

August 30, 2008

Proposal on Safety at Work Riles Unions

By [STEVEN GREENHOUSE](#)

The Bush administration on Friday proposed that the Labor Department be required to seek more public comment before adopting rules to protect workers from hazardous chemicals. But instead of applauding the rule, many unions and worker advocates denounced it, saying it would delay federal efforts to protect workers.

“It’s a terrible idea,” said David Michaels, a professor of workplace safety at the [George Washington University](#) School of Public Health, who called the proposal “a setback” for the [Occupational Safety and Health Administration](#)’s ability to protect workers from carcinogens and other toxic chemicals.

“It will lead to more delays in setting new standards, and it gives parties that oppose new regulations an opportunity to confuse the regulatory process,” Professor Michaels said.

OSHA currently has to seek public comment whenever it proposes a regulation to protect against hazardous chemicals. Under the new proposal, the agency will have to seek an additional “advance” round of comments on whether a workplace chemical poses a significant risk.

Labor Department officials defended the new rule, saying it would establish consistent procedures and ensure that those responsible for drafting regulations had the best scientific information.

“What we want to do is ensure the department relies on the best data and make sure the public has every opportunity to provide it,” said Leon R. Sequeira, assistant secretary of labor for policy.

Many union officials and Democrats have criticized the proposal as an 11th-hour effort by the Bush administration to hobble the next president in issuing regulations on toxins in the workplace. They point out that under President Bush, OSHA has issued just one major regulation with regard to toxins, and then only under court order.

“What they’re doing is introducing a whole new step to the rule-making process,” said Peg Seminario, the [A.F.L.-C.I.O.](#)’s director of occupational safety and health. “Now, to put out a rule for a complex hazard takes a good eight years. Without question, this will add another year or two.”

Anticipating this new rule, Representative George Miller, Democrat of California and chairman of the House Labor and Education Committee, introduced legislation last month to block the administration from enforcing it.

“In its final months in office, the Bush administration continues to attempt to sneak through significant last-minute regulatory changes at the behest of special interests,” Mr. Miller said in a statement. “For nearly eight years, this administration has consistently failed to respond to the real health and safety threats

workers face while on the job. But now they will stop at nothing to rush through significant regulatory changes that are detrimental to average Americans.”

Mr. Sequeira said critics were too quick to attack and see improper motives. He denied that the new requirement would cause additional delay, and noted that OSHA already often solicited such advance comment. The new rule merely makes procedures consistent, he said.

“I’m confused why members of Congress and the self-described experts or critics are criticizing increased public input in the process,” Mr. Sequeira said.

He said the additional step of seeking advance comment — and then reviewing such comments — could be easily integrated into a lengthy rule-making process, without taking additional time.

Randel Johnson, a vice president with the United States Chamber of Commerce, applauded the proposal.

“Whether the risk measures up to the level of risk needed under the law has to be answered before the rule goes forward,” Mr. Johnson said. “You might as well take it in hand early on and seek public comments.”

[Copyright 2008 The New York Times Company](#)

[Privacy Policy](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)
