

Contractors anticipate a tougher OSHA

Published May 4, 2009, by the Daily Reporter, Sean Ryan

Wisconsin builders expect more OSHA safety inspections, more citations and more expensive penalties as the agency shifts its enforcement philosophy. In the last eight years, the Occupational Safety and Health Administration emphasized cooperative programs in which OSHA agents helped companies create safety programs and train employees.

That is no longer the priority, said Dan Burazin, safety director for the Associated General Contractors of Greater Milwaukee Inc. “The focus point is citations and inspections,” he said.

Burazin said he witnessed the change firsthand while assisting contractors in informal citation conferences with OSHA. Between January and April, he attended 10 meetings to negotiate citations totaling \$70,575 at the time they were issued. During the same period last year, he attended two meetings to discuss citations lacking any financial penalties, he said. “Our contractors have to realize that what may have been overlooked in the past is not being overlooked now,” Burazin said.

Milwaukee-area OSHA Director George Yoksas said he has not received new marching orders from Washington, D.C., calling for more stringent enforcement. “I don’t know what the future holds,” he said. Yoksas said stimulus money from the American Recovery and Reinvestment Act increased the number of construction projects and could, in turn, increase the presence of OSHA. There is a chance stimulus money could pay for more OSHA agents in Wisconsin, he said, but inspectors are not changing their approach to issuing citations. “We call it as we see it,” Yoksas said.

National organizations last week lobbied the U.S. House of Representatives Committee on Education and Labor to let OSHA levy stiffer penalties. A bill introduced April 23 would increase the amount of money companies pay for citations and make it easier to charge employers with criminal penalties for workplace safety violations.

Companies should face stiffer penalties as incentive to improve workplace safety because cooperative programs, such as the Voluntary Protection Program, failed, said Eric Frumin, health and safety coordinator for Change to Win, a coalition of seven national unions that support the OSHA bill. “The VPP programs only cover a tiny number of employers, and the deterrents have not worked very well,” said Frumin, who testified Thursday before the Committee on Education and Labor.

Brad Stehno, account executive and safety consultant for R&R Insurance Services Inc., Waukesha, is warning contractors to expect more frequent inspections and less willingness to settle or negotiate citations in informal conferences. He said it’s too early to say how contractors are reacting to the prospect of increased enforcement.

But the threat is focusing the industry’s attention on safety, which is good, he said. “I would say in tough economic times — and every company is getting stretched further and further financially,” Stehno said, “this is one more thing that owners of companies are looking at and saying, ‘You know, we just have to make sure we’re not getting hit.’” Bob Emmerich, owner of Safe-Con LLC, Madison, said OSHA’s tougher approach probably will force small companies to create safety programs. Large companies with programs in place should teach workers how to handle OSHA inspections and how to formally contest citations, he said.

But Emmerich, Burazin and Stehno all stressed safety as a priority for companies regardless of OSHA’s enforcement philosophy. “While the citation is bad,” Emmerich said, “and everybody looks at the citation, the injury is worse.”