense, and if the company lives up to it, the result will be fewer injuries, better health, and improved working conditions. In other words, virtue will be its own reward.

AN INSURANCE PERSPECTIVE ON AN ISO OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT STANDARD

A Presentation by Kennith D. Brock, Liberty Mutual Insurance Company

Insurance companies and their customers, both in the United States and on a global basis often perceive standards to be of assistance as well as an occasional disadvantage when faced with how to improve workplace safety and heath. Often the determination regarding whether the standard is of assistance or a disadvantage is based on many factors including how the standard is written, the flexibility offered through the standard for specific implementation, and the flexibility that the standard offers regarding a wide range of business operations. This presentation attempts to outline advantages and disadvantages to both the insurance customer and the insurance company.

ADVANTAGES TO INSURANCE CUSTOMERS

Well written safety and health standards, whether they're specific to a given exposure or specific to programs, can offer guidelines to companies that operate globally. They can also be of assistance to large companies in the administration of their own internal safety and health programs and they may provide benchmarks for all companies no matter whether they operate locally or globally. They also provide guidelines for operations in countries, states, or provinces that are both regulated and unregulated. In some cases, they may be the only safety and health program that the company may choose to use as they manage operations no matter where they are in the world.

DISADVANTAGES TO INSURANCE CUSTOMERS

In some cases the standards may become too limiting for businesses. In many cases company and corporate programs may exceed the level required by standards for safety and health. Standards which do not promote or provide an incentive to excel, will often become the de facto standard for a company safety and health program, especially on a local basis. In some cases, standards may interfere with the local customs and requirements for safety and health no matter whether we're talking about states versus federal standards in the United States or individual country standards regarding safety and health. In some cases, standards by different agencies or organizations in a given geographical area may also be in conflict with each other requiring the company to interpret what must be done from a legal or regulatory viewpoint regarding safety and health. In some cases, customers of insurance carriers required to follow many different safety and health regulations will find that they are spending resources for compliance with various standards while not really affecting losses.

ADVANTAGES TO INSURANCE COMPANIES

Standards will help the insurance company customer understand requirements for safety and health in their own organization. Commonly understood standards offer transportability for safety and health programs from location to location, state to state, country and country to country. Commonly understood standards regarding safety and health program requirements would also make it easier for the insurance company to consult with their customers regarding safety and health program elements. Effective standards should also produce a positive result for an insurance company in terms of loss reduction with their customer base. Adherence to consensus and nationally or internationally recognized standards will also provide an advantage to the insurance company by giving the insurance company customer an incentive for achieving a standard level of compliance with what the domestic or global community feels is appropriate for safety and health management.

DISADVANTAGES TO INSURANCE COMPANIES

Potentially program standards can detract insurance company customers from the central issue of loss control or loss reduction. Poorly written standards or ineffective standards can result in the expenditure of resources that could otherwise be used for achieving a true reduction in accident frequency and severity. Standards can become the de facto level of performance for insurance company customers thereby limiting the level of performance that could be achieved if there were no standard. Standards which are too complex, too detailed, or inflexible, can result in substantial time expenditures by insurance company consultants on assisting customers with their compliance programs that do not affect a true loss reduction. International standards which become a measure of safety and health programs in the customers' marketplace can also result in demands from customers for assistance with programs that do not affect their losses or the losses of the insurance carrier. Certainly, consultants in the insurance industry must be knowledgeable of requirements of safety and health program standards whether they be local, state, federal, or global. This again is another expense that the insurance company must bear in order to be an effective consultant to the customer. Unless there is a return for this expense, the standard would be a disadvantage to the insurance company.

WHAT MAKES A GOOD STANDARD?

A good standard for health and safety will be a standard that can produce proven results. We have many standards in existence in the United States that have never been validated. A good health and safety program standard needs to be studied and researched in order to document the effectiveness of its provisions.

