OCCUPATIONAL SAFETY AND HEALTH ACT, 1970
A Bibliography

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The Occupational Safety and Health Act of 1970, 84 Stat. 1590, 29 U.S.C. § 651 et seq. (1970), was designed to assure safe and healthful working conditions for the labor force in this country. In addition to authorizing the enforcement of its standards, the act provides for assistance to the States in their efforts to comply with its guidelines. Federal agencies are directed to provide research, information, education and training in the field of labor safety and health.

It is the duty of employers to furnish a place of employment that is free from recognized hazards, as well as to comply with the other safety and health provisions of the act. These requirements have generated a demand for additional informational sources and guidelines to aid in compliance with its provisions. Three Congressional committees held hearings in 1972 on the administration and enforcement of the Occupational Safety and Health Act. The 93d Congress has had numerous bills introduced to amend the act. In addition, two legal publishers offer loose-leaf services on the subject.

This bibliography lists only materials that are available in the Law Library. Primary sources have been listed in all available forms. No attempt has been made to cover the broad interdisciplinary fields of labor, personnel, or scientific and technical literature.
BIBLIOGRAPHY

I. Legislative Material

Hearings


Statistics on accidents and charts on work-injury rates accompany statements from various authorities.


Appendix materials include charts on employee coverage under State rulemaking authority, position papers of labor, reference tables and an analytical comparison of bills.


The hearings held September 13-28, 1972 reflect the controversy over enforcement procedures and the approximately 100 bills introduced to amend the act.


The problems of small businesses related to regulation and enforcement of OSHA are outlined.


A summary of State workmen's compensation laws, including statistical charts, is given.


Reports


The report includes reports by the Department of Labor and the Department of Health, Education and Welfare.

The report is based on hearings to determine the impact of the act.

Debates


Summarizes study done by the General Accounting Office on safety standards within Federal agencies.
----- Passage of H.R. 16785 matter of life and death. Remarks in the
House of Representatives with text of Environmental Action Committee.

Dominick, Peter H. Remarks in the Senate by the Hon. Peter H. Dominick
on S. 1147, a bill to amend the Occupational Safety and Health Act
of 1970. 119 Congressional Record S 4164-S 4166 (daily ed. March 8,
1973).

Dominick amendment "Occupational safety and health act." Remarks of the
Hon. Peter H. Dominick in the Senate. 116 Congressional Record

----- "Occupational safety and health act." Text of the Dominick amend-
ments. Remarks in the Senate by the Hon. Peter H. Dominick.

Eckhardt, Bob. "Occupational health and safety act." Remarks in the
House of Representatives on contract demands in Oil, Chemical, and

Helms, Jesse A. Remarks in the Senate by the Hon. Jesse A. Helms on
the unreasonable OSHA rules for growers of tobacco with text of
letter to the Assistant Secretary, Occupational Safety and Health
Administration, U.S. Department of Labor. 119 Congressional
Letter expresses objections to regulations published in the
Federal Register of May 1, 1973.

Javits, Jacob K. "Occupational safety and health act." Remarks of the
Hon. Jacob K. Javits in the Senate. 116 Congressional Record 36531-

Kennedy, Edward M. Bill S. 2193. Occupational safety and health act
116 Congressional Record 37632-37640, 37601e (1970).

Remarks in the Senate by the Hon. Edward M. Kennedy. 116 Congressional

McIntyre, Thomas J. Remarks in the Senate by the Hon. Thomas J. McIntyre
on S. 976, a bill to amend the Occupational Safety and Health Act
of 1970. 119 Congressional Record S 3115-S 3116 (daily ed. Feb. 22,
1973).


Legislation

Occupational Safety and Health Act of 1970. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education and training in the field of occupational safety and health; and for other purposes. Approved Dec. 29, 1970. 20 cents. Washington, U.S. Govt. Print. Off., Catalog No. 91-2: Pub. Law 596. S/N 2201-9902


The section-by-section index on page 1261 and the alphabetical subject matter index on page 1267 are useful aids for in-depth research.


II. Regulations, Executive Orders


29 C.F.R. Part 900 to end. 981 p.


3 C.F.R. (1971 comp.)

III. Books


AEI's analysis, 91st Cong., 1st sess. No. 18, gives pro and con arguments for the administration's proposal and other bills.


The text of the act is given on pages 19-46.


342 p.

This operations manual gives a broad-range view of the law. Appendices contain pertinent reprints of Congressional reports and debates.


This topical report service contains the information necessary for employers, employees, State and Federal agencies, and standards-setting organizations to be effectively apprised of their rights, duties, and responsibilities under the act. The service reprints Federal regulations in a handy format. Notices of contests filed with the Occupational Safety and Health Review Commission, a docket status table, and decisions of the Commission are reported.


