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AN INDEPENDENT NEWSPAPER

## A Toxic Proposal

The Labor Department politicizes the regulation of workplace health.

**F**OR 7½ YEARS, the Labor Department has neglected the workers it's supposed to protect. Now it is rushing to make its pro-industry stand official policy. The Post's Carol D. Leonnig reported that the Labor Department has fast-tracked a proposal that would make it more difficult to regulate workplace safety.

A last-minute policy push is nothing new to presidential administrations, but the Labor Department's proposal is particularly bold. The plan is an attempt by Labor's policymakers to wrest control of the risk assessment process from scientists at the Occupational Safety and Health Administration. Doing so would add another layer to a byzantine regulatory process that would be difficult for future administrations to untangle. It would also undermine OSHA, an agency that already has too many procedural hurdles to clear.

The Office of Management and Budget released a report in 2006 stating that risk assessment should focus on actual, rather than possible, harm caused by toxins. This sounds reasonable, but Congress intended for risk assessment to be a preventive measure; by the time the dangers of toxins are apparent, it's of-

ten too late to protect workers. At the request of the OMB, a National Academy of Sciences committee reviewed the proposal. The scientists gave the report an "F" and described it as "fundamentally flawed." The OMB shelved the report, but the Labor Department's proposal resurrects much of its substance. Meanwhile, Labor has adopted one major health rule for a chemical in the workplace since President Bush took office — and that was under court order.

OSHA's problems did not begin with the Bush administration. The Supreme Court ruled in 1980 that OSHA could regulate a toxin only if it posed a "significant risk" to workers' health, a difficult standard to satisfy. The judiciary and Congress have continued to pare OSHA's authority. And while the nation's working population doubled from 1975 to 2006, OSHA's workforce dropped by 240 employees, to 2,165.

Some believe Congress should grant OSHA broader decision-making power. Others believe that the Environmental Protection Agency should handle the regulation of workplace toxins. But it is clear that the wrong way to fix an agency overburdened by procedure is to add another layer of regulation. The Labor Department should withdraw its proposal.