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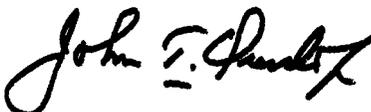
U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

October 10, 1975

MEMORANDUM FOR JAMES CONNOR

In response to your request I have written the attached letter to the President regarding OSHA.

I very much regret the delay in transmitting this information to you.


Secretary of Labor

Attachment

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

October 10, 1975

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

You expressed interest in knowing the justification for Governor Reagan's illustrations in his August 1 article, to the extent they are in fact illustrative of OSHA regulatory activity. As you know I have myself been concerned about this area and continue to spend considerable time with our new top staff to improve the OSHA program.

While OSHA has problems, Governor Reagan's illustrations do not fairly characterize the manner in which OSHA operates. In contrast to the article's central allegations, the following points are true with respect to OSHA:

- While OSHA regulations can be lengthy and complex, they must deal with complicated health and safety hazards including the control of cancer-producing substances. Since many OSHA regulations are specific to particular hazards and thereby particular industries, an individual employer must be familiar with far fewer than the total number of regulations extant. OSHA is now in the process of developing guidelines and brochures for businessmen identifying the standards applicable to them.
- The "stiff" fines referred to by the Governor have in fact averaged a nominal \$22.50 during 1974.

- Record-keeping requirements are relatively few compared with other regulatory programs. Employers are required to maintain logs for injuries and illnesses which occur at the work place. Firms with ten or fewer employees are exempt from record-keeping requirements.
- The two examples of overregulation described by the Governor are not accurate. With respect to restrooms, the relevant standard provides that a single bathroom which can be locked is sufficient. With respect to noise levels in truck cabs, this is a matter falling within the safety authority of the Department of Transportation and not OSHA.
- The survey of occupational injuries and illnesses showed a 7% decline in work-related fatalities from 1972 to 1973: including 33% reduction in contract construction and a 2.6 to 5.1% reduction in the five industries selected from special emphasis by OSHA during this period.

Governor Reagan overstates the problems in OSHA choosing worst-case examples as illustrative. There are however aspects of the program in need of review. Those aspects of the program which set the investigatory and litigious tone of the program are undergoing careful scrutiny within the Department. I am hopeful that within the next few months we will be in a position to recommend changes in the program which reduce its long-term cost and adversarial approach without diminishing its effectiveness.

Sincerely,

John T. Dunlop

Secretary of Labor

THE WHITE HOUSE

WASHINGTON

August 8, 1975

John -

The attached article was returned in the President's outbox with the following notation:

"Ask Department of Labor are these illustrations accurate and if so the justification"

I would appreciate it if you could follow up with appropriate action and let me have a response for the President.

Jim Connor

The Honorable John Dunlop
Secretary of Labor

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THE PRESIDENT HAS SEEN....

THE RONALD REAGAN COLUMN
(For Release In Papers Of Friday, Aug. 1, And Thereafter)

By RONALD REAGAN

Copley News Service

"OSHA" is a four-letter word that's giving businessmen fits and is helping drive up consumer costs. And, there is no relief in sight.

One of the youngest federal regulatory agencies, the Occupational Safety and Health Administration since 1970 has had the job of carrying out "the intent of Congress" by devising regulations implementing the Occupational Safety and Health Act.

Congress' intent was to protect the safety and health of the American worker--a commendable goal.

But OSHA's regulations and tactics are something else again--a Catch-22 of arbitrariness that is costing business (and thus consumers) millions of dollars a year.

OSHA's regulations fill a shelf 17 feet long (even the Harvard Classics took up only five feet), and businessmen are expected to know which ones apply to them if an OSHA inspector drops by. If they don't and their plants don't conform to the regulations, they're subject to stiff fines.

One might have thought that OSHA would have offered an initial no-penalty inspection to a business seeking to learn if it complied, with a grace period for correcting deficiencies. No such luck. If you call for an inspection, you are subject to the same penalties. You can pay your insurance company to make an inspection, but there is no guarantee that OSHA won't come along later and find some overlooked deficiency.

Civil liberties don't count for much with OSHA, either. Its inspectors can barge in on a "no-knock" basis without the owner's permission or a search warrant. It has even had this right confirmed recently by a federal court. ✓

Excess paper work, the security blanket of bureaucrats, is required by OSHA of the businesses it regulates. This torrent of paper and words is reflected in the gobbledygook language of OSHA's regulations, too. Here is how they define an exit: "That portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subject to provide a protected way of travel to the exit discharge..."

Application of OSHA's regulations is almost whimsical.

*no employees
other than the
family - them
no requirement*

The owner of a small business in one western state was told he had to install separate men's and women's rest rooms for his employes. He had only one employe. At home they slept in the same bed and used the same bathroom. She's his wife.

There is more of the same on the way. Antinoise regulations for trucks are now under discussion. One would require truck cabs to be so soundproof that drivers could not hear horns or emergency vehicle sirens. The solution? A panel of lights in the truck cab which would flash when activated by such sounds. Result? More expensive trucks, higher freight rates and higher costs of the things you buy.

*DoT
N. W.*

Talk in Washington is serious these days about deregulating (at least partially) the airline, trucking and railroad industries to sharpen competition and lower consumer costs.

The Ronald Reagan Column -- 5

There is little evidence that OSHA has accomplished much in the way of saving lives all the while it has been adding heavy cost burdens and creating a bureaucracy with a growing appetite for tax dollars. Yet, there is little talk of reforming or eliminating this regulatory labyrinth. It's overdue.

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