

Speaker 1:

[inaudible]

Mike Taylor:

Hello everyone. And welcome to the next episode of the workplace safety review podcast. I'm your host, Mike Taylor chair of the OSHA practice group at Greenberg Traurig based out of our Washington DC and Northern Virginia offices. I've been practicing OSHA law for roughly about 20 years now. And if you want to find out more about me or our OSHA practice group, you can go to [www.gt.law.com](http://www.gt.law.com) and you can click on the labor employment law section, and you'll find a description of our OSHA practice group there with us today. Uh, we have a very, very special guests. Mr. Richard Fairfax, rich currently works for OSHA as a part-time consultant in his role as a consultant, he supports or see HSE members by providing expert advice on OSHA issues, their HSE issues. He also conducts surveys on topics of member's concern, leading efforts to comment on policy and regulatory issues from OSHA speaking and visits to member sites prior to joining an OSHA, rich worked as a journeyman pipe, fitter and welder at several refineries in Pasadena and Texas city, Texas rich joined the occupational safety and health administration in December of 1977, from 1977 to 1994.

Mike Taylor:

Rich worked in various OSHA field offices as a compliance officer in 1994. He moved to Washington DC and worked as the senior industrial hygienist for the office of health enforcement and OSHA's national office. From there. He became the deputy director for the director of enforcement programs, where he directed day-to-day activities and health and safety enforcement and became the director in 1998 in 2008. He was additionally signed as the acting director of construction. I didn't know that interesting fact in April, 2010, rich was designated as the deputy assistant secretary overseeing all field enforcement and training operations for OSHA. He retired from OSHA in may of 2013. Uh, rich. It's great to have you here. It's a pleasure. I know. Um, you and I have spoken several times over the years. Uh, you probably don't remember, but my first time meeting you was in San Francisco. We were both flying back on a plane and you were the most humble, uh, gracious person that I'd met, uh, within OSHA. And, uh, I really enjoyed our conversation and have, um, been friends with you ever. So we're very honored to have you here rich.

Richard Fairfax:

Well, thank you. Let me just add one additional thing. I still work for ORC and I started working for them right after I retired and I'm part time with, with them, but you may not know, but they just last November got acquired by the national safety council. And so even though I'm still kind of, I'm working for ORC, I'm also now a part-time employee for the national safety. Just wanted to get that out there. Terrific. Terrific.

Mike Taylor:

Um, rich, you recently wrote an article about, um, ocean enforcement the last 50 years and what needs to change. And I know you were with OSHA for many, many years, and a lot of us on the employer practitioner side. We're very sad to see you go because you were, um, very helpful, informative, outgoing, uh, you weren't pro union, you weren't flowing pro employer. You were definitely pro uh, safety. What would you say some Of your successes were, uh, that you're most proud of during your time as the head of OSHA enforcement?

Richard Fairfax:

Um, good, good question. And I appreciate that. I know there's a number of things on real pleased about it, but, um, I think the biggest one is what you just talked about right there. Excuse me. I, um, you know, my concern is, is employee health and safety. And, you know, I always felt to do the, the job yet. You really had to balance and, and listen to both, both sides. And, um, I always, you know, I'll be real honest. I prided myself and being able to walk, walk that middle road, which I think is what OSHA's supposed to do. It sort of drove me crazy over the years when the Republicans were in, it just seemed, they would only listen to employers and an employer groups. And then when the Democrats were in, it seemed like they would only listen to the, the unions. And as a result, everything was constantly I think, kind of in a stalemate.

Richard Fairfax:

So by listening to both sides, I think equally agreed that I, you know, I tended to do what I thought was right. And, you know, even though I listened, I, you know, I wasn't necessarily in influence. So I'm probably most, most proud about that. A number of other things I'll just, just mention, you know, when, when I was head of enforcement and also the deputy assistant secretary, I'll be real Frank. I got tired of seeing the same bad actor, employers time. And again, when, you know, the ones having the fatalities and serious injuries. So, you know, um, you know, under my suggestion, we put out the, the, the AskPat the series violators enforcement program. And, you know, it's not a perfect program, but I think it drove home. The focus on, on bad actors, um, coupled with, with fat, the last few years, I started working on a faction waiting system and, you know, the idea was get OSHA away from numbers and to get OSHA focusing on, um, industries where OSHA needed to be.

