



## Science Should Trump Politics When Considering Safety Issues

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Received date: Mar 19, 2014; Accepted date: Mar 20, 2014; Published date: Mar 27, 2014

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### Editorial

The responsibility of worker protection is spread rather diffusely between several agencies of the US government. OSHA (Occupational Safety and Health Administration), NIOSH (National Institute for Occupational Safety and Health) and the EPA (Environmental Protection Agency) all evaluate data relating to occupational safety and exposures, and OSHA and EPA have regulatory and enforcement authority. The EPA deals with environmental off-site consequences of pollutants. OSHA is a branch of the Department of Labor. NIOSH is part of the Centers for Disease Control and Prevention and has research and advisory roles. While much interaction takes place between these agencies they ultimately account to very different structures. Section 18 of the Occupational Safety and Health Act of 1970 (the Act) encourages states to develop and operate their own safety and health programs in the workplace, which are "at least as effective as" comparable federal standards. OSHA approves and monitors State Plans, which currently exist for public and private employees in 22 states and for public employees only in 5 additional states. OSHA's lack of consistent guidance for audits of these state-run programs allows enforcement deficiencies to go undetected, increasing the risk of harm to workers. We are left with this rather diffuse collection of agencies for historical reasons and they are likely to remain separate. This complexity can lead to some issues receiving far less attention than others and some issues being totally neglected. While new safety-related regulation always requires funds, it is at least a level playing field as it is applied nationwide. The final arbiter of whether regulation is to be moved along rapidly or put on hold is the Office of Budget and Management (OMB). Since this is a political rather than a scientific division, decisions are ultimately not science-based. Thus important Occupational Safety legislation can be held up for years. For example although on average, four construction workers die on the job every day, crane and derrick safety standards have not

substantially since 1971. OMB has delayed the EPA's list of "chemicals of concern" for almost three years and the Occupational Safety and Health Administration's rule on crystalline silica for over two years.

OSHA faces other significant hurdles. The agency can't force an employer to fix a hazard while a citation is contested, and litigation can drag for years. OSHA often settles by deleting violations and erasing or reducing penalties — sometimes merely accepting, pledges to make safety improvements. Maximum penalties permissible are small. Penalties even for serious violation likely to result in death or major physical harm are limited to \$7000. The title of the Secret Science Reform Act of 2014 (H.R. 4012) clearly reveals its hostility to objective science by implying that the EPA is playing a clandestine role. However, secrecy is not to be found in EPA decisions, which are based on publicly available peer-reviewed research and which undergo extensive rounds of public comment and revision. This proposed Act threatens to undermine the scientific rigor of EPA's decision-making. In contrast, as a result of aggressive trade secret claims, the research on the safety of more than 17,000 chemicals regulated by EPA under the Toxic Substances Control Act is completely insulated from public view by law. It is important to emphasize that regulatory decisions must be based on scientific evidence as opposed to political pressures. Unfortunately this is not currently the case. The prevalence of pressures unrelated to scientific evidence can obviously fluctuate from one administration to another. Merely withholding adequate funding for regulatory agencies is a political rather than a scientific decision, and can have a major impact. The number of OSHA compliance officers per million workers dropped from 14.8 to 7.3 between 1980 and 2010. The US government is constantly under pressure from sources emphasizing corporate fiscal issues rather than health related science. However, the need for occupational safety measures is an invariable. If this perspective is not safeguarded more effectively, levels of occupational health and safety will revert to those of an earlier era.