OSHA chief aims at "professional agency" goal

Dr. Morton Corn discusses with C&EN his first six months on the job and his change in agency emphasis from safety to health

Five years after its inception, the Occupational Safety & Health Administration is at the center of a growing controversy. It continues to be severely criticized by employers, unions, small businessmen, and Congressmen for abusing its powers, placing too much emphasis on nit-picking regulations and not enough on ensuring workers' safety and health. A number of bills have been introduced in Congress, one by the Administration, that would require the agency to either prove its effectiveness in five years or be abolished. Other bills would abolish the agency outright.

Six months ago Dr. Morton Corn, a consultant and professor of occupational health at the University of Pittsburgh, stepped into the center of the controversy when he became the assistant secretary of Labor for OSHA. Corn is OSHA's third head and the first professional ever to occupy the position. Corn knows he is facing a "Herculean task" and agrees that OSHA's methods have been less than acceptable in the past. But he does not believe that anyone really quarrels with OSHA's objectives of ensuring a safe and healthful working environment. "The trick of making OSHA work is focusing on the doable," he says. For him this means retraining or additional training for OSHA inspectors, streamlining agency procedures, and standardizing its operations. But primarily it means turning OSHA into a professional agency that is respected for its competence.

During his short tenure, Corn has made a number of changes in OSHA's operations, but perhaps the most important is a switch in agency emphasis from safety to health. In the past, Corn says, "health was just not the road this agency was on. It was not the agency's stress and the agency was not staffed to deal with it." Corn is changing that. He is increasing the number of personnel developing health standards, seeking particularly people with expertise in medicine and toxicology, expanding OSHA's analytical and calibration laboratory facilities, and beefing up the staff at OSHA's training institute in Chicago.

In the health standards area, Corn has changed the direction of the agency's standards completion project, a supposedly two-year project begun in March 1974, to update existing standards for 400 common hazardous chemicals. The new standards will not change currently specified maximum concentrations in air, adopted in OSHA's early years from limits developed by the American Conference of Government Industrial Hygienists. The new standards will, however, spell out such added details as required employee protective equipment, air monitoring procedures, medical surveillance, and record keeping. OSHA intended for these requirements to go into effect for each chemical when the exposure level is half the allowable concentration, what OSHA calls the action level.

However, Corn did not agree with this procedure. He says that "the action level concept should have meaning only in those cases where a significant effect on health occurs at the level of the standard." Thus for chemicals which are primarily irritants, or cause dermatosis or allergic problems, he says, "I don't believe the extra work of monitoring and measuring at 50% of the standard is justified." However, the action level concept will remain for compounds such as systemic poisons and serious hazards such as asbestos or carcinogenic dusts. Corn does not agree with that argument. In the course of his career as a consultant, he says, he has worn respirators around the clock at 100° temperatures and has gotten ear infections from earplugs, but he is quick to point out "right now the physician isn't even faced with one sheet of medical requirements." So for a year or two OSHA will continue to issue separate requirements for each chemical. Corn has set up a physician-industry committee to come up with recommendations on how best to handle the medical surveillance problem. He also has several advisory groups working on the problem of defining serious and nonserious hazards so that OSHA in the future can focus its efforts on those workplace hazards that are associated with serious accidents and diseases.

Asked about his policy on regulating suspected carcinogens, Corn says that the agency doesn't have an answer to the scientific controversy of whether there is a threshold for carcinogens. "The agency does not reject the concept of a threshold," he says, "but until such time as there is evidence to demonstrate that for any chemical we are considering there is indeed a threshold, we must proceed on the basis that there isn't any, that at any level of exposure something happens." In such instances, Corn says, he doesn't have the authority to ban a chemical, but the "agency will press for the maximum controls, the most stringent controls that can be applied to the situation."

The concept of controlling in-plant exposure as the best solution to excess worker exposure to chemicals or noise has been hotly disputed by industry. Many companies claim that protective equipment, such as respirators or earplugs, would serve just as well. Corn does not agree with that argument. In the course of his career as a consultant, he says, he has worn respirators around the clock at 100° temperatures and has gotten ear infections from earplugs. He believes these place too much of a day-to-day and hour-to-hour burden on the workers. Engineering controls, he admits, are expensive, but they serve to push technology to change the work environment, one of the fundamental goals of the 1970 Occupational Safety & Health Act.