Richard Fairfax:

And, um, I still think that has potential, but I suspect that has died out. But, you know, and, and, and Mike, we've talked before about, you know, cooperative programs, you know, I'm always, I've always been supportive of cooperative programs and two things I'm really proud of, or some partnerships that I was directly involved in. Um, one was the partnership with Ford motor company, the United auto workers and OSHA, I think that was a very good and successful partnership. And the other one was the, uh, power generation and distribution industry. We had a long running remarkable partnership with, with them that I, I think worked so well, I'll stop with that. But those are some of the things I was most, most pleased with.

Mike Taylor:

Yeah. And for those of you who may not know the fat, but it's called the severe violator enforcement program, and OSHA has the criteria that must exist in order for you to be placed on this program. Uh, and I tell my clients, I call it hotel California, once you get in you, ain't leaving. So try not to get on this list so that the criteria is on OSHA's website. Um, what would you say were some of the most challenging or difficult things that you had to deal with during your time as the head of OSHA enforcement over those many years?

Richard Fairfax:

Uh, um, again, good question. Um, one of the things that, you know, frustrated me for well over 30 years with OSHA was the, um, the numbers driven criteria for the agency is just, you know, no one cares about anything else really, but you know, how many inspections did OSHA do? And beginning of the year, you know, I was charged with setting a goal. You know, obviously ONB had to oppose

management budget had to approve it, but you know, it, it became one of these situations where OSHA is, you know, it's its own worst enemy. If you met the number and then they exceeded the number that you projected. Everyone said, well, she's being really strong on it. Enforcement. If you didn't meet the number, then the press always reported. Or people reported that well was just backed off on horsemen. So it almost became a self fulfilling prophecy that, you know, OSHA there's this drive to whatever they projected to get to that number or exceeded.

Richard Fairfax:

And what it led to was come July, August timber, the agency was behind in numbers. What did they do? They sent everyone out to do construction inspections where you could get a lot of numbers first and OSHA, I think is still doing this the day. So, you know, the only focused on numbers and what that did is it, it drove up OSHA's in compliance rate, which means you had to address. And then also the unintended consequence of that was from the new fiscal school year. You had all these open inspections and OSHA had to go back in and then process and write up those inspections. So they started out every single year with a deficit and then the cycle repeated itself. So that was one of my biggest frustrations was the numbers. And when I was trying to put into place the weighting system, it was an idea of getting, getting away from, from that.

Richard Fairfax:

Um, the, the other thing I drove me crazy is just the targeting of inspections in, in general. Um, that's a hard process, you know, and I was always looking for, um, methodology to go in and better target, you know, we should try it and they're trying it again now with the site-specific targeting, the idea is good on that, but, you know, you're using old injury and illness data, which is a lagging indicator. So you're using data from incidents that happened that are probably already been fixed and you're going out and targeting on that. And, you know, that drove me crazy and I've always thought, you know, NIOSH and the BLS and OSHA should get together and I'm up with a better risk risk-based system. Um, you know, obviously, yeah. You know, I think you mentioned you wanted to talk about standard setting, the standards that OSHA has in place. Um, I mean, we can talk about the setting process later, but the standards OSHA has in place pretty much all came from the 1960. So a lot of them are old outdated, and, you know, you always had employers trying to comply when there was better technology out there, but they technically couldn't use it because they'd be, you know, compliant, not in compliance. So that was a frustrating issue.

Richard Fairfax:

And then, uh, then the ongoing issue, which is a, a problem for OSHA is the whistleblower program. I don't know how many statutes that they have now, but, you know, they don't have the resources, they don't have the budget, they don't have the people. And, um, you know, can't meet the deadlines. So that's just an ongoing, you know, trouble spot for OSHA. And it's an ongoing criticism by, you know, outside people of, of the aid agency. So, I mean,

Mike Taylor:

Yeah, isn't it like 22 or 23 different enabling statutes that they serve as the whistleblower investigator. Yeah.

