

# Safety Rules Delay Linked To Campaign

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The Labor Department delayed or toned down its implementation of worker health and safety standards in 1972 as "a sales point" to attract corporate donations to the Nixon re-election campaign, according to administration memoranda cited in the Senate Watergate committee's final report.

The strategy was outlined in a memorandum from George C. Guenther, then assistant Secretary of labor in charge of the Occupational Safety and Health Administration (OSHA) to his boss, Labor Under Secretary Laurence H. Silberman, who has since become deputy attorney general.

At the time, Silberman was directing the Labor Department's contribution to the responsiveness program," a White House plan to use federal agencies to help re-elect President Nixon.

In his memorandum, Guenther assured Silberman that no controversial worker health and safety standards would be issued "during this period." Pointing to the "great potential of OSHA as a sales point for fund raising," he asked Silberman for additional suggestions "as to how to promote the advantages of four more years of properly managed OSHA for use in the campaign."

Silberman has testified that he never responded to the memo, and that he decided against passing along any ideas to the White House. "When I saw the memos I was getting, it became clear to me that it would be improper," he said in a brief telephone interview. Guenther said that the

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memo was only intended "as a statement of my views," and was not put into effect.

An examination of OSHA regulations implemented since 1972, however, suggests an unusual degree of delay.

In letters yesterday to Attorney General William B. Saxbe and Watergate Special Prosecutor Leon Jaworski, the Ralph Nader-affiliated Health Research Group charged that the delay is continuing, and requested an investigation of OSHA.

Under the 1970 worker health and safety legislation, the National Institute of Occupational Safety and Health (NIOSH) run by the Department of Health, Education and Welfare conducts studies of occupational hazards and recommends exposure standards in reports called "criteria documents." Using these, OSHA is supposed to issue regulations.

In his letter to Attorney General Saxbe, Dr. Sidney Wolfe, director of the Health Research Group, noted that since 1972 NIOSH has sent the Labor Department criteria documents recommending more stringent exposure standards for 14 different workplace substances but that OSHA has issued regulations governing only one, asbestos, and that after being petitioned by the AFL-CIO.

The substances include lead, mercury, arsenic, sulfur dioxide, and carbon monoxide. In all, according to the Health Research Group, about 5 million workers are exposed to the substances for which OSHA has failed to issue new standards. In one case, arsenic, the Labor Department's present legal standard is 10 times higher than the safe level recommended by HEW.

Daniel P. Boyd, who became director of OSHA's standards office last April, said he had "no explanation" for why the regulations had been delayed as long as two years. "They were here when I walked in," Boyd said, adding that he considers action on them a priority to be completed by the end of 1974.

In setting final worker exposure standards, Boyd said HEW's health findings must be balanced against economic



LAURENCE H. SILBERMAN  
... received memo

and technological considerations.

Boyd's predecessor, Gerhard F. Scannell, said OSHA had delayed issuing the regulations in order to collect additional information. He said the final decision whether to publish proposed regulations was up to the chief of OSHA, the position held by George Guenther, author of the campaign memorandum.

Sources at HEW's NIOSH criticized the Labor Department's delays. "We put the information into these criteria documents," said one official, "and nothing happens."

According to these sources, the Labor Department is applying pressure to have NIOSH exclude specific numerical standards for the future criteria reports, to spare the Labor Department embarrassment when less stringent standards are eventually issued.

OSHA official Boyd confirmed that he would prefer that HEW's findings be kept confidential. "It's only one input among many," he said.