

NSHBA Education Central

Education, Training and Awareness – Issue 1-2013

Under Pressure from Home Builders, OSHA Delays Fall Protection Guideline Changes.

Home builders and remodelers have been given a reprieve from OSHA enforcement of new, more stringent fall protection regulations from the federal Occupational Safety and Health Administration (OSHA), which have been in effect since Sept. 15, 2011.

The previously announced phase-in period for home builders to comply with the new Compliance Guidance for Residential Construction has been **extended until March 15, 2013** to allow the industry more time to learn about the rule and get compliance assistance from the federal agency.

For more go [click here](http://www.nahb.org/generic.aspx?genericContentID=193739).
<http://www.nahb.org/generic.aspx?genericContentID=193739>

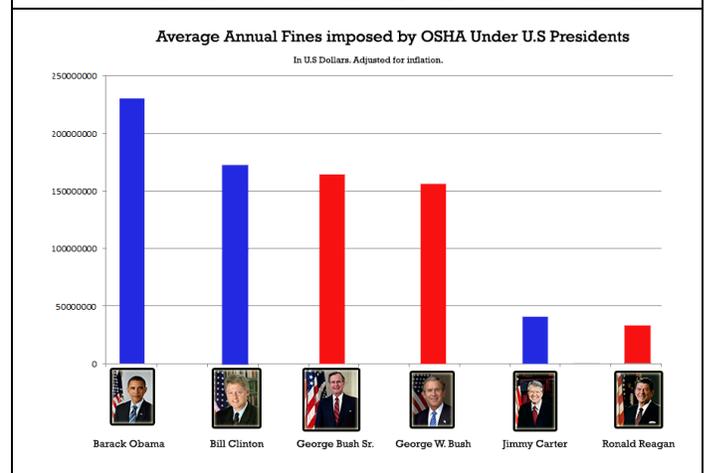
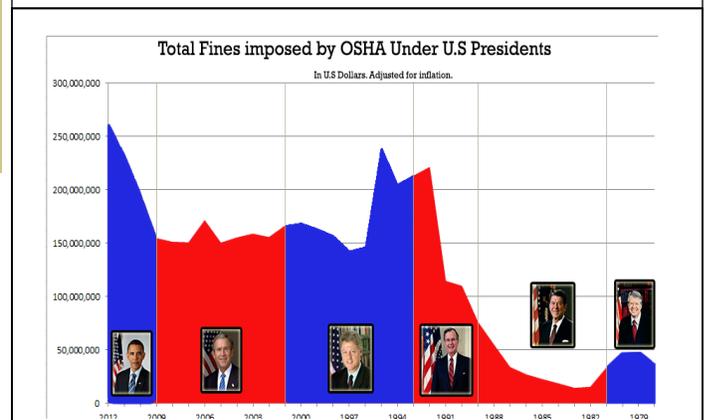
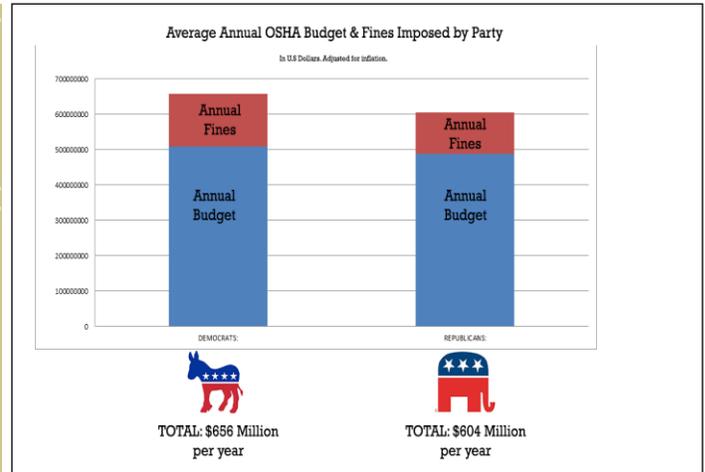
What will OSHA be like in Obama's second four years?