Richard Fairfax:

It's something like that. I know it's at least 22 and you may be right on, on 23 when I retired, when I retired, it was 21. So,

Adam Roseman:

And, and, and obviously Richard it's, you know, I think the whistleblower piece is interesting right now, given all the COVID related whistleblower complaints and the challenges associated with meeting deadlines when you've got an influx of those, those cases. Um, but let me, let me, let me ask you a question. You, you recently wrote an article, I won't read the whole title, but basically it was sort of what worked and where do we go from here? And you talked about OSHA standard setting process, right? So let's start backwards, um, in terms of the process. And we all know, and I think even a lay person knows that, you know, takes a long time to, to get a standard or regulation in place. Can you sort of elaborate on that process a little bit and, and sort of, if you were back in your position with OSHA, or even as an outside observer now, what would you change in that process to sort of make it more, you know, more user-friendly and, and move things along quicker?

Richard Fairfax:

Yeah. It's a long process and you're right. And there's a piece on OSHA's webpage that outlines all the types. I think there's overall seven steps, you know, and a while back, I, I counted out the maximum time for each step, that OSHA projects. And if you add it up all those times, he would take over 12 and a half years to get a standard app. And if you met all the minimum requirements, you could probably get one out and maybe four years, I'm not sure about that, but maybe maybe four years. So either way you look at it, it's a long process. And some of it's not OSHA's fault. Some of it is put on by Congress, you know, they pass some legislation and in that legislation is a, an additional burden of steps that OSHA has to go through. And a good example is the de-brief a process, which is a small business, regulatory enforcement, fairness act.

Richard Fairfax:

It's a mouthful, but, um, that added, you know, a lot of time to the process, but it's mandated by by legislation. Some of it obviously is mandated by the OSHA act. Some of it's mandated by, you know, executive orders that have been signed in place over the years. And then a lot of it is just our internal OSHA and department of labor processes. So, you know, the executive orders probably could be dealt with, if the, you know, maybe in this administration, maybe, maybe not the internal processes can be done early, you know, so that can certainly Jarden it. But, you know, the bottom line is, you know, Congress or someone has to go in and change the rulemaking process and fix a PA doesn't have to go through what OSHA goes through. You know, other agencies don't, don't either. So I don't have a solution.

Richard Fairfax:

I don't think anyone has other than going back to Congress, but I will say, you know, I, I do like the negotiated rule making process. I think the way it's been run has been well done. Well, I don't think by OSHA, but I think it has potential, you know, and one of the problems with the negotiated rulemaking process is that in the past we've had to negotiate a rulemaking and groups have been involved. And when the rule comes out, these groups that were involved in the process turnaround and Stu because they didn't like certain steps. So, um, that would have to be fixed. But I think anyone where you bring in the, the effected parties, um, to develop a rule, I think has a lot of possibility.

Mike Taylor:

Would you say the PSM standard might be one that would be right for negotiated rulemaking?

Richard Fairfax:

Oh, definitely. Definitely. And, you know, I, I think that rulemaking, you know, in my mind, needs to be opened, opened up and, um, you know, and, and negotiated rulemaking, I think would be great. You know, you've got, you know, a lot of different groups that have a lot of interest in it and a lot of very, very smart people in it. And one of the criticisms that OSHA gets from the chemical safety board is, are usually tied in, in some fashion with, with PSM. So it'd be nice to bring, you know, if you didn't negotiate a rulemaking, bring in the chemical safety board and get their input. Cause they, they do investigate, you know, accidents and that in the chemical and the petroleum industry. So yeah, PSM would be a good

Mike Taylor:

One. Yeah. Cause it's, you know, parts of it are clear, but there are big parts of it that are very open-ended and left open to interpretation, which causes inconsistencies on how employers approach certain things. And then when OSHA shows up, uh, you know, they may have a different viewpoint too, so,

Richard Fairfax:

Oh, absolutely. I used to get employers. I would argue that, you know, and I, and I'm just repeating what, what they would tell me. They would just say, you know, this section of the PSM required standard requires you, you know, the employer to, you know, follow one of the consensus standard, whether it's ANSI or LSTM or whatever. But then they said, it will tell me that, well, OSHA came in and they thought I should be following another consensus standards. So we got a citation, but the standard only said the, you know, a, you know, inappropriate consensus standard. And then you had OSHA just disagreeing with it. And I don't mean to complain about OSHA. I'm just relaying a complaint that, you know, I got a number of times from employers,

Mike Taylor:

For example, in

Adam Roseman:

That same article, you know, you mentioned something, something interesting, this, this concept of a safety and health management system program or standard. And I guess way back at the early stages of OSHA, that was a standard that was talked about potentially going to be promulgated, never was sort of help our audience understand when you mentioned a safety and health management system or program standard, what does that mean? What does that look like in your head?

