

**“OSHA Listens” Public Meeting**  
**March 4, 2010 - Washington D.C.**  
**Comments of the National Association of Manufacturers**  
**Presented by – Keith Smith, Director of Employment and Labor Policy**

I appreciate this unique opportunity to offer these comments today about the how OSHA can work with manufacturers to continue to improve workplace safety.

The National Association of Manufacturers (NAM) is the nation’s largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturers employ the nearly twelve million Americans that work directly in the manufacturing economy and comprise about 10 percent of the overall workforce in the U.S.

Manufacturers are committed to improving the safety of their workplaces. Overall in the private sector, we saw the most significant improvement last year with a 7.1 percent decrease in total recordable case rates; however rates in the manufacturing sector improved more significantly at a rate of 10.7 percent last year.

No one factor completely explains this improvement and we hope that OSHA recognizes what’s working before radically overhauling the current system. Manufacturers are concerned with the tone and approach that the Department of Labor and OSHA have taken in pledging a new emphasis on more aggressive enforcement. The effectiveness of non-punitive programs

that assist employers to better understand and comply with existing standards must be recognized and promoted.

Manufacturers overwhelmingly want to protect their employees and maintain safe workplaces. The goal of OSHA programs and standards must support manufacturers' efforts to make workplaces safer. To this end, the NAM believes that OSHA should be as much of a resource as an enforcement agency.

However, emphasizing enforcement over compliance assistance programs fosters a more adversarial relationship while doing little to reinforce the successful work that's already taken place. Although many have questioned the data used to track workplace safety rates, the continually improving trends injury/illness rates demonstrate manufacturers' commitment to the safety of their employees. Efforts taken to target the "bad actors" should not unnecessarily burden the majority of manufacturers who have demonstrated a commitment to workplace safety.

Manufacturers believe that there needs to be a commitment to safety by both employers and employees alike. Many manufacturers have found success in improving safety awareness among their workforces through programs that recognize employees for their commitment to workplace safety. These proactive approaches help to highlight that safety programs require the commitment from both employees and employers alike.

Likewise, we feel that approaches to enhance safety are best done through cooperative approaches between OSHA and employers. Aggressive

enforcement tactics coupled with higher penalties and public shaming will not foster the needed trust that employers must have for the agency to be successful.

Additionally, manufacturers value programs that enable employers to go above and beyond minimum safety requirements. Unfortunately, many of these efforts have been described as “voluntary compliance” programs, but in reality these programs assist employers to design safety systems that best fit their workplaces’ needs. If OSHA increases the use of their resources to aggressive enforcement efforts it should not come at the expense of programs that assist employers of all sizes to better comply with existing standards and regulations. To this end, we hope that the Department ensures that programs like VPP, on-site consultation, and alliances have all the necessary resources to encourage employers to implement safer programs that will go far beyond minimum compliance requirements.

In discussing safety issues with our members, we hear many concerns with how the Department describes their approach the enforcement as well as certain regulatory proposals that have been announced. Particularly, manufacturers are concerned with efforts to expand the OSHA’s enforcement approaches and proposals to require employers to capture certain information related to musculoskeletal disorders. We intend to work with the agency to express our concerns in more detail through the formal regulatory comment process.

While we recognize that the agency will continue to develop new standards and regulations to address new challenges in the workplace, we

hope that these efforts are developed with reliable data and science and promulgated in a transparent manner that enables stakeholders to assist the Department to develop more effective regulations. New regulations should not stifle our economic competitiveness and must take into account the challenges that face individual industries and employers of various sizes.

The issues of workplace safety are complex and therefore require clarity especially when new standards are set. Particularly these efforts should assist smaller employers to better understand what is required to ensure greater levels of compliance. Clarity in regulations won't just help smaller sized employers to obtain improved compliance, but they will result in improved workplace safety practices.

I appreciate the opportunity to speak today and hope to work with the agency to continue to make manufacturing workplace safer.