

QUESTIONS FOR JORDAN BARAB

If anyone knows the federal government's record on worker safety, it's Jordan Barab. For eight years, he was the number two official at OSHA (Occupational Safety and Health Administration) under Obama. Before that, he spent 16 years running the safety and health program at AFSCME, five years at the Chemical Safety Board, three years as OSHA's labor liaison and ergonomics coordinator during the Clinton Administration, two years as Democratic policy adviser for the House Education and Labor Committee, and a short stint at the national AFL-CIO. Now semi-retired and freer than ever to speak his mind, he runs a blog about workplace safety called Confined Space. Don McIntosh of the Northwest Labor Press interviewed him by phone April 11.



What do you think of the people the Trump Administration has put in charge so far, including Loren Sweatt, who replaced you? Loren has been very, very low profile. I don't think she's made any speeches. I don't think she's conducted any interviews. OSHA's basically been on autopilot. The career staff is basically running the place, which is not a bad thing.

Have there been any changes to worker safety and health, positive or negative, since Trump took office? Well, first we saw two regulations repealed shortly after the administration began. One of those dealt with record keeping: We really wanted to enforce accurate record-keeping. The other was a regulation that would have required federal contractors to report past violations of the law, including OSHA, before they received any federal contract. It wasn't blacklisting, as they accused us of, but it would at least have put federal agencies on notice that there had been violations in the past. Both of those regulations were repealed by Congress. Since then what we've seen is a proposed rollback of OSHA's beryllium standard at least as it applies to construction and maritime workers.

Two years in a row, the Trump

Administration has proposed the elimination of the Chemical Safety Board, which has an annual budget of just \$11 million. You used to work for the Chemical Safety Board. What does it do, and what would be the result of its elimination?

The Chemical Safety Board is a small independent government agency that investigates chemical plant explosions and chemical releases. They don't have any enforcement authority, but they do conduct root-cause investigations, and they make recommendations then to entities such as EPA [*Environmental Protection Agency*] or OSHA, and to industry associations, labor unions, and sometimes state governments that may have a role in making the industry safer. It was created because experts in the field didn't feel that OSHA or EPA were equipped to conduct thorough root-cause investigations. Mainly what OSHA's concerned about is not necessarily the cause of an incident, but whether any OSHA standards have been violated. Sometimes there may be deeper causes of an incident than just a violation of standards. So what the Chemical Safety Board does is determine what the root causes are, and whether OSHA or EPA need to improve their existing

standards or create new standards to protect worker and communities around chemical plants. It's a small agency. It receives a fair amount of support from labor and industry, so nobody could quite figure out why they wanted to get rid of it, except maybe some people in the industry didn't particularly like the recommendations. It's never been a particularly controversial agency.

And what would its elimination mean? Would we notice it? I don't know if your average person would notice it, but they have done some very good investigations that have led to improvements in OSHA standards and EPA standards, and improvements in industry consensus standards. They also put out education videos, which everybody loves, explaining how these incidents happen and how to prevent them. They make an important contribution to chemical safety in this country.

The Trump Administration has also twice proposed the elimination of OSHA's Susan Harwood program of safety training grants, which is \$10.5 million a year. Any idea why they'd want to look at something so small and get rid of it? Susan Harwood grants are provided to nonprofit organizations

to provide hands-on training, often bilingual training. The grants go mainly to associations that represent small employers, labor unions, other nonprofits and universities. What Republicans have never particularly liked is that this is money that goes to labor unions. They like it even less than they used to because we really tried to focus the grants on addressing the issues of vulnerable workers — day laborers, immigrants, people whose first language is not English — the people that OSHA has a hard time reaching.

The biggest worker safety cut the Trump Administration is proposing is to the National Institute for Occupational Safety and Health (NIOSH) at the Centers for Disease Control. The administration wants to cut \$100 million out of its \$300 million budget. That seems like an enormous cut. Can you explain what NIOSH does, and whether that might possibly be a very bad idea? NIOSH is kind of like the research arm of OSHA. They also provide funding to universities for training. They develop what they call educational resource centers. Those would be eliminated. NIOSH performs a very important function. OSHA does not really con-

duct research. NIOSH conducts all the major research on occupational safety and health issues, particularly in areas where OSHA doesn't regulate yet. It could be musculoskeletal disorders, workplace violence, stress, hazards that affect workers.

What are some other patterns you're seeing with the Trump Administration on worker health and safety? At the beginning they basically stopped issuing press releases on large enforcement cases. In our administration, we had come under quite a bit of criticism for issuing press releases that allegedly shamed employers. Needless to say, the Obama Administration did not invent the press release, nor did we invent harsh language to use in a press release. But nevertheless they loved to criticize us for, again, "shaming" employers, which we didn't expressly deny. We had a number of company attorneys tell us that a lot of medium-sized and large employers don't really care about OSHA's penalties — they're too low to actually care about. But they care a lot about being named in an OSHA press release. They don't like their reputation bismirched. So these companies are asking their attorneys for advice about how to stay out of an OSHA press release, and the attorneys are saying, "Just make your workplace safe so you don't get cited." If that's the result of our press release, then I'd say, "Mission accomplished." OSHA has now resumed issuing press releases. We're not quite sure what criteria they're using. But they seem to have realized there's some value in issuing press releases.

I understand there's also been steps taken to stop progress on new OSHA rules. There's a whole list of them — combustible dust, styrene, noise in construction ... can you speak to that? Yeah, first, in the early days of the administration, Trump issued the so-called "one in, two out" executive order requiring agencies to repeal two regulations for every one they added. So when you add to that the fact that Republican administrations, whether Trump or previously the Bush Administration, don't like regulations at all, we didn't have too much hope there was going to be a whole lot of regulatory activity in this administration. On top of that, OMB [the White House Office of Management and Budget] issues its