Richard Fairfax:

Um, well, good question. There are, there are, there are different type types of them, but they all fall back on the same process and I'll be Frank. I don't really, they're all good. I don't really care which one you are, you know, that there's the ANSI Z town, which I, I, I like there's the ISO 45,001 that just came out, I think last year or maybe the year before that deals with safety, health management systems. And then there's certainly the VPP process that is based on safety and health management system. And then OSHA is issued guidelines. I think a couple of times now back in 1989 and then under, under David Michaels, um, issued, you know, guidelines and points to focus on, which I think are important. So in my

mind it doesn't really matter. But what I like about a safety health management system is it gets, you know, there's a commitment component from employers, there's employee involvement.

Richard Fairfax:

You know, it's a risk based approach, which I think is critical. So yeah, there's basically five elements under a safety and health management system that I've mentioned to, you know, the, um, management commitment that's critical, right? And the second one is employee involvement. That's critical, you know, you can't just implement something and hand it down to the employees. They have to be involved if they're going to take ownership with its creation. So that that's critical. There's the hazard assessment, whether it's safety or health, which is looking at at risk and then the, the corrective action and then finally training. So there's these, these five components. And I almost see the safety health management system, like the hazard communication standard, I think has promised one of the best standards OSHA issued because, you know, it was not overly heavy on employers, but, you know, it had a lot of stuff.

Richard Fairfax:

It was very protective. And I think pay for health management systems can operate in that same, same fashion. OSHA was actually very close in the nineties to putting a, uh, you know, safety, health management system standard. And that sorta got stopped. You know, when OSHA in the early nineties, um, focused on doing an ergonomic standard, which obviously was, was disastrous, but take in, in my mind if you had a safety and health management system requirement, you know, um, I'll probably get some people mad at me, but you probably wouldn't need an ergonomic standard or an ergonomics is a hazard and an issue that could be covered under a safety management system standard, as opposed to having its own standard. I'll probably take a lot of flack for that, but I, I, I think it's a possibility that

Adam Roseman:

That's okay, Richard it's, uh, we, we appreciate the candor and, and, you know, I want to go back to something you talked about earlier about some operative programs, and there's a certain irony, I think in a former director of enforcement talking about cooperative programs, what would you say to a safety professional or someone who runs a business that sort of views OSHA skeptically and says, I don't want to cooperate with a federal regulator that, that gives me some unease, you know, what would you say to that person?

Richard Fairfax:

No, she has, is regarded as an enforcement agency and they are, and obviously I was the head of enforcement for seemed like forever and enforcement will never, never go away. But part of OSHA's mandate is cooperative programs, compliance, uh, assistance. And, you know, I mentioned the partnership with Ford in the UAW and then the power generation and distribution. Those were good partnerships. You know, the employees were involved, the, you know, different employers were involved and it was worked work well. So I basically come to the point where I think there needs to be a balance. And, um, and I felt that way for a long, long time. But just, just to give you an idea, um, you know, I've always broken the employer community down into three basic groups and, um, you know, the first, you know, for whatever reason I call the best of the best.

Richard Fairfax:

And, you know, they're the ones that have implemented a safety and health management system. These are the ones that are in the sharp program or the VPP program. And, and basically, you know, they're going to do safety and health and they're going to do it as best and as excellent as they can, regardless of OSHA, you know, and this is a small group. And then there's another small group that I, I call, you know, for whatever reason, the worst of the worst, these are your bad actors, and it's not a huge group either. And these are the ones in my mind, the, the S FAP is, is, should be directed at, and, and this is where OSHA should be directing enforcement because, you know, they are going to disregard their obligations under the act. They are not looking out for employee health and safety. Then you have the group in the middle, which is a huge group.