To bring some balance into OSHA's compliance operations, Corn has frozen the number of safety compliance officers is balanced by an equal number of health inspectors. But there aren't enough trained industrial toxicologists to fill OSHA's needs, so OSHA will hire biologists, chemists,
physicists, and engineers with no experience in the health field. To train these people Corn has set up OSHA's first career development program. The new inspectors will be given a three-year on-the-job training program, combining courses at OSHA's training institute in Chicago and field work. The $600,000 training program developed with the help of 22 outside contractors is complete with check points and an evaluation system, something Corn notes the institute never had before. About 300 people are expected to start the program this fall.

To take up the slack until the new health compliance officers get on line, all safety compliance officers will take a four-week course in occupational health concepts at the training institute. In 18 months, Corn says, all compliance officers will be able to take dust measurements and do gas and vapor sampling with detector tubes.

Corn also has instituted new training procedures for safety inspectors involved in the national emphasis program, which concentrates 30% of OSHA's inspections on high-risk industries. For example, OSHA got together with employers and employees in the foundry industry to decide on what major hazards are present. Then the inspectors for the program went to Ohio State University or the University of Alabama for a three-week course on foundry processes. This is to be followed by a two-week course on foundry hazards at OSHA's own institute, before they begin foundry inspections.

Corn hopes that this type of program will mute the criticisms frequently voiced by employers that OSHA compliance officers "don't know our industry and don't know what to look for." All OSHA inspectors, who apparently will be spending a lot of time in school, also will be taking a one- week "comportment class" to teach them how to deal with the public.

One of the things Corn is proudest of is an automatic violation description system. Previously, he says, when companies were cited in different parts of the country for violating the same standard, the citations would read entirely differently. In fact, he adds, from the citations he read before he began as a consultant, one wouldn't even have known it was the same standard that had been violated. Now the citations have been standardized and computerized so that all an inspector has to do is press a button and the citation for the violation comes out. And most importantly the citation will be exactly the same no matter where in the country the violation occurred. OSHA also has prepared a four-page booklet to go along with the citations to explain what an employer's responsibilities are after receiving a citation. It tells the company what steps to take to contest a citation and what to do if it agrees it was in violation. And the citation itself has been redesigned so that it looks less like a legal document designed "to scare the hell out of people."

Corn also has made include freezing hiring, which was totally in the hands of area directors and regional administrators, for four months until national guidelines specifying uniform qualifications for various jobs can be developed. He also has instituted the agency's first system to keep track of what projects are being worked on, who is responsible, what progress is being made, and if deadlines are being met. In another first, Corn has set up technical review procedures for the agency.

"Why," he asks, "should a regulatory agency publish a standard, after we have so lived with it that our vision may be distorted, without outside technical review?" The answer is that if OSHA is to be a professional scientific agency, it shouldn't. And now, he says, nothing will go out of the agency without that kind of review.

"It's a monomania," Corn says when asked how he feels about his job. "It's exciting because we are changing an agency, really changing an agency. But it's painfully slow." He knows that what he wants to accomplish cannot be done in a year or even two. And if President Ford is not re-elected, it is unlikely that Corn will head OSHA after next January. This very "uncertainty is flavoring many people's posture to OSHA," Corn says. There is an attitude of "everything is in flux. Let's hold on six months, let's not do anything."

But he thinks this attitude is a form of defeatism. As he puts it, "I am saying this is urgent, delay is taking a toll. Don't delay, but accept, reject, argue. Let's get mechanisms and procedures in place that will work." Corn believes that if he can get the right mechanisms and procedures in place, they will survive his tenure as head of OSHA. And he thinks that he is on the right track in stressing the agency's professionalism.

"Professionalism," he says, "is competence first. But it is also the desire to argue and explain your judgments, which this agency hasn't always done. We will explain what we are doing. We may be wrong. We may change. But we are going to tell you why we believe that is what we have to do. Our whole thrust is that we are willing to discuss what we are doing."

