Employers See Some Success in Negotiating Down OSHA Fines

News
7.17.16

The article, "Employers See Some Success in Negotiating Down OSHA Fines," featured in *Business Insurance,* discussed how securing a significant fine reduction, with the U.S. Occupational Safety and Health Administration, during the informal conference process has gotten much harder since a 2010 OSHA memorandum changed the agency's penalty policies, including requiring the approval of regional administrators for any reduction above 30%.

Ed Foulke weighed in on the process.

"When I was head of OSHA, I said 'area directors, you decide what you think is best on settlement ... what do you have to do to make sure they have a safe worksite,' " said Ed, a former assistant secretary of labor for Occupational Safety and Health. "

OSHA area directors may agree to reduce the fine, but generally will not withdraw all citations or downgrade willful or repeat citations with the highest penalties, he said.

"You're going to have a lot more people contesting — there's no doubt about that," Ed said. "I don't think that necessarily helps safety. Lots of citations, higher penalties — that doesn't get you to zero."

To read the full article, please visit *Business Insurance* [subscription required].

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