Richard Fairfax:

You know, it's probably by far most of the employers and whether they're small or large, and these employers, I think basically want to do the right thing. You know, they want to implement a health and safety program. They want to protect their workers. In many cases, you know, they really depend on having their well-trained employees and they don't want to hurt them, you know, so, but you know, they either don't have the resources, don't know how don't have the understanding or whatever. And this group in the middle is where I think cooperative programs focused. You got your OSHA compliance assistance specialist, you've got the free consultation program. You've got your, you know, your alliances, your partnerships, your VPP, or sharps program. And then, you know, for all the employers that are part of the VPP, any of them have SGS or special government employees. I, you know, I don't have a pathway forward, but I think it could unleash this whole group to provide assistance.

Richard Fairfax:

Huge, huge idea, huge project. But I think, you know, OSHA has what, 2000 people right now, you, you can't do everything. So you've got a focus on where, on the enforcement piece, where you needed. And then on a distance piece, I was always a big fan of the old Maine 200 program, which was sort of an enforcement and compliance assistance, uh, approach. And I think it, it worked well. Um, OSHA tried to, I tried to implement it nationwide and, um, of course we got struck down by the courts, but, um, I still think the idea is worth consideration.

Adam Roseman:

Can you, and can you just, before we just, um, you know, move on, can you just tell our audience what that mean? Um, you know, uh, you know, cooperative program?

Richard Fairfax:

Well, they, they basically took th they were able to get the state workers' compensation data, which is a hard thing to do, but in Maine, they were able to do it. And, you know, in a nutshell, they looked at all the, of the employers and they, you know, they broke them apart into, you know, the ones that needed enforcement or needed help. And the ones that probably did, but the ones where, you know, safety health was a problem area. They basically notified them. You know, you, you have two choices, you have a high rate, you have a lot of injuries and worker's comp data says, you, you know, you have these, these issues, you can work with us or we'll inspect you. And, you know, you know, the majority of employers opted to work with ocean. So like a compliance officer or whatever it was assigned to work with those, those employers and the ones that just didn't reply, or, you know, blue ocean off, they got inspections. So it was a good program.

Adam Roseman:

Yeah, no, I think that makes a lot of sense and, and giving those employers, you know, listen, you've got two roads here, you know, pick the road you want, and if it's a cooperative road, then, then let's work together. Um, Hey, Hey, I just want to switch gears here for a second. And, and gosh, we're all, we're all tired of hearing about COVID-19, but we've, we've got a new administration and, you know, Mike and I have have talked it, gosh, it ad nauseum about, about OSHA and COVID. And I guess the question we pose to you is, you know, cause we have our own thoughts on this as do you think there's a realistic chance this new administration issue, some kind of temporary COVID standard. We certainly know a permanent standard is a real challenge for all the reasons we talked about, but do you think they, and if you do think that, do you think they go and try to borrow from some state plan states, uh, in terms of process?

Richard Fairfax:

Um, I think OSHA will absolutely be working on an emergency or a standard and it'll, you know, if it were me, I would make it not on COVID, but on infectious disease, which would cover COVID. Um, I think at the time they're working on that, there'll be working on a comprehensive infectious disease standard. Now they've already laid a lot of groundwork because, you know, early in the Michaels David Michael's administration, they were working on an infectious disease standard. I, I, I frankly don't recall what happened to it, but it, but all the material and all the information is there. I will tell you, I think ocean needs to do this. There's a number of reasons, but I think the main reason is, you know, OSHA hasn't taken the lead on it. They've been putting out guidance documents, and, and to be fair, I've, I've looked at all their guidance document.