Any standard for health and safety can be patterned after the ISO 9000 or ISO 14000 standards but needs to be separate from either of these two series. Health and safety is neither quality nor is it product oriented but it would still rely on

STATEMENT OF THE

AMERICAN INSURANCE ASSOCIATION AND THE

AMERICAN INSURANCE SERVICES GROUP

TO THE

ANSI/IAC WORKSHOP ON OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT

The American Insurance Association ("AIA") and the American Insurance Services Group's Engineering and Safety Service ("E&S") are pleased to offer comments and suggestions to the American National Standards Institute regarding the possibility of an international occupational health and safety management standard. AIA is a trade association of more than 250 property/casualty insurers that write about half of the workers' compensation insurance across the country. AIA and its members are committed to a modern, effective workers' compensation program, one that provides a fair level of income support and necessary medical care for injured workers at an affordable and predictable price for employers.

E&S is the leading insurance industry provider of loss control-related technical and regulatory information to more than 350 commercial property/casualty insurers. Its purpose is to provide information to the loss control professionals associated with the property-casualty insurance industry to help control risk and to promote safety, health, and property conservation. It has been estimated that there are currently more than 9,000 loss control professionals employed by the property-casualty insurance industry in the United States. These professionals can forge effective partnerships with their customers to help promote workplace safety.

It is in this spirit that we offer the following comments:

AIA and E&S support the need for improved safety and health in the workplace. Safety, which is the responsibility of both management and employees, makes good business sense. Companies that have established effective safety programs typically operate more efficiently than those that do not, with fewer workplace injuries and illnesses. At this time, however, AIA and E&S do not take a position as to whether an international OHSMS should be developed.

We can envision both positive and negative aspects to adopting an international OHSMS. For example, in a global insurance market, an OHSMS could be used as a guide to help businesses and their insurers evaluate the business's workplace safety practices. This could provide

underwriters with a greater understanding of the potential for loss exposures, which would assist in determining the level of risk and the pricing of the insurance product.

On the other hand, we have reservations about the global readiness for an international standard. First, we do not necessarily agree that a global standard would effectively "level the playing field" among businesses in different countries, as stated in the ANSI Ad Hoc Work Group's November, 1995, issues outline. Each of the ISO member countries has different legal environments, corporate cultures, standards of living, and philosophies about labor/management relations.

Second, it may be premature to consider undertaking such an ambitious project until acceptance of other similar ISO standards and the impact on the business community have been determined. For example, we understand that thousands of organizations nationally and internationally have adopted ISO 9000. We are unaware, however, of any studies that have evaluated the effectiveness of that standard.

Third, American safety standards are developed and enforced differently than they are in the vast majority of other countries. If an international safety standard were developed by synthesizing the common elements of each country's workplace safety standards, we are concerned that it might be weaker and less effective. Such a standard could provide a disincentive for some employers to improve safety practices.

Finally, we are concerned about increased costs for our customers. If an international standard were to be developed, our policyholders could, at least initially, experience an increase in operating expenses to document compliance. These increased expenses would be in addition to current compliance burdens. Because these costs have not been justified, the insurance industry is not able to recommend whether an ISO standard should be developed.

However, if the decision is reached to proceed with a standard, we believe that such a standard should <u>not</u> address performance levels. For example, a standard should not incorporate a target number of lost workday accidents. Rather, it should ideally give businesses safety-related goals and describe the desired outcome. It should provide guidance in the means of implementing practices that will be effective in reducing accidents and losses, and avoid technical specifications that dictate how to accomplish such goals. Moreover, if an international standard were to be developed, its primary focus should be the prevention of losses, and not on paperwork and recordkeeping.

Several legal, regulatory, and market-related issues bear on whether an OHSMS should be developed. In the United States, market forces provide the best incentives for employers to invest in safety and health. Here, loss control professionals recommend and promote safety practices and

techniques that are often more stringent than those minimum levels required by government regulations. Insurers are not compliance officers, but employers that want to comply with these regulations -- for example, those promulgated and enforced by OSHA, EPA, and DOT -- often turn to their carriers for guidance. Therefore, many of these regulations form the basis for initial safety recommendations that the carrier provides to its customer. We are concerned that an international standard could be less stringent than existing regulations. This might, in turn, increase the potential for losses and reduce some employers' willingness to comply with carrier recommendations that are more stringent than those based on an international standard.

