

BusinessMirror

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Under Trump, worker protections are viewed with new skepticism

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June 6, 2017

The victory was so sweet that the head of the Occupational Safety and Health Administration (Osha) sent thank-you notes to his employees.

Nearly four decades in the making, a new rule under the Obama administration was set to lower workplace exposure to beryllium, an industrial mineral linked to a lung disease that is estimated to kill 100 people annually. And the nation's largest beryllium producer had agreed to back the new restrictions.

“Once we finish, these workers will be protected and we will end the epidemic of beryllium exposure in the United States,” David Michaels, the Osha chief, said at the time in 2015.

But several weeks ago, just as the rule was going into effect, the safety agency suddenly proposed changes that experts expect may exempt major industries from the tougher standard. It was one of several instances in which workplace safety decisions have been revisited in the early months of the Trump administration.

Osha has also put off enforcement of an Obama-era standard for another respiratory hazard—silica, a mineral linked to a disabling lung disease, as well as cancer—and it has delayed action on a rule that would require employers to electronically report workplace injuries so that they can be posted for the public.

The moves come as the Trump administration offers other hints of a significant relaxation in the government's approach to occupational safety.

A successor to Michaels at Osha has yet to be named. Trump's proposed budget eliminates at least two other strategies designed to promote worker safety, including the Chemical Safety Board, which investigates chemical-plant accidents, and an Osha grant program that provides training in industries with high injury or fatality rates and workers who do not speak English well.

During the early months of the Trump administration, a former lobbyist for an industry group that has opposed the beryllium, silica and record-keeping rules served on the transition team at the Department of Labor, which oversees Osha.

That official, Geoffrey Burr, who has since moved to the Department of Transportation as chief of staff, had been a lobbyist for the Associated Builders and Contractors, which represents nonunion construction companies.

A spokesman for the Transportation Department declined to make Burr available for an interview but said the former lobbyist had been in regular contact with officials while at the Department of Labor “to ensure he was in compliance with all ethics rules.” The Associated Builders and Contractors did not respond to questions about Burr.

Asked about the Trump administration’s approach to occupational safety, a spokesman for the White House said, “The President and his administration care very much about worker safety, but believe the Obama administration’s approach was counterproductive, and we think we can do better.” He added that decisions to repeal and reduce specific Osha regulations had not been made.

Osha did not respond to questions about specific regulations.

Business groups that have fought Osha actions have welcomed the apparent new direction and others believe it heralds a different approach by the Trump administration.

“The agency, under Obama, changed into something that was more explicitly allied with unions and critics of business,” said Walter Olson, a senior fellow at the Cato Institute, a libertarian think tank. “That’s likely to change.”

Some workplace experts and advocates say the Obama administration’s decision to wait until the 11th hour to finalize some major rules made them vulnerable.

“Because they did it so late in the game, they left the rules open to change,” said Dr. Lee S. Newman, a pulmonary expert at the University of Colorado in Denver, who helped uncover worker deaths caused by beryllium.

Experts like Newman also fear that a widespread regulatory rollback is beginning, and possible changes to the beryllium rule are particularly frustrating to them because it had taken so long to get the new standards in place.

It has been known for decades that exposure at even very low doses to beryllium—a strong, lightweight metal used to make computers, aircraft parts and nuclear bombs—can cause chronic beryllium disease, a disabling and potentially fatal lung ailment, in a small percentage of workers with a genetic susceptibility to it.

The Obama-era standard resulted from negotiations between the biggest US producer of beryllium, Materion Corp. and the United Steelworkers union.

At one time, Materion, which was once known as Brush Wellman, played down beryllium’s risks and fought efforts to lower federal exposure standards because of fears that doing so would undercut its defense of lawsuits brought by sick or dying workers, court filings showed.

When Osha proposed its final rule in August 2015, Materion applauded it, calling it a demonstration of how “industry and labor can collaborate to better protect workers” and saying it could be a guide for how the agency could develop future standards.

But in April, less than three months into the Trump administration, Osha sent proposed changes to the White House for review. Agency officials declined to discuss the proposal. But safety advocates and an industry lawyer involved in meetings with Osha about the new rule said it was made clear to them Osha intended to lessen the rule’s effect on maritime and construction companies—or perhaps even exempt them.

“I had the feeling that the administration has already decided what it wants to do,” said Peg Seminario, director for safety and health for the American Federation of Labor and Congress of Industrial Organizations.