

FEDERAL OSHA TAKEOVER LOOMS IN ARIZONA

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OSHA was established by an act of Congress in 1970. Since then Arizona has always had a State OSHA plan administered by the Arizona Department of Occupational Safety and Health (ADOSH) under the Industrial Commission of Arizona. ADOSH has worked closely with Arizona businesses to create an environment where jobsite safety is the priority. Cooperation to create safe workplaces has trumped citations, fines and confrontation. Those years of cooperation and coordination may come crashing to an end shortly if Federal OSHA lives up to its threats.

In 2012 the Central Arizona Home Builders lobbied the Arizona Legislature to enact a Residential Fall Protection Act. The act was eventually passed in the form of SB 1441. That legislation lowered the protection standard for residential workers exposed to falls. Instead of protections such as mandatory tie-off and perimeter protection starting at 6 feet residential workers wouldn't be protected until exposed to falls at 15 feet and above. Workers on commercial, industrial and civil projects were still protected at the lower threshold.

Federal OSHA had verbally advised ADOSH and the Home Builders that they intended to take action on this issue. The verbal warning has now been transmitted in writing to the State of Arizona. This week Federal OSHA sent a written "Order to Show Cause" to ADOSH advising of their intent to take over inspections in Arizona. OSHA's plan calls for it assuming authority over all construction inspections in Arizona, not just residential.

The Arizona Builders' Alliance is concerned about the impact of this move on commercial contractors. For years ABA members have worked with the consultation section at ADOSH to develop voluntary programs that enhance jobsite safety. We fear that those efforts are now meaningless if Federal inspectors assume responsibility for all construction sites. Also, there is an obvious fear of new inspectors sent to Arizona to show us the "error of our ways"! ABA has begun discussions with other groups and legislators to take steps needed to prevent this takeover.

The amendment or repeal of SB 1441 may prevent Federal OSHA from moving on the State of Arizona. However, at this time we do not know how quickly the Feds intend to move. We also do not know if they would slow or halt the process to allow for a legislative solution.

In the meantime, help us with a letter writing campaign. Please follow the link below to a sample letter. Customize that letter and put it on your company letterhead. Get the letter back to us at ABA and we will use your letters to emphasize our concern and the need for changes.

Thanks for your time and help.