On an international level, some countries have not adopted national safety standards, nor can they enforce them. In addition, many countries do not have private workers' compensation systems. Not surprisingly, the market forces that make some countries undesirable from a safety standpoint are the ones that make them very attractive as to labor costs. In countries with little or no safety regulation, carriers would have to decide whether they should issue recommendations based on an international standard. This decision would ultimately be affected by that country's social, economic, cultural, and legal environment.

There are also jurisdictional issues to consider. For example, an employer safety program based on an international standard may not meet the minimum requirements imposed by laws in the United States. In the U.S., there are still problems with consistent enforcement of existing safety regulations by field staff. If an ISO standard were applied worldwide, gaining adequate consistency may be even more difficult, or impossible.

If an international OHSMS is developed, it should be: (1) completely voluntary; and (2) not in conflict with U.S. safety regulations. Seeing how an ISO OHSMS that conflicts with existing standards could cause confusion among businesses is easy. For example, there may be uncertainty whether the business should comply with the ISO standard, their workers' compensation carrier's recommendations, or (if adopted) the OSHA Safety and Health Program Standard. Businesses often request help from their workers' compensation carriers in complying with the myriad of existing safety regulations, and therefore, it is likely that the same would be true with respect to an ISO OHSMS. Consequently, if there is a decision to proceed with an ISO standard, we recommend a coordinated effort between ANSI, ISO, OSHA, and other appropriate agencies.

There are significant differences between the United States' practices in occupational health and safety management and regulation in other countries around the world. For example, several of our member and subscriber companies do a significant amount of business in Japan, which has occupational health and safety standards in place. These companies tell me that in the Japanese culture, where lifetime employment is considered virtuous, the needs of the business are considered more important than the needs of the individual. They view soft tissue injuries as the logical result of a good day of production for the company, and treat them through exercise and home therapy.

Physicians treat only traumatic injuries, such as amputations and fractures. Moreover, national workers' compensation insurance covers the cost of such treatment. Also inherent in the Japanese culture is the belief that management initiatives and commitment, not regulations, are the most effective tool for improving safety.

If an ISO standard is to be developed, it should avoid the use of technical specifications, such as those found in OSHA standards. Rather, it should be performance-based and address safety management issues, such as:

➢How is safety integrated into the organizational structure?

➢How is safety knowledge passed through and communicated throughout the organization?

➢How are safe work practices pursued, for example, through policies, procedures, and job descriptions?

➢How does the organization identify and control hazards?

➢How does labor identify with safety?

➢How does management express and demonstrate its concern for the welfare of workers?

The world's businesses are too diverse to expect that one set of detailed program specification would be adequate to address the safety and health needs of every worker. Any international OH&S initiative should establish the expected results, not dictate how to achieve these results. Each employer should decide how to achieve these results based on their own business needs, corporate culture, and the nature of labor/management relations.

It is imperative that any such standard focus on sound loss *prevention* measures, and not address other issues that we consider outside the scope of such a standard, such as medical treatment practices, physician selection, managed care, and claims handling.

Insurance industry loss control practitioners focus their efforts where they are most likely to provide assistance in the control and reduction of losses. Although they undertake these services primarily for the benefit of the insurance company, the policyholder also may benefit if the recommendations of the loss control representative are followed and losses reduced. The business of insurance creates a fundamental incentive to control or reduce the policyholder's and the carrier's exposure to potential losses. Insurers provide loss control services to those employers who they believe, based on experience, will benefit from those services.

some of the underlying fundamental principles of management processes needed to assure effective control of accidents and illnesses in the workplace just as the 9000 series helps assure an effective management process for quality and 14000, the environment.

The standard, if developed, needs to be performance oriented and not specification oriented. Performance of management systems to control accidents and illnesses in the workplace will be more effective in producing results than a standard that specifies precisely how a program is to be established and conducted. The standard needs to focus on a process, not a program.

CONCLUSIONS

Standards can be of advantage to both the insurance company and the insurance company customer if well written and/or based on sound principles that are logically and likely to reduce workplace safety and heath losses. Standards need to be cost effective both from the viewpoint of the insurance carrier in administering the programs with their customers as well as from the cost of implementation by the individual customer. Standards need to be harmonized so that there is no conflict between what might be required from a regulatory viewpoint with what might be required from a consensus standard in the community.