The past is a good indicator of the future when it comes to the direction of federal safety agencies. With that in mind, these infographics take a look at how OSHA has fared under six U.S. presidents.

Those who have followed along the last four years won't be surprised to find that the total amount of OSHA fines levied during the period under administrator David Michaels has gone up. But raw numbers don't always tell the entire story. In this infographic, the annual fines imposed by OSHA are adjusted for inflation. Total fines are still the highest under the Obama administration, but one Republican president also had a spike in OSHA penalties.

Democrats and Republicans could not be more different in their fundamental views of government spending and regulation but are these views reflected in their administration of OSHA?

OSHA Fines Under U.S Presidents



NSHBA's Safety Partner



Increasing maximum OSHA fines requires action from Congress which has been repeatedly blocked under the current Republican congress. However, that hasn't stopped OSHA from finding other ways to increase fines under the leadership of Obama-appointed David Michaels, such as increasing minimum mandatory fines and increasing the window whereby an employer can be classified as a 'repeat offender.' **These changes have resulted in record years for OSHA fines**, as evident in the charts to the right.

OSHA fines, often called a 'hidden tax' by critics, first exploded under George Bush Sr. They remained relatively stagnant under Clinton and George W., but have once again spiked under Obama due to the new set of guidelines that OSHA has established.

New OSHA Regulations by President

New OSHA regulations have come to a screeching halt at the beginning of the George W. Bush administration. This is due to a variety of reasons, not the least of which is the ever increasing influence of business in politics.

Obama has created new regulations more than twice as quickly as George W., although it is incredibly slow when compared to the first 30 years of OSHA's existence. Regulations were issued at the rate of 2.3/yr under the Republican Regan administration.

OSHA Budget by President

President Obama is often framed as a big spender, but does this narrative hold true for OSHA? It does indeed, with OSHA spending hitting record levels immediately after Obamas inauguration. OSHA is bigger than ever before, both in terms of funding and in terms of revenue generated from fining businesses. This is great news for working class citizens but not quite as exciting for business owners.

An analysis of OSHA enforcement during the first two years of the Obama administration shows how the agency has changed its enforcement tactics compared to the Bush years.

OMB Watch says "the leash has been taken off the OSHA inspectorate under the Obama administration."

The numbers paint the picture: In 2009, federal and state OSHA programs handed out more than 68,000 citations, a 167% increase from the previous year. In 2010, OSHA handed out almost 114,000 violations in just the first six months of the year. In 2008, OSHA handed out 203 willful violations. That number rose to 1,166 in 2009 and is on track to reach nearly the same number in 2010. OSHA conducted 6,000 more inspections in 2009 than it did in 2008. OSHA is on track to conduct 1,600 more inspections in 2010 than in 2009.

How is OSHA escalating its enforcement? Two ways.

OSHA's budget increased 7.68% from 2009 to 2010, and the Obama administration has asked for another 2.5% increase for 2011.

But it's not just money that's responsible for the OSHA crackdown on companies. Support from the top has something to do with it, too.

In the aftermath of the BP spill, Obama said, "So one of the lessons we've learned from this spill is that we need ... better enforcement."

More than ever during the current administration, the phrase, "Don't get on OSHA's hit list, you'll never get off it," has taken on significant meaning for companies.

In April 2010, OSHA announced its Severe Violator Enforcement Program under which it has:

- increased inspections at companies with patterns of safety negligence – bad actors who have paid lower penalties in the past because it was more economical than the cost of compliance
- conducted mandatory follow-up inspections, and
- workers compensation claims at medical facilities that must be reported to the state – OSHA will review
- additional sites under the same ownership as those where severe problems have been found because repeat and willful citations carry the largest fine amounts.

When all this is put together, what is OMB Watch's conclusion about OSHA enforcement under the Obama administration?

"OSHA appears to be developing an enforcement regime that focuses on industries like construction and workplaces where employees are at greater "risk" for injury and illness."



NSHBA's Safety Partner