Janice R. Long, C&EN Washington

Senators scored for anti-Stever stance

The pending nomination of Dr. H. Guyford Stever by President Ford to be the new Science Adviser to the President has taken a rather unanticipated turn into the muck of partisan politics.

At issue was a letter sent earlier this month to President Ford signed by four Republican Senators—Sen. Jesse Helms (R.-N.C.), Sen. James A. McClure (R.-Idaho), Sen. Carl T. Curtis (R.-Neb.), and Sen. Clifford P. Hansen (R.-Wyo.)—opposing Stever's possible nomination to the post. Among other things, the Senators wrote Mr. Ford, "against wrongdoing in the awarding of federal grants by this agency under their direct jurisdiction. Your appointment of Dr. Stever as the President's Science Adviser will make it most difficult for Republicans to call these Democrats politically to account for their error in judgment and lack of initiative in this important matter."

Not unsurprisingly, the letter generated little joy at the White House—which had been rumored to be on the verge of publicly announcing Stever's nomination. Nor were Democrats who are concerned with science matters in the House and Senate along with Rep. Charles A. Mosher (R.-Ohio), the ranking Republican on the House Science & Technology Committee, overjoyed at the allegations, particularly those critical of the performance of the NSF subcommittee chairman Symington and Kennedy. Indeed, Mosher, Kennedy, and Rep. Olin E. Teague (D.-Tex.), chairman of the House Science & Technology Committee, were sufficiently incensed to fire off sharply worded rebuttals to each of the four Senators signing the letter.

For example, Sen. Kennedy wrote, among other things, that the Senators' letter to the President "interjecting political considerations into the selection of candidates" to head the new science office and "making unsubstantiated and unfounded allegations as to the manner in which I have discharged my responsibilities" as chairman of the NSF subcommittee, "can only be viewed as an irresponsible attempt to undermine the bipartisan effort to restore this urgently
needed function to the White House.... It is an affront to Dr. Guyford Stever, to the scientific community, to the three Senate committees which developed and unanimously approved legislation which became P.L. 92-282, and to the Senate Labor & Public Welfare Committee, which oversees the programs of the National Science Foundation."

Further, Kennedy wrote that his subcommittee heard or received written comments from more than 250 individuals, government agencies, and members of the public in the past eight months on the establishment of the new White House science office. "All have been seriously considered, as would have been any communications from you, your own participation in our deliberations, or your suggestions as to further avenues to pursue in our continuing examination of issues relevant to federal support for science and science education."

"Your decision not to express any interest in these matters to me during this period or during the seven years I have served as chairman of the subcommittee, as well as the bipartisan cooperation which has characterized all of the subcommittee's activities, is totally contrary to your allegations that I have not been fully responsive to the concerns of members of the Senate on both sides of the aisle."

Rep. Mosher, a Republican and long a strong supporter of science and technology, was equally blunt in his criticism of the four Senators' letter. Among other things, Mosher writes that he believes that Stever's record warrants appointment to the new post. "I hate to see the President and Dr. Stever publicly harassed by allegations which I am convinced are blown far out of proportion to the realities of the situation."

Further, Mosher also believes that you and your colleagues are being used most unfortunately for propagandistic purposes. "I must say it seems to me your letter to the President gives a very distorted picture of that situation. I cannot help but believe that you accepted very inadequate, selective, and distorted information as the basis for the judgments you expressed.... I cite the fact (as I understand it) that your letter was publicly released and distributed by the press by George Archbald of the Heritage Foundation, a man whom we know here in the House as being a very skillful, zealous manipulator of propaganda.... This seems to me a highly irregular and very unfortunate way for a letter from four Senators to the President to be publicized, I judge even before it reached the President. It makes your letter extremely suspect!"

Rep. Teague, chairman of the Science & Technology Committee, fired off a three-page letter to each of the four Senators. Among other things, Teague writes: "Based on its inaccurate content, the letter you and three of your Senate colleagues sent to the President on June 9 is an affront to me and to the Committee on Science & Technology. Apparently, you sent the letter with no attempt to ascertain the facts from anyone in a position of authority on our committee. I conclude that you were either misled or that you were not interested in the truth about a very complicated situation."

