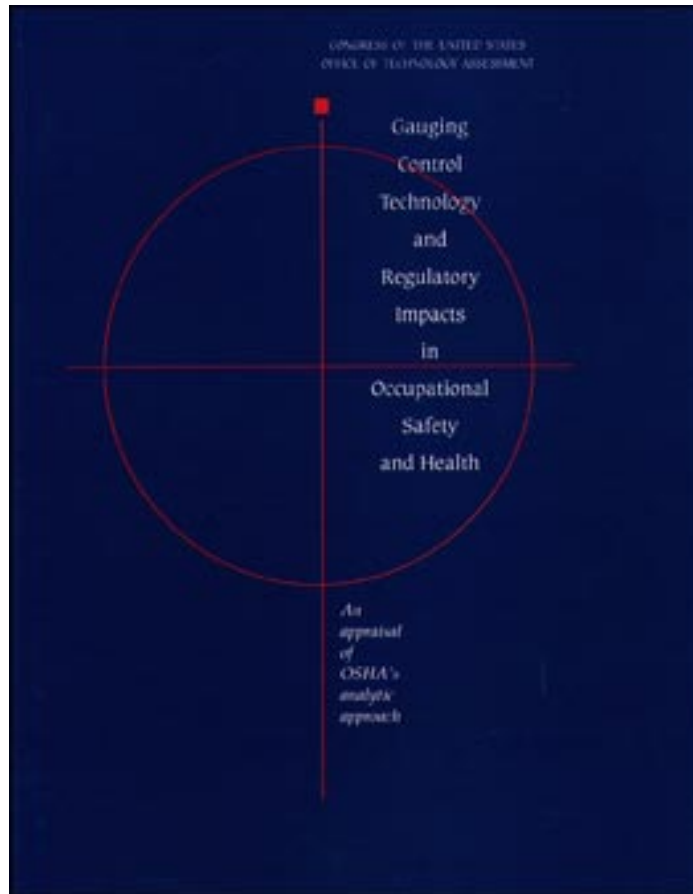


*Gauging Control Technology and
Regulatory Impacts in Occupational Safety
and Health: An Appraisal of OSHA's
Analytic Approach*

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Foreword

Gauging Control Technology and Regulatory Impacts in Occupational Safety and Health responds to requests from the Senate Committee on Labor and Human Resources and the former House Committee on Education and Labor to evaluate the methods the Occupational Safety and Health Administration (OSHA) uses to examine hazard control options and estimate regulatory impacts. Setting workplace health and safety compliance standards continues to be one of the more contentious arenas of government regulatory policy. Debates among labor, industry, outside experts, and various government bodies over the availability of appropriate technological controls and the economic consequences of their adoption are often at the heart of these matters.

This report reviews the roles that analyses of control technology and regulatory impacts play in OSHA's standard setting process, and evaluates the various methods and resources on which the agency draws in conducting these efforts. In addition, based on findings from close examinations of a number of OSHA's past rulemakings, the report provides a critical appraisal of how well these analyses seem to be helping the agency achieve its basic occupational safety and health mission.

It is apparent that OSHA takes its responsibilities to prepare these analyses seriously. The agency has established analytical steps that are responsive to its procedural mandates and rely generally on methods that provide a credible basis for the determinations essential to rulemakings. The agency's analytical findings and estimates are frequently the subject of vigorous review and challenge. But, for the most part, this reflects the wide disagreements that inevitably arise when the interested parties and experts involved in rulemakings have differing visions of the need for hazard reduction, draw different conclusions about the efficacy of new compliance measures, and rely on differing data sets and assumptions in estimating the benefits and costs likely to arise.

The principal shortcomings that the Office of Technology Assessment (OTA) perceives in OSHA's analytical procedures relate to gauging the potential of leading-edge technologies and targeted innovations to address workplace hazards in technologically and economically superior ways, and to generating systematic information about the actual outcomes and effects of the agency's regulatory actions. For various reasons, including procedural priorities, rulemaking politics, and budget constraints, neither of these important analytical objectives now receives the attention warranted. In OTA's estimation, both of these deficits merit attention, with an eye toward relevant enhancements of the agency's capabilities and scope of analytical activities.

In preparing this report, OTA gratefully acknowledges the assistance of the project's advisory panel, chaired by John Froines of UCLA. The several contractors involved made essential contributions in conducting original research on rulemaking outcomes. OSHA staff were helpful on a number of occasions in facilitating OTA's understanding of the elements of the agency's regulatory analysis work. Nonetheless, as with all OTA reports, responsibility for the final content rests with OTA.



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Note: OTA appreciates and is grateful for the valuable assistance and thoughtful critiques provided by the advisory panel members. The panel does not, however, necessarily approve, disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

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