If an international standard were implemented, policyholders may ask their carriers to shift their focus away from helping to control losses toward compliance with the standard. An ISO OHSMS that does not make the prevention and control of losses its primary focus would be a step in the wrong direction for the loss control profession.

Although some carriers provide certification and registration services related to the ISO 9000 standard, overall their experience with the implementation of international management standards is limited. Insurers have not had a need to implement these standards, and they do not have a significant impact on carriers' underwriting processes.

In conclusion, AIA and AISG recognize the importance of enhanced safety in the workplace. For over one hundred years, insurance industry loss control professionals have worked with their customers in an effort to improve safety and minimize the risk of loss to workers. In so doing, these professionals recommend to employers safe workplace practices that often exceed those prescribed by various regulatory agencies. Although we think that some businesses may believe that an international occupational safety and health management standard may be beneficial, we believe that current global conditions do not indicate sufficient readiness for implementation of such a standard.

Thank you for the opportunity to provide these comments. We would be pleased to lend any additional assistance related to the issue of an international safety and health and safety management standard.

Closing Remarks by Mr. Sergio Mazza, President, ANSI

Thank you, Larry. On behalf of ANSI, I'd like to thank Larry Wills for serving as master of ceremonies for this workshop; also, all of the speakers, moderators, reporters and you, the participants, for your involvement. Special thanks go also to the members of the ANSI International Advisory Committee task group on occupational health and safety management for the considerable time and effort they spent in planning this event.

As you know, the purpose of this workshop was to provide ANSI with the perspectives of the U.S. stakeholders on whether ISO should proceed with an OHSMS standards activity, in preparation for the September ISO workshop in Geneva. Over the last two days, you have heard, from experts in the field of occupational safety and health, the views of the primary stakeholders--business and industry, standards developing organizations, government, labor and insurance. You have participated in discussions with your fellow constituents in an attempt to identify areas of agreement, and you have exchanged views with those who may have a different opinion on the core issues. We recognize that many of you may have come to the workshop without a firm position on the central question of need. We trust that the presentations and discussions of the last two days have provided you with an informed basis upon which to proceed.

The remaining aspect of the workshop and a critical one is for ANSI to receive your input on the questionnaire that you received in your registration kits. You may leave the completed questionnaire at the registration desk as you leave tonight or return it by mail. We do ask your cooperation in returning it no later than May 17th. ANSI has engaged an outside research firm to assist in tabulating the responses to the questionnaire, so if you are returning it by mail, please send it to the address on the cover of the questionnaire, not to ANSI.

I should note that the questionnaire has also been mailed out to interested persons who could not be in attendance at the workshop. A summary of the results of the questionnaire and the reports from the breakout groups will be provided in an upcoming issue of The ANSI Reporter. In addition, you will receive within four weeks a copy of the workshop proceedings containing the presentations of yesterday's speakers.

(show ANSI overhead or slide)

In terms of where we go from here, as noted, the questionnaire data will be compiled with the assistance of the Lieberman research firm. The information coming out of the workshop will then be reviewed by the ANSI International Advisory Committee task group on occupational health and safety management system standards. They will consolidate the results into a recommendation to the Institute's International Advisory Committee (IAC) on whether the U.S. supports

the development of an international Occupational Health and Safety Management System standard.

For those who may not know, the IAC is the Board Committee responsible for the formulation of ANSI's positions on ISO policy issues. The IAC will review the task group's recommendation and formulate the U.S. viewpoint to be presented at the September ISO workshop. The IAC will determine the size and composition of the U.S. delegation to that workshop.