Richard Fairfax:

I think they're all very good. And especially the ones they've done in conjunction with the CDC or are really good, but they didn't take a leadership role. And as a safety health organization, I think OSHA should have, uh, the lead on, on workplace health and safety, especially for, for COVID. So, because there's this been this gap, what you've had is a number of states going forward. You've got, let me see. I don't know them all, but you've got Michigan, Oregon, California, California, Virginia. You've got New Jersey for the state employees there. And then you have a number of other Nevada, Nevada, Nevada. Yeah. But there's also some that have done it through executive order. The problem is you've got in all of them, you know, I've looked at all of them and they're all for the most part, fairly similar, but if I'm an employer and I've got a business in California and I've got a business in Oregon and I've got a business in Virginia, that's three separate emergency temporary standards I have to comply with.

Richard Fairfax:

And there are differences. I think that's a burden. And I think when you have that, you start making mistakes. So from that vein, I think there needs to be an emergency temporary standard to standardize, you know, the whole process. And I believe this administration will be working on that. And then I think they need to follow it up with, you know, an infectious disease standard, because COVID is going to be around a long time. You know, we may reach this herd immunity, but it's still going to be there. And I just think, you know, the groundwork's been laid. It's a matter of time before, you know, we have another pandemic circulating around and going through this stuff again, you know, and, you know, I listened to president and Biden, you know, an executive order where mass are mandated on all federal lands and federal properties. So no, but if we had a standard and we could mandate that, you know, in



businesses and, you know, it would bring a lot together, I think, to help, help everything. So that's, that's my three bits, if you will. Yeah.

Adam Roseman:

I mean, it's an astute, uh, Mike, I think it's funny. That's pretty similar to where you and I landed in conversations.

Mike Taylor:

Yeah. Hey, rich. I have a question. Um, we've talking about 50 years what's worked and what hasn't, I can tell you from my perspective of representing employers for the last old 18, so years, um, uh, on OSHA related issues. One of the biggest things that I've seen, uh, in terms of a deficiency within the agency is the training of OSHA compliance officers. And I often tell clients that the OSHA compliance officers are asked to do the impossible. They may have to be in a ammonia terminal one day, a hospital, the next day, a bakery the next day, um, a retail store, um, you know, and talking to these folks over the years of, uh, about their training. Um, you know, they're not necessarily, I use this word expert loosely, but expert in whatever they're going to do to, to do an inspection on how can OSHA improve, what do you think OSHA should improve and how can they improve in the training aspect of their OSHA compliance officers for enforcement purposes?

Richard Fairfax:

Huge question. I, you know, the, you know, the training Institute used to report to me and I, I did focus on law on that quite quite a bit, you know, and I'll just add to a, tied to the training piece. Is there needs to be some pathways for OSHA to, um, you know, people get burn out doing inspections. I was a compliance officer and by the time I hit year 12 or 13, I was like, God, I can't do another inspection. And there's no method or no very, very little movement that a compliance officer can get into tie tied in into that I think is also the development of, of expert. Um, you know, OSHA has always operated under the principle that, you know, we're generalists and we don't need to know the industry. You can just go in, I mean, you know, safety health, so you can do, you know, uh, safety, health inspection.

Richard Fairfax:

I followed that mantra if you will, for years, but I've, I've actually moved away from that. You know, I, I think not every Hofstra needs to be an expert in every area, but you need people with, with expert expertise. And the training I think is, is good at the training of students. The problem is, is turnover over is, you know, fairly high as I recall with OSHA. So you spend a lot of money training and then the person leaves and then start from scratch again. And so what you have is a lot of storefront. I had an employer, I was talking to maybe three months ago who was just livid about OSHA. He managed a chemical facility, I won't say where, and he got a fairly involved complaint. And the compliance officer that got sent in there had only done nursing home inspections and had never done a chemical plant.

Richard Fairfax:

Well, I'm sorry, but yeah. Talk about shooting yourself in the foot, but I don't, you know, have a, so it's been floated a number of times, you know, maybe, you know, employers should be allowed to bring a compliance officer in, you know, and remove the threat of citation, have them spend some time, um, in a facility. I, I, you know, I think that would be good for compliance officers and I think it has some merit maybe worth considering. Um, yeah. I also think, you know, an area office when they're, they're hiring people, you know, they, they know their industry and they know their industry that they're going to be,

you know, working with. So there should be focus at the area office level, I think, to either bring in people that, that have that expertise right. Or bring somebody in and then make sure they get training on the types of industries they'll, there'll be doing.