Construction safety standards are illustrated. Excerpts from the Federal Register are reprinted in the appendix.


Papers prepared for a seminar held November 1972-January 1973 and the outline of the program are included.


Administrative codes of States are identified in chart form with date of first issuance and latest revision. Other State regulations are listed in tabular form.


The handbook includes a list of national personnel administering the act.

The publication consists of citations and excerpts or digests of State laws and regulations. Information is given for each of the 50 States, the District of Columbia, and Puerto Rico. Not covered are the Virgin Islands and municipal and county jurisdictions.

IV. Articles


This checklist contains 140 bibliographical citations of government and civilian publications.


The author summarizes the multiple problems of the OSHA.


This article examines two questions: "(1) Does the workmen's compensation act of the particular State provide immunity to the employer's workmen's compensation insurer either with respect to the making of safety inspections or with respect to the furnishing of medical services? (2) Is there a duty flowing from the insurer to the insured employee, and, if so, has there been a violation of that duty?"
The major provisions of the OSHA are summarized. Inspection under the act is examined in relationship to the 4th amendment of the United States Constitution.

This is a discussion of the act in general. The author points out that by April 1971 Federal planning grants totaling $6.8 million had been made to the States to enable them to develop a similar program to that provided by the Federal act.


A discussion of the OSHA.

The author summarizes the salient points of the OSHA. "The OSHA was enacted to combine all health and safety standards and enforcement procedures into one act. . . . The act was promulgated solely for the benefit and protection of employees."

This article reviews the OSHA and attempts to predict its future. "State legislation and industrial safety commissions have largely failed to stem the increasing tide of death and injuries. The future of the OSHA. . . now lies with the Department of Labor and the Occupational and Health Review Commission."


The author concludes that the act is not otiose since it contains provisions which should be effective in achieving the congressional objectives of protecting the health of the workers of this nation.


This is the first of a series of three articles that appeared in the "Texas Tribune."


The author's analysis and interpretation of the act is designed to familiarize attorneys and industrial and insurance executives with a landmark development in health and safety legislation.


The author points out that although many safety acts, both Federal and State, were previously passed, the Occupational Safety and Health Act is now the most comprehensive law in the field of job safety.


The author is chairman of the Occupational Safety and Health Review Commission. In this article, the author explains the act's enforcement actions and the forms used during the process of adjudicating alleged violations.


Commissioner Moran, Chairman of the U.S. Occupational Safety and Health Review Commission, discusses the act's legislative history and the Commission's interpretations.


The author outlines the coverage of the act, explains its substantive provisions, details its enforcement procedures, and concludes that the United States Congress has now committed itself by this enactment to reduce the hazard of unsafe working conditions.

Problems arising under the general duty clause and the definition of "recognized hazards" are discussed.


This article includes comments on administration and enforcement, spontaneous investigations, inspection upon complaint, advance notice, inspection procedure, records, confidentiality of trade secrets, citations, penalties, appeals, injunctions against imminent dangers and judicial review.


"The purpose of this article is twofold: 1. to discuss the inter-relationship of OSHA to existing transportation safety laws and regulations; and 2. to discuss briefly the salient points of the new law."


A review of the OSHA and some industrial hygiene history prior to the act.


A summary of the OSHA and its involvement with three agencies: The Occupational Safety and Health Administration; National Institute for Occupational Safety and Health; and, the Occupational Safety and Health Review Commission. The author criticizes the lack of compliance funds for seeking violators and also the amounts provided for fines."


A report on accident prevention and governmental controls in the construction industry in Michigan and Ohio.


The under secretary of labor, Laurence H. Silberman, gives a comprehensive discussion of OSHA and states that his staff is dedicated to building a broad program that will eliminate occupational hazards from the American workplace.


Congressional hearings of the OSHA reveal that Federal and State controls failed to protect workers against hazardous conditions. To remedy inadequate laws the 1970 OSHA conferred on the Secretary of Labor authority to set standards, inspect working areas, and enforce employer's compliance. Dual authority was granted to the States to set guidelines and enforce their own act. The author analyzes the act and suggests methods for drafting acts by the States. He recommends a general duty clause to assure every employee in the State a safer and healthier place to work. The legislative history of the OSHA and other bibliographical information are in the footnotes.


The article discusses the three basic elements of the act and its effect on employers and labor organizations. Procedures including records to be kept, enforcement and judicial review are covered.


A summary of legislation recently enacted by the Federal Government and the State of Illinois dealing with occupational safety and health.

The authors are employed by the law department of the United States Steel Corporation. They summarize the constitutionality and coverage of OSHA, and the functions of the business lawyer in representing clients under the OSHA.