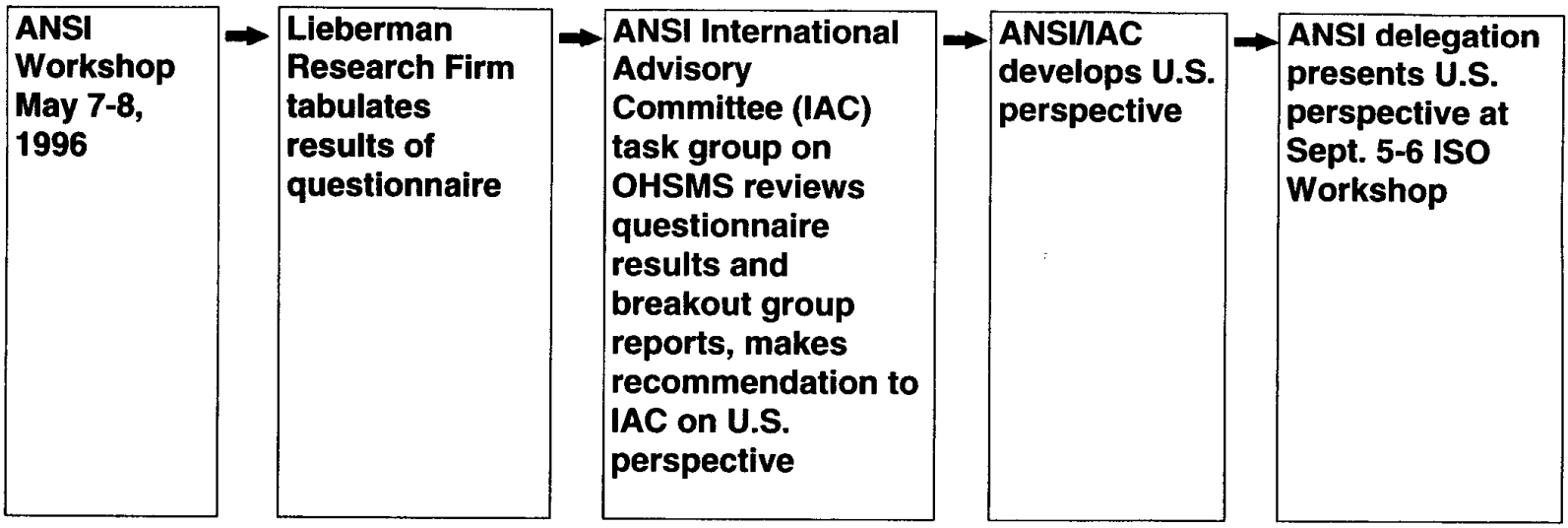
(show ISO overhead or slide)

