

Quick Reference: Occupational Safety and Health Act (OSHA)

Codified: 29 U.S.C. §651 et seq.

Regulations: 29 C.F.R. pts. 1900-1999

Date Enacted: 1971

Amendments: None.

Implementing Agency: OSHA

Purpose: To ensure that “no employee will suffer material impairment of health or functional capacity” from a lifetime of occupational exposure.

Scope of Application: The coverage of the OSH Act extends to all employers and their employees in all fifty states.

Required Permit: None.

State Implementation: The OSH Act requires OSHA to encourage states to develop and operate their own job safety and health programs, which must be at least as effective as the federal program. The federal program is effective until a state program is approved. Even then, the federal enforcement standards fill in the gaps of the state program.

Enforcement: The only way to determine compliance with the Act is through inspections. Each year there are 50,000 federal inspections and at least that many state inspections. During an inspection, an employer can be fined for serious, willful, or repeat violations.

Summary of the major provisions: The OSH Act enables OSHA to create both health and safety standards through procedures that are set out in the Act. However, because there are so many potential workplace safety and health hazards, the Act also imposes a “general duty” on all employers to keep their workplaces safe. One of the most important health and safety standards established by OSHA is the Hazard Communication or “Right-to-Know” Standard, which requires employees to be provided with information concerning hazardous chemicals through labels, material safety data sheets (MSDSs), training and education, and lists of hazardous chemicals in each work area. An MSDS is a technical document that summarizes the known information about a chemical and must accompany a chemical from the point of its manufacture onward. In addition to authorizing OSHA to establish health and safety regulations, the Act gives workers the right to refuse to work in the face of serious injury or death. If a worker refuses to work because of unsafe conditions, the OSHA regulations protect the worker from discrimination. Also, if a worker is fired or disciplined for complaining to governmental officials about unsafe work conditions, the worker has a legal remedy under the OSH Act for restoration of his job or loss of pay.

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