

HOW ARE CLUBS FARING IN THE OSHA STORM?

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OSHA's initial anti-business attitude has disappeared. It now is trying to educate employers to help them create safe working conditions, rather than simply penalizing noncompliance

It has been two years since the Occupational Safety and Health Agency issued its first set of standards on May 29, 1971. Designed to provide "every working man and woman in the nation safe and healthful working conditions," their publication was accompanied by statements of pride from the sponsors and supporters and cries of outrage and prophecies of doom from many in the business and the industrial communities.

The intervening months have, as expected, seen many problems—and some unexpected and pleasant surprises.

After sifting out the initial rumors and allowing for the usual confusion and disorganization involved in launching any new understaffed and overburdened Federal agency, it is now apparent that the first "OSHA will get you" reaction was overstated. The experience of the club industry in this respect probably is fairly typical.

It was evident from the beginning that there would be problems. Hundreds of "consensus" standards were adopted en masse by OSHA from the American National Standards Institute (ANSI), the National Fire Protection Assn. (NFPA), the American Society of Mechanical Engineers, The United States Public Health Service, the Walsh-Healy Act and other legislation applying to Government contractors. Overpowering in their sheer numbers and often either too vague or too specific for general business, these standards were comprehensible in their entirety to few, if any, people in OSHA or business. Many standards had even been on the books so long that modern technology had passed them by. (A case in point was the adoption of a standard that forbade ice coming in

direct contact with drinking water, a holdover from the days when ice was cut from lakes during winter and stored in sawdust insulated icehouses until the summer.)

Small businesses in particular lacked the time and understanding to deal with the complexities of the new law; a position shared by golf clubs. It was left to trade associations to assume this burden, and the National Club Assn. moved to fill the void for clubs.

In the past 24 months, NCA has published numerous reports and analyses of OSHA regulations, an inspection guide, a manual for clubs and offered several courses in compliance. In the process NCA has come in close contact with OSHA, both in Washington, D.C. and in its 10 regional offices, and has seen some dramatic changes occur within the two-year-old organization.

In the early days of its administration, June 1971 to February 1972, contacts with OSHA tended to bear out a general feeling that the agency was anti-business. Attempts to discuss industry-wide problems with those in OSHA available to the public in Washington were brushed off or rebuffed. Efforts to secure such basic items as an OSHA poster from staffers were met with blank stares or statements questioning their very existence.

In retrospect, it is now apparent that this early treatment was the result of overwork, the necessary setting of priorities and a totally inexperienced staff just starting to put together an organization. Certainly, during the last year Gerard Scannell has been helpful to many of us in the club industry, and new additions to the agency, particularly Dr. Earl D. Heath, director of the office of training and education, and Helen Farrington, chief of public liaison, have both gone out of their way to be helpful to the club industry.

The changes in OSHA's attitude are nowhere more evident than in their increased awareness of their image and their need for public support. OSHA's sincere concern for employee safety and the enforcement of the standards has never been in doubt. To this has now been added an equal effort to

educate employers and assist in creating safe working conditions rather than to simply penalize non-compliance.

OSHA regional offices have been especially helpful to clubs by supplying technical help and instructors for educational meetings. (Each of OSHA's 72 field offices must present at least one employer seminar a month.) Noteworthy has been the assistance offered by Craig Leedom, Philadelphia; Cois M. Brown, Atlanta; Robert Griffin, Tulsa; Dwane Parker, Carson City, Nev.; Gabriel Gillotti, San Francisco, and Paul F. Hagood, Honolulu. Clubs should feel free to call on these men and others in regional and area offices for technical advice. Such calls will not precipitate an inspection, but will go far toward establishing goodwill and an intent to comply with the standard, important points when you are inspected. Do not, however, expect a free, advisory inspection. Compliance officers, under the present law, are forbidden from making such services.

