

SPECIAL REPORT

From the editors at Clement Communications

Employer Alert: Get Ready For A New OSHA

The U.S. Senate has confirmed David Michaels, Ph.D., MPH, as the Assistant Secretary of Labor for the Occupational Safety and Health Administration (OSHA). Michaels, an epidemiologist, has been a research professor and interim chair of the Department of Environmental and Occupational Health at the George Washington School of Public Health and Health Services.

In a move that was considered controversial by some for his resoundingly pro-employee stance, President Obama nominated Michaels to head up the agency in July 2009.

Michaels is the author of *Doubt is Their Product: How Industry's Assault on Science Threatens Your Health* (Oxford University Press 2008).

Michaels has a strong track record on workplace safety with the scientific prowess to back it up. He was instrumental in advancing an initiative to compensate nuclear weapons production workers who became ill due to exposure to radiation and beryllium, among other hazards. According to the Department of Labor, The Energy Employees Occupational Illness Compensation Program, enacted in 2000, has provided more than \$5 billion in benefits to sick workers and their families. Michaels also served as the Department of Energy's Assistant Secretary for Environment, Safety and Health under the Clinton Administration.

The confirmation of Michaels further strengthens the Obama Administration's position that worker safety must be a priority in today's workplaces. With a dedicated leadership to back it up, OSHA now has more power than at any other time in recent memory. Businesses should prepare themselves. *Employers who fail to sufficiently protect their employees do so at their own peril.* ■

OSHA Legal Expert Weighs In On David Michaels

James Lastowka is a partner in the law firm of McDermott Will & Emery LLP based in the Washington, D.C. office and a member of the Firm's OSHA, Mine Safety and Health Administration (MSHA) & Catastrophe Response Group. Lastowka has practiced exclusively in the field of occupational safety and health for close to 30 years. He is a recognized authority on OSHA and MSHA law and has a nationwide safety and health practice.

In an effort to understand what the confirmation of David Michaels means for today's employers, we asked Lastowka his thoughts regarding the new appointee.

Q. Did the nomination and confirmation of David Michaels to head up OSHA surprise you in any way?

A. The nomination of Dr. Michaels to be Assistant Secretary for OSHA was not a surprise. After the election, his name quickly emerged as a leading candidate for

the position. His prior service as an Assistant Secretary for Environment, Safety and Health for the Energy Department during the Clinton Administration gave him agency program management experience, and his professional and academic credentials show he is well equipped on the scientific and technical side of safety and health issues. It was somewhat, but not entirely, surprising that Senate Committee hearings on his nomination were not held.

Although hearings on OSHA nominees have been held in the past, this Congress has been consumed by the health care debate and pressing issues relating to the state of the economy.

Q. What does Michaels' confirmation mean for the agency?

A. It means that after a year of being led by various acting heads, OSHA once again has an official leader. Although the Obama Administration's OSHA has been moving forward with a more aggressive enforcement program, now that the full leadership team is in place, the agency can finalize its actual agenda, speak with one voice and work in earnest toward achieving its goals. The agency is now fully back in business, so to speak.