Richard Fairfax:

Because the thing she can do is send an employee into a company that knows nothing about the industry. And, you know, the employer is, you know, irritated because they're wasting their time. The employer knows they're going to get a whole bunch of citations that may not apply. And then they're going to spend time and resources fighting. So, um, you know, it's almost like a dog chasing, chasing its tail, but I do think, you know, again, the training at the training Institute is good. You know, I've been through a lot of it and the instructors are dedicated and all of that, but I think there needs to be a lot of ground level training.

Mike Taylor:

So, yeah, and what I got from what I gathered over the years is that, Hey, we got great training at the Institute. I'm paraphrasing obviously, but once we got into our office and we're doing our daily inspections, they may not get as much training at the local level. Um, on other issues, they'd have to go back to the Institute.

Richard Fairfax:

That's true. That's, that's, that's very true. And, um, and that's something OSHA, OSHA needs to really focus on, on consider, you know, in my mind, back in the eighties and through the nineties, maybe even in the seventies, you know, OSHA was regarded as the, you know, the national leader in health and safety. I mean, you know, and it's a good position to be in, not nowadays, OSHA is not regarded as, as that. And, um, you know, I think those should needs to retrain re regain that. And then, you know, you know, we're, you know, the compliance officers where the rubber meets the road and that is everyone's first contact with OSHA. And that is just critical that that person, you know, be knowledgeable, be trained, you know, represent the agency, be regarded as, you know, the safety and health professional. If you, if you will,

Adam Roseman:

Hey, rich, last question before we let you go, because I think you may have some thoughts on this individual. We understand that, uh, Jim Fredericks been, uh, installed or will be installed as the new, uh, deputy secretary for OSHA. Um, you know, do you know him? Do you have a relationship with them? What can you tell our audience about him generally?

Richard Fairfax:

Well, I can tell you a lot. Jim's a good friend. Um, you know, he's retired from the steelworkers, right. You know, he's a very smart man. I'm drawing a blank on the other guy with the steelworkers. They're very, um, very reasonable people. You know, they're dedicated to health and safety. I worked with Jim at ORC and, um, so I got to know him even even better than, and, um, Jim was actually sworn in as the deputy assistant secretary with OSHA. And, uh, I frankly think, I know there'll be looking at other people, perhaps some leaders in some of the taking health groups with some of the state plan states. But I, I think Jim has a good shot now that he's in being nominated for the assistant secretary position. And he would be a great choice. You know, he's a career dedicated safety, health, professional, you know, um, you know, he understands health and safety.

Richard Fairfax:

He understands because he and I have talked for years that the burdens on the compliance officer, I know he wants to elevate the status of OSHA, meaning being regarded as a, as a, you know, the premier safety health organization. I know he wants to improve morale within agency. I know he wants to and will be working on that emergency temporary standard. And, um, you know, I think, yeah, the Biden administration did very well in greening and picking him. I firmly believe he will, you know, listen to employers, be willing to meet with employers, uh, meet with trade associations and professional groups. And, um, you know, he's looking to do right by health and safety.

Adam Roseman:

I think that's welcome news to both employees and employers that, that he's open to both sides much, much like you spent the career doing. Um, and

Mike Taylor:

He has the luxury of Colin rich up and picking Rich's brain on certain issues that are happening within the agency.

Richard Fairfax:

Yeah, I I've. Yeah, no, you're absolutely right. And you know, Jim's a friend and, you know, anytime he calls with a question or whatever, he's going to be a pro priority. Cause, um, I still really care about the agency.

Adam Roseman:

Yeah. Well, I will tell you rich on a, on a personal level, like I told you before this, you know, for, for a long time as a, as a really junior lawyer, I saw your name signed to a lot of interpretation letters from OSHA and it's, it's nice to finally speak to someone who, you know, I'd seen their name all over OSHA before, so it was a real pleasure to speak with you. And I thank you for taking the time with us. Well, that's nice. Thank you very much.

Mike Taylor:

Thank you rich very much. All right. My pleasure. We really appreciate it. And for everyone else out there listening, please stay tuned to the next edition of the workplace safety review podcast, signing off Mike Taylor.

Speaker 1:

[inaudible].