MOST FREQUENTLY VIOLATED STANDARDS

A survey of those sections of the standards most frequently cited for violations provides a good guide to what to watch for in your own club. Listed in descending order of frequency, the list is as follows;

General Industry (Part 1910)

Section

309 National Electrical Code. Failure to ground lines and equipment; overloading lines; frayed wires;

improper insulation; unprotected switch and fuse boxes.

219 Mechanical power transmissions apparatus. Unguarded belts, fly wheels, drive chains and gears.

157 Portable fire extinguishers. Outdated inspections, improper mountings, inaccessible locations.

212 General requirements for all machines. Inadequate point-of-operation guards.

213 Woodworking machinery. Unguarded sawblades.

23 Guarding floor and wall openings and holes. Unprotected drops of four or more feet.

22 Walking and working surfaces. Unclean and wet working areas. Projecting nails and splinters.

252 Welding, cutting and brazing surfaces. Improper storage of compressed gases.

215 Abrasive wheel machinery. Improperly adjusted tool rests, missing guards.

178 Powered industrial trucks. Left running and unattended.

265 Saw mills.

37 Egress, general. Unmarked, locked or improperly lighted exits.

106 Flammable and combustible liquids. Improper storage.

147 Sanitation.

107 Spray finishing using flammable materials. Failure to post "No Smoking" signs.

242 Hand and portable power tools and equipment. Failure to ground, missing guards.

125 Portable ladders. Broken or wobbly legs, broken

continued

the law in brief

OSHA, more properly, the Occupational Safety and Health Act of 1970, applies to all businesses with one or more employees, though those with seven or fewer employees are excused from the law's record keeping requirements.

The law provides:

1. The establishment of an Occupational Safety and Health Administration within the Department of Labor, which is empowered to establish and enforce safety and health standards.
2. Most proposed standards were set between May 29 and December 1, 1971, although the secretary of labor had until April 28, 1973, to add to them. After August, 1973, the proposed standards become permanent. Additional permanent standards may be issued from time to time, and temporary standards can be issued in emergencies. Such standards will only be enforced for a period of six months.

3. Regular on-site inspections are made according to a fixed schedule of priorities. These are (a) on the occasion of an employee's death; (b) if five or more employees are injured from a single accident; (c) in response to employee complaints of unsafe conditions, (d) certain target industries, and (e) general inspections.

4. Record keeping. Employers with eight or more employees must keep detailed records of job related injuries and illnesses. Forms are supplied by OSHA and will be one of the first items checked during an inspection. Additionally, an OSHA poster must be displayed on the premises.
5. Enforcement. Penalties, some severe, are provided for violations of the standards. Violations are graded according to their seriousness:

- (a) *De minimus*. A violation not directly related to safety or health, such as a failure to meet specifications for toilet stall parti-

- tions. No fines are likely; (b) Non-serious. The bulk of the citations are issued for this category. Minimum penalties are \$100, though these can be discounted by up to 50 per cent for such reasons as evidence of good faith, safety programs and willingness to comply; (c) Serious. Penalties for this category can go up to \$1,000. (d) Imminent danger. Issued only in cases where a compliance officer sees an imminent danger of death or serious injury, the law provides him with the authority and means to close down an operation when such conditions exist, and (e) Certain mandatory, non-reducible fines are also specified for failure to display an OSHA poster (\$50) and keep the proper records. Additionally, failure to correct a cited violation can bring a penalty of up to \$1,000 a day, and criminal penalties can be imposed for a willful violation of any standard or rule that results in death.

OSHA *continued*

or missing rungs.

151 Medical service and first aid. Inadequate or missing first-aid kits.

133 Eye and face protection. Failure to wear protective goggles.

INSPECTIONS: WHAT TO EXPECT

Although there has been a discernible effort on the part of OSHA compliance officers to encourage good safety practices rather than arbitrarily penalize a lack of knowledge of the standards, an inspection is not to be taken lightly. Compliance officers are tough, they are enforcing the standards and they are assessing penalties.