Concerning the charges by the Senators against Symington, Teague says flatly that they are untrue. "Any fair-minded review of the oversight record of this committee will show that broad, vigorous examination of the National Science Foundation has been one of our highest priorities for more than four years and especially in the past 18 months."

He notes that in two NSF science education programs brought to the committee's attention, "we [Symington, Teague, Mosher] devoted an extraordinary amount of time and personal attention to their examination. In both cases our committee has undertaken extensive investigative actions.

Further, he says, "there is absolutely no basis in fact for your charge that we 'failed to get to the bottom of this NSF matter.' And he says there is nothing in the committee's extensive record that supports the implicit charge of a 'coverup' by Stever contained in the letter. Teague's letter goes on to refute, point by point, other charges in the Senators' letter.

By early last week, there were some indications that two of the Senators might be inclined to back away from embracing the letter they signed. Vice President Nelson Rockefeller met last Tuesday with Hansen, Curtis, and Stever to, among other things, explore the whole situation.

So, where does all this leave Stever's pending nomination as Science Adviser? According to NSF sources, Stever is ready to go either way—stay on as director of the National Science Foundation or take on the job as the statutory Science Adviser to the President. (He has been serving for several years as both NSF director and as the President's designated science adviser.) And that decision rests with Mr. Ford.

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Environmental impact statements defended

The National Environmental Policy Act made it necessary six years ago that federal agencies analyze the environmental impacts of any proposed action and alternatives to it in the form of an environmental impact statement (EIS) for comments by the public and other agencies. Since then, there have been complaints that the EIS process costs too much, that it causes unnecessary delays in the initiation of projects, and that it results in vast amounts of litigation. Well, it just isn't so, says the White House Council on Environmental Quality in a report to the President and Congress. Indeed, government decision making has improved in more ways than one because of the process, the council claims.

Based on answers provided by 70 federal agencies, CEQ says that the EIS process has given management and staff members a clear overview of the advantages and disadvantages of a particular action. These statements have sharpened the planning process, so that it becomes more systematic and comprehensive. And this comprehensive planning in the long run has reduced costs, has minimized labor requirements for operation and maintenance of facilities, and has given the agency a system for monitoring past decisions.

An example of the positive effect of an EIS is the Department of Interior's impact statement on the 800-mile Trans-Alaskan Pipeline. This statement, according to the report, prompted "important" design changes and other improvements in routing and construction techniques. Another example involves two major radioactive waste disposal proposals of the former Atomic Energy Commission—one at Lyons, Kan., and the other on the Savannah River in South Carolina—that were canceled because of uncertain environmental impacts identified by AEC and the public through the agency's EIS process.

The EIS process may have caused some project delays in the early years of implementation, the report adds. These delays were caused mostly by agency failure to conduct environmental analyses along with other necessary studies, by court challenges, and by poor planning on the part of some agencies that tacked EIS procedures on at the end of their planning processes. However, the delay problems have "greatly diminished" as agencies have improved their environmental analyses and have begun to integrate their EIS processes into their regular decision-making processes, the report contends.

And EIS-related suits, contrary to the complaints, have not interfered with the timely execution of federal actions, the report points out. Since 1970, about 6000 draft statements have been submitted. Only 291, or about 5%, the report points out, were challenged in court as being inadequate.

Just how much does complying with the EIS requirement cost? CEQ finds that it is impossible at this point and that it may never be possible or worth the effort—to determine the exact costs of federal compliance with the EIS process. A major reason is that the goal of the EIS system is to make environmental analysis a routine and integral part of agency operations just as economic and technical analyses are. And, says the council in its report, the more integration, the more difficult it becomes to identify EIS-related benefits and costs.

The CEQ report is expected to serve as the basis for public meetings later this year, with representatives of business, labor, environmental, and other interests. Entitled "Environmental Impact Statements: An Analysis of Six Years' Experience of 70 Federal Agencies," it can be obtained by writing the council.

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