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REAGAN'S OSHA REDUCES ENFORCEMENT

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The Occupational Safety and Health Administration under the current federal administration has made national headlines by its elimination of important standards designed to guarantee health and safety of Americans at work. New figures show that federal OSHA is also staging a major retreat from the enforcement of those health and safety standards still on the books.

According to a study of OSHA's own "Federal Compliance Activity Report" (by the New York Committee on Occupational Health and Safety (NYCOSH)), the numbers of inspections, followup inspections, and citations have declined significantly since the last month before the election of President Reagan. The number of inspections is down 31% from 7,007 to 4,802 while the number of followup inspections is down 69% from 1,148 to 356. The number of serious citations is down 29%, the number of willful citations is down 80%, and the number of repeat citations is down 53%. Penalties are down 54% overall, and "failure to abate" penalties are down 55%. (See table on reverse side.)

The figures for the followup inspections and the "willful," "repeat" and "failure to abate" violations are especially significant since these are counted on to convince employers to obey the nation's health and safety laws. Penalties are usually minimal for violations found during the first inspection, and so OSHA traditionally relied on repeat inspections to check on compliance. The "willful" and "repeated" citations that could be given out on these followup inspections held much more power, with maximum penalties of \$10,000 per violation, and "failure to abate" violations are calculated at \$1,000 per day until the hazard is corrected.

Perhaps the best indicator of the effect of OSHA's enforcement is the response to employers. Until recently, they appealed one out of every four OSHA citations. Since January, 1981, however, only one out of every ten citations has been appealed. According to NYCOSH, this indicates that OSHA lawyers and enforcement officials are being told to settle disputes by simply dropping citations and penalties.

Reagan's administration is also retreating from OSHA's vital commitment to respond directly to hazard complaints from workers. Such complaints will now automatically be forwarded to the worker's firm, and OSHA will assume the employer has corrected the problem unless he or she completely refuses to respond to OSHA's inquiry. This procedure will also eliminate the element of surprise in any subsequent inspection, and can be expected to reduce the number of complaints, as workers will have more reason to fear reprisals from their employers.

- Jamie Robinson -

*This article does not necessarily represent the opinion of the Center for Labor Research and Education, the Institute of Industrial Relations, or the University of California. The author is solely responsible for its contents. Labor organizations and their press associates are encouraged to reproduce any LCR articles for further distribution.*

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THE EFFECTS OF DE-REGULATION: OSHA ENFORCEMENT ACTIVITY UNDER THE REAGAN ADMINISTRATION

NATIONWIDE  
(Figures are for monthly averages)

ENFORCEMENT INDICATORS	PREVIOUS ADMINISTRATION		REAGAN ADMINISTRATION		COMPARISON	
	Fiscal Year 1980 (October 1979- September 1980)	Last month before election (Oct. 80)	1981 to date: Jan '81 through July 1981	Fiscal Yr 80 v. 81 to date	Last mo. before election v. 81 to date	
Total inspections conducted:	5,280	7,007	4,802	Down 9%	Down 31%	
Number of follow-up inspections conducted:	972	1,148	356	Down 63%	Down 69%	
Number of serious citations issued:	3,724	4,061	2,870	Down 23%	Down 29%	
Number of willful citations issued:	103	194	38	Down 63%	Down 80%	
Number of repeat citations issued:	295	365	172	Down 42%	Down 53%	
Total Penalties:	\$2,124,820	\$2,589,378	\$1,183,113*	Down 44%	Down 54%	
Percentage of contested cases:	22	27	10	Down 54%	Down 63%	
Failure to Abate Penalties:	\$ 167,277	\$ 35,600	\$ 15,998	Down 90%	Down 55%	

\*Average based on 6 months data (vs. 7) due to unreadable figures

Source: Occupational Safety and Health Administration, U.S. Department of Labor: "Federal Compliance Activity Report", (Oct. 1980 - July 1981)

Table compiled by New York Committee on Occupational Safety and Health (NYCOSH)