Some of the things to expect on every inspection are:

1. The inspection will be announced;
2. The compliance officer will talk to your employees, in private. He will ask for their opinions on your safety procedures;
3. When he finds a violation he will not cite you on the spot, nor will he fine you. He should discuss the alleged violations with you, but the decision to assess a fine is not his alone. His area director must also participate. (There have been rumors of persons claiming to be OSHA inspectors making on-the-spot collections of fines. Though these seem to be unsupported, insist that the compliance officer produce credentials.)
4. If you think the inspector is wrong, contest the citation. But be sure of your ground. Only about 5 per cent of those cited do contest, which would indicate that most feel the inspections are fair.
5. Do insist on a closing conference. You have a right to it and it will be your best opportunity to argue your case before a citation is issued.

One of the principal—and legitimate—concerns with the standards are that many of them are of a "judgement" nature. The compliance officer must make a decision based on his own experience and background about whether or not a particular condition is hazardous.

For a time it was feared that the general duty clause would be used on a club and cited by a compliance

officer whenever he was unable to find a specific standard to apply to a given condition. Although this possibility has not materialized, the threat remains.

WHAT'S AHEAD?

Of current concern to OSHA are occupational health hazards. Presently under study are standards that would apply to the mixing and applications of pesticides and the toxicity of chemicals; two areas of obvious importance to golf courses. Additionally, the Office of Standards is reviewing standards for lawn mowers and tractors and roll-over protection for agricultural vehicles, including tractors. Of present concern to the industry are the OSHA standards on mixing and application of pesticides. It now appears that OSHA will not adopt the Environmental Protection Agency's consensus standards, and initial reports on the first draft of OSHA's own standards are disturbing. If the reports are true (that they include blood tests and annual physicals, among other requirements), they could be unusually limiting and expensive.

During the next year, OSHA will get underway an extensive educational program. Already in progress is a 40-hour course in health and safety procedures for the construction industry. Available shortly is a series of 29 voluntary compliance training courses at the OSHA Training Institute near Chicago. This series will teach self-inspection procedures and will be open to employer representatives. For more information, write OSHA Training Institute, 10600 West Higgins Road, Rosemont, Ill. 60018.

WHAT YOU CAN DO—NOW

You should already be keeping the proper OSHA records. These include Forms 100 and 101 and Summary Form 103. You should also inspect and label all hazardous equipment, tag faulty ladders and label all machines and equipment under repair.

Institute a bona fide safety program. Designate one person as your safety inspector. See that he holds regular meetings.

The real cost of OSHA is not fines and citations; it is correcting violations. Repairs, replacements and

alterations can be very expensive, especially when they come as unexpected expenses. Survey your clubhouse, maintenance buildings and grounds after you have familiarized yourself with the OSHA standards. Budget now for future replacement and establish priorities based on the need to correct hazards.

WHAT WILL CONGRESS DO?

There are some 15 bills presently before Congress that would amend OSHA requirements. Of these, perhaps six are being seriously considered. These seek to provide some relief for small businesses.

Organized labor, however, maintains that most accidents occur in small businesses and is applying tremendous pressure to maintain the requirements of the present law. The new secretary of labor is known to favor this position.

It is too early to predict what Congress will do, but at this point it is unlikely that major changes will take place.

OSHA is, however, limited from another direction—financially. The current OSHA budget has severely limited proposed inspections in the current fiscal year.

CONCLUSIONS

The Occupational Safety and Health Act is here to stay. It will continue to exert considerable influence on the day-to-day operations of the golf club.

However, a common sense approach to safety, a knowledge of the standards set forth by the act and a genuine concern on the part of the employer for the safety of his employees should do much to eliminate both hazards and the need for penalties.

On the negative side is the fact that the Federal government has inserted one more wedge into the operations of business. Whether or not this wedge is the result of business' failure to meet its obligations in the area of safety will probably never be answered satisfactorily. Suffice to say that OSHA is now a fact of business life.

Happily, the administration has become increasingly aware that it has been unnecessarily harsh in some of its requirements. The future looks brighter. □