

2.1: History and Origins

OSHA History

In 1970, the United States Congress was confronted with some horrific statistics: Job-related accidents that year accounted for more than 14,000 worker deaths, nearly 2 million disabled workers, and 300,000 estimated new cases of occupational diseases. As a result of these statistics, the Occupational Safety and Health Act of 1970, signed by President Richard M. Nixon established among other things, The Occupational Safety and Health Administration (OSHA).

The stated purpose of the OSHA Act is to provide "so far as possible, every working man and woman in the nation, safe and healthful working conditions." To meet this stated purpose, Congress imposed dual obligations on employers to comply with a general duty clause and a specific duty clause, The general duty clause requires each employer to furnish to each of his employees a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his/her employees, The specific duty clause requires the employer to comply with occupational safety and health standards issued by OSHA.

Occupational Safety and Health Act

What is covered?

The OSH Act covers all employers and their employees in the 50 states, the District of Columbia, Puerto Rico and all territories under Federal Government jurisdiction.

What is not covered?

The OSH Act does not cover any State, political subdivision of a State, or the United States. In addition, self-employed persons, family operated farms and other jobsites covered by other federal agencies are not covered by the Act.

State Plans

States may choose to adopt their own OSHA plans. If they do so, they must guarantee employer and employee rights as does OSHA. This means the State plans must be at least as effective as Federal OSHA. State plans must be monitored and approved by Federal OSHA.

Origin of OSHA standards

Initially, the OSHA standards were taken from three sources: consensus standards, proprietary standards, and federal laws in effect when the Occupational Safety and Health Act became law.

Consensus standards are developed by industry-wide standard-developing organizations and are discussed and substantially agreed upon through consensus by industry. OSHA has incorporated the standards of the two primary standards groups, the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA), into its set of standards.

Proprietary standards are prepared by professional experts within specific industries, professional societies, and associations. The proprietary standards are determined by a straight membership vote, not by consensus.

Incorporation by reference

OSHA standards follow a model of providing design or performance criteria or obligations. Although OSHA's responsibility is to develop and promulgate safety standards the organization does not do this in a vacuum. Where OSHA is not the authority on matters of specific protocols that cover other federal agencies, specific industries, equipment, or type of work, they will rely on the expertise of organizations responsible for leading or developing courses of action.

Recognizing the diversity and sheer number of design and performance measures covering all industries, OSHA does at its discretion completely incorporate by reference, i.e. simply referencing the title of a standard, bases document, etc in section 1910.6 Incorporation by Reference, without duplicating in its entirety the details of that reference. In some standards the details are the standard but when there is too much specific information referencing the standard is sufficient.

The abbreviated text of the incorporation by reference standard states: The standards of agencies of the U.S. Government, and organizations which are not agencies of the U.S. Government which are incorporated by reference, have the same force and effect as other standards in this part. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory

language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act. Any changes in the standards incorporated by reference and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration. The standards listed in the section are incorporated by reference into the part with the approval of the Director of the Federal Register. To enforce any edition other than that specified in this section, OSHA must publish a document in the Federal Register and the material must be available to the public.

Nationally Recognized Testing Laboratories (NRTLs)

Nationally Recognized Testing Laboratories are defined by OSHA as organizations that provides third party quality assurance of equipment with safety performance characteristics or requirements. NRTLs are responsible for testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards or provide for experimental testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards or performance in a specified manner and under specified conditions.

NRTL's list or label or accept, equipment or materials in accordance with design and performance criteria. OSHA approves and certifies testing laboratories meet standards for ensuring testing protocols and procedures follow industry guidelines, test equipment is calibrated, testing staff is trained and knowledgeable in the performance of their duties. NRTL's may inspect and monitor fabrication processes, factories of manufacturer's that carry the listing and labeling markings and must maintain complete objectivity in the quality assurance process. NRTL's are neither contracted by OSHA or the manufacturers whose equipment is being tested.

Standards by Application

Standards are sometimes referred to as being either "horizontal or "vertical" in their application. Most standards are horizontal or "general," which means they apply to any employer in any industry. Standards relating to fire protection, working surfaces and first aid are examples of horizontal standards.

Some standards, though, are relevant only to a particular industry, and are called vertical or "particular" standards. Examples are standards applying to the longshoring industry or the construction industry, and to the special industries covered in Subpart R of Part 1910.

Employer variances

Employers may seek a variance from any standard or regulation promulgated by OSHA. Variances are issued if the employer cannot fully comply with the regulations for some reason, or if they can prove that their methods of operation are at least as effective as those required by OSHA. There are two types of variances: temporary and permanent. A temporary variance may be granted for the period of time needed to achieve compliance or for one year, whichever is shorter. Permanent variances are granted to employers who demonstrate that their procedures are as effective as OSHA's.

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