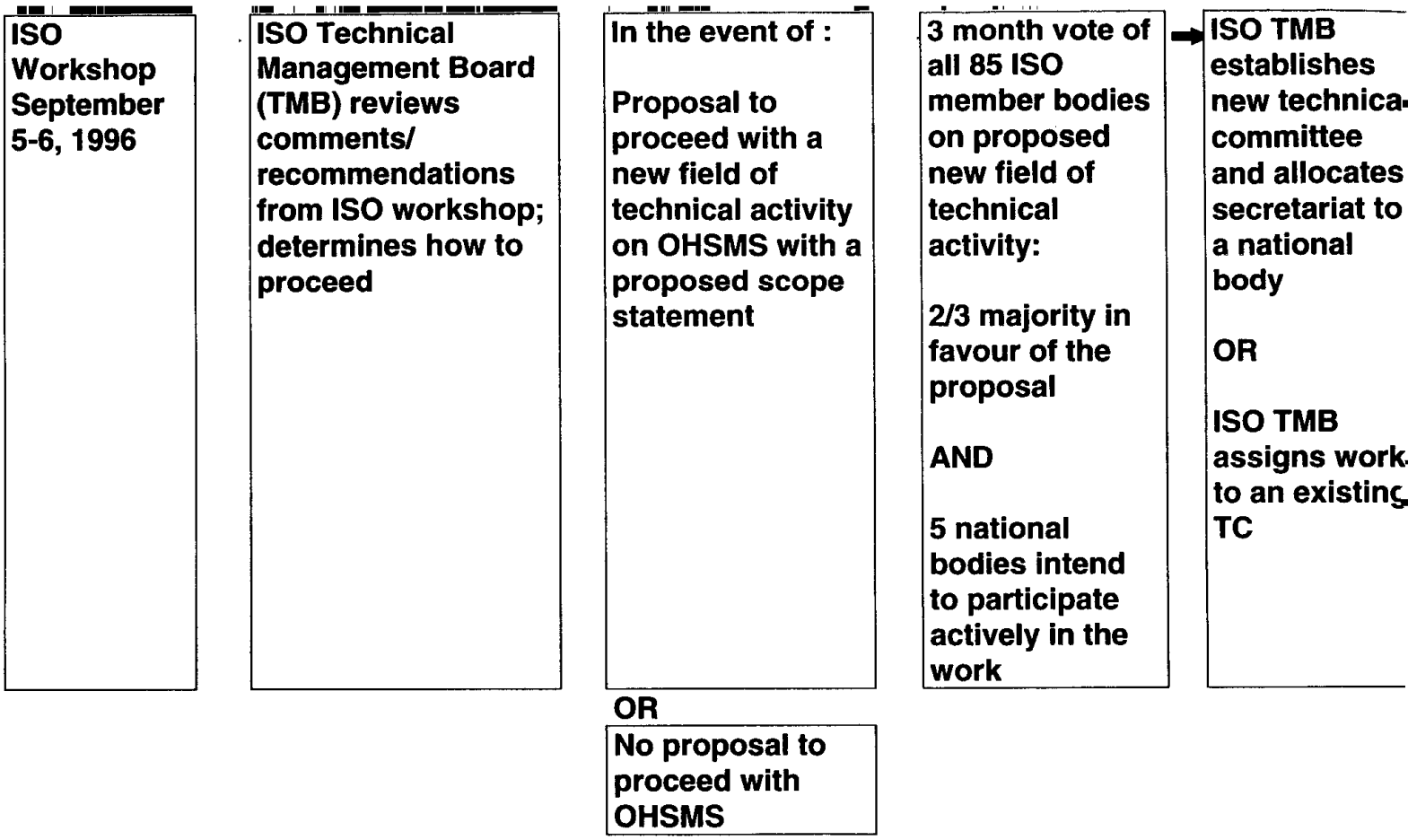
In terms of evaluating the results of the ISO workshop, the ISO Technical Management Board (TMB) is the body within ISO that is responsible for examining all proposals for new fields of ISO technical activity and deciding on matters concerning the establishment and dissolution of technical committees. ANSI is a permanent member of the TMB. The comments and/or recommendations from the ISO workshop will likely be considered by the TMB at its January 1997 meeting. The TMB could direct its ad hoc group on OHSMS to review the comments first, and then forward a recommendation to the TMB. Alternatively, the TMB could elect to convene a special meeting on the issue.

Should a proposal be made to proceed with an OHSMS activity, it would be circulated for a three month vote to all ISO member bodies asking whether or not they support the establishment of a new technical committee and intend to participate actively in the work of the new technical committee. The TMB then evaluates the voting results and either decides to establish a new technical committee and allocates the secretariat or assigns the work to an existing technical committee, provided in either case that a two-thirds majority of national bodies voting are in favour of the proposal, and at least five national bodies express an intention to participate actively in the work.

Are there any questions?

(If not,) I thank you all again for coming. We look forward to receiving your input on the questionnaire. Good night.


ANSI Workshop May 7-8, 1996
Lieberman Research Firm tabulates results of questionnaire
ANSI International Advisory Committee (IAC) task group on OHSMS reviews questionnaire results and breakout group reports, makes recommendation to IAC on U.S. perspective
ANSI/IAC develops U.S. perspective
ANSI delegation presents U.S. perspective at Sept. 5-6 ISO Workshop


ISO Workshop September 5-6, 1996
ISO Technical Management Board (TMB) reviews comments/ recommendations from ISO workshop; determines how to proceed
In the event of :
Proposal to proceed with a new field of technical activity on OHSMS with a proposed scope statement
OR
No proposal to proceed with OHSMS
3 month vote of all 85 ISO member bodies on proposed new field of technical activity:
2/3 majority in favour of the proposal
AND
5 national bodies intend to participate actively in the work
ISO TMB establishes new technica committee and allocates secretariat to a national body
OR
ISO TMB assigns work to an existing TC

Workshop on International Standardization of Occupational Health & Safety Management Systems - Is There A Need?
May 7 & 8, 1996
Attendees

