
INSURANCE INSTITUTE FOR HIGHWAY SAFETY

January 7, 2003

The Honorable John L. Henshaw
Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, D.C. 20210

**Petition for Reconsideration of Requirement for Safety Belt Use
While Driving for Employment Purposes
Docket No. S-776**

Dear Mr. Henshaw:

In response to the Occupational Safety and Health Administration's (OSHA) denial of our petition submitted October 10, 2002, the Insurance Institute for Highway Safety (IIHS) hereby petitions for reconsideration of a requirement for the use of safety belts in motor vehicles while on the job, pursuant to section 6(b)(1) of the Occupational Safety and Health Act. We are petitioning for reconsideration because the agency overlooked important points included in our original letter. We also are submitting supplemental information that further supports the adoption of an OSHA safety belt use rule.

State belt use laws do not provide sufficient protection for workers. You cited the passage of additional state laws mandating belt use since publication of the original proposal as one reason for denial of the petition. Thirty-six states already had belt use laws at the time the agency issued its proposal in July 1990 (13 additional states have passed belt laws since the proposal was published). What you did not acknowledge are the major deficiencies in many of these laws; as a result a number of states still have relatively low rates of belt use. The most critical deficiency is that the laws in 30 states do not permit police to issue traffic citations for nonuse of belts unless the officers have stopped motorists for other reasons. Belt use rates are higher and vehicle occupant death rates are lower in the states that permit ticketing of motorists solely for failure to use belts (Dinh-Zarr et al., 2001; National Highway Traffic Safety Administration (NHTSA), 2002). Other deficiencies include failure to cover rear-seat occupants and vehicles operated on private property, as well as trifling fines.

Belt use on the job is lower than belt use in general. Your response ignored the most important information we submitted, namely that belt use while driving passenger vehicles at work is lower than belt use while driving for personal reasons (Eby et al., 2002). Clearly, the state laws have had less effect on belt use among people driving on the job than on the general population. These differences are most dramatic among rear-seat passengers, who are excluded from the scope of many state laws.

Educational efforts by themselves do not ensure high belt use rates.

The response to our petition mentioned OSHA's efforts to improve occupational vehicle safety, including updating signs and other traffic control devices at construction sites and a joint effort with NHTSA to update and distribute brochures for employers. These efforts are grossly inadequate in addressing motor vehicle-related injuries, the leading cause of occupational deaths. The current brochure, filled with recommendations for workplace safety directors, largely is advice on how to convince top management of the importance of paying attention to vehicle safety (NHTSA, 2000). If OSHA had appropriate vehicle safety regulations, safety directors would have no need to persuade their managers to do something about vehicle hazards; taking such action would be a requirement.

The most important problem is not deficiencies in the brochure itself. Even if this brochure were an optimally designed publication and even if it were mailed to every employer and employee in the United States, there is no scientific evidence that brochures would have any effect on the behavior of employers or employees. Extensive research has shown that education, by itself, does not change driver behavior (Christoffel and Gallagher, 1999; IIHS, 2001; Robertson, 1983; Robertson et al., 1974; Vernick et al., 1999). Among the various approaches to health and safety education, brochures are widely recognized as unsuccessful, particularly when used as the sole teaching method (Glanz and Rimer, 1995).

Education alone also is insufficient to influence the behavior of employers (if it were sufficient, there would be no need for any occupational safety and health regulations). Knowledge that belts reduce injuries is widespread, but this knowledge has not led to the voluntary adoption of belt use requirements by most employers. To influence safety behavior, education must be combined with rules and enforcement of rules. A short summary of the scientific literature on education and highway safety is enclosed (IIHS, 2001).

Because the scientific evidence indicates the lack of efficacy of education, our original petition did not call for employee training on the importance of belt use. We asked only that employers be required to announce the existence of a belt use rule, announce that they intend to enforce the rule, take reasonable steps to enforce the rule, and periodically remind employees of the rule.

Regulations, laws, and enforcement are effective ways to increase belt use rates. In contrast to educational efforts, which are ineffectual, traffic laws and regulations, accompanied by well-publicized enforcement, do change behavior. In a comprehensive review of the scientific literature on interventions to increase belt use, the Centers for Disease Control concluded that strong safety belt laws, accompanied by enhanced enforcement, work and should be implemented in all states and communities (Dinh-Zarr et al., 2001). In addition, there is evidence that employer belt use policies, especially when accompanied by high visibility enforcement and incentives, are successful methods of raising belt use among workers (Block, 2000; NHTSA, 2001; Herbel, 2002; Geller 1988). Given all of these findings, a mandatory OSHA standard requiring belt use on the job, along with reasonable enforcement policies, almost certainly would lead to higher belt use rates among people riding in vehicles while at work. Furthermore, the possibility that an OSHA inspector could cite an employer for failure to correct nonuse of belts would be a strong motivating factor for both employers and employees to adhere to a belt use regulation.

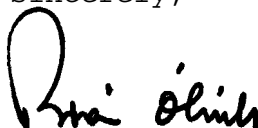
Employers can implement a belt use requirement with minimal costs. As noted above, employers need not mount expensive training programs. The response to our petition mentioned "difficulties with enforcement" as one reason not to implement a belt use rule. Without a doubt, enforcing a rule when employees are not under direct observation is challenging. This does not mean there should not be such a rule. As stated in our original petition, all employers could take some steps such as addressing observed nonuse of belts and applying penalties when appropriate. The agency does not need to require specific enforcement techniques. Instead, the agency could point to successful belt use programs at workplaces with high belt use rates (NHTSA, 2001; Herbel, 2002).

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Summary

Motor vehicle crashes are the leading cause of occupational deaths. The total number of occupational motor vehicle occupant deaths has risen during the 12 years since OSHA first proposed a belt use rule (Bureau of Labor Statistics, 2001). Increased use of safety belts would reduce occupational motor vehicle-related deaths and injuries and would save employers money. A final standard requiring belt use on the job is long overdue.

Sincerely,



Brian O'Neill
President

cc: Docket No. S-776

Enclosures:

Status Report, Volume 36, No. 5, 2001
IIHS petition to OSHA, 2002
OSHA's response to petition, 2002

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