Business & Industry Stakeholders

Doug Abeno	Principal Financial Group
Karl Albrecht	National Semiconductor
C. Reuben Autery	Gas Appliance Manufacturers Association
K.C. Ayers	International Standards Initiative
Richard S. Ayres	IBM
Kameron Balzer	Genentech
Duane Barns	The Dow Chemical Company
Christopher L. Bell	Sidley & Austin
M T Bercilla, Jr.	Environ
Thomas J. Birch	Columbia Gas
Fritz Bock	Catepillar, Inc.
Ralph L. Bollinger	Exxon Chemical Americas
J.L. Brand	Texas Instruments Inc
Charles Brehm	Aristech Chemical Corp.
Bryon L. Briese, P.E.	American Hotel & Motel Association
Philip J Burner	Stone Container Corporation
Charles A. Carlsson	AMT
Tom Cecich	Glaxo Wellcome, Inc.
Joel Charm	AlliedSignal, Inc.
Stan Christian	Motorola, Inc.
Darnell Clay	United Parcel Service
James L. Connaughton	Sidley & Austin
John W. Cooke	Corporate Energy Consultants
Francis Criqui	General Motors
John H. Crowley	Equipment Manufacturers Institute
Mary C. DeVany	DeVany Industrial Consultants
Kyle B. Dotson, CIH, CSP, PE	Phelps Dodge Corporation
Thomas Dougherty	Polaroid Corp.
Jason Douglas	Moore Corporation
Peter J. Eide	U.S. Chamber of Commerce
Earle R. Evavold	Unisys Corporation
David A. Felinski	American Automobile Manufacturers Association
Steve Fritton	Siemens Energy & Automation
Thomas D. Gallacher	The Boeing Company
Matt W. Giffin	International Paper
Robert J. Gillen	United Parcel Service
Jeri Gillespie	NCR Corporation
Vincent Giordano	GE Company
Richard M. Gioscia	Foster Wheeler Environmental Corporation
John A. Gleishman	Barton Mallow Co
Margaret Glover	Glover Stapleton Assoc
Mike Glowatz	Lucent Technologies

Workshop on International Standardization of Occupational Health & Safety Management Systems - Is There A Need?
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Attendees

Business & Industry Stakeholders cont'd

Wallace N. Goodsell	Eastman Kodak
Robert E. Goss	Moore Corp., Ltd.
Thomas A. Grego	Becton Dickinson
Ralph D. Grotelueschen	Deere & Company
Ed V. Grund	American National Can Company
Mark Hansen	Dixie Chemical Company, Inc.
Caroline G. Hemenway	CEEM Information Services
John L. Henshaw	Monsanto
Robert J. Hermann	United Technologies Corp.
Andy Hoh	The Boc Group
Dennis Hudson	Sears Roebuck & Co.
Sue Hyder	Pacific Gas & Electric Co.
Chris James	United Parcel Service
Lomer G Johnson	Brown Forman Corp
Dennis N. Johnson	E.I. Dupont
C. Darrell Jones	Organization Resources Counselors, Inc.
Kim O. Kauer	Dayco Products, Inc.
Edward R. Kelly	AMP Incorporated
Nancy Kippenhan	3M
David Kirkpatrick	Reality Interactive
Blake Knight	Champion International Corporation
Jimmy Ko	The Boeing Company
Thomas E. Kreichelt	Bethlehem Steel Corp.
Mary Anne Lawler	IBM
Patricia Layton	American Forest & Paper Assoc.
Martin B. Lev	Quantum Corporation
Henry Line	AMP Incorporated
Dave Malter	Waste Management, Inc.
Pam Markalz	Rust Consulting
James P. McBain	Case Corporation
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Matt Portacci	Texaco
Jim Powell	Chelsa Group
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Lisa Ramber	American Textile Manufacturers Institute
Michael Ramer	RUST E & I
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Ronald H. Reimer	Rockwell Automation
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Edward Roney	Motorola
Larry Roslinski	Ford Motor Co.
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Ronald D. Schaible	AMP Incorporated
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Kathy Seabrook	Global Business Solutions
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Tony Sipich	Ameritech
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Mike Swanson	Pioneer Hi-bred International
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Donald Collins	American Dental Association
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C. James Dahn	Safety Consulting Engineers, Inc.
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Timothy R. Fisher	American Society of Safety Engineers
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