Preface

More than five years have passed since the Third Edition of *Occupational Safety and Health Law* was published. In that time, we have seen continued developments in automation, nanotechnology, new substances/materials, and other technological trends which affect worksites on a daily basis. Outside of technology, changes such as an increase in the diversity of the workforce, employment of contingent or temporary workers, and attrition/lateral movement of the workforce (in hourly and salaried areas) have also required changes to historical occupational safety and health approaches and programs. Further, since the Third Edition was published, there have been national and state elections that have resulted in administrative and policy changes.

As noted in the preface to the Third Edition, the goal of the Occupational Safety and Health Act of 1970 (OSH Act) is: “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions. . . .” Our wish, in preparing this new edition, remains the same—to provide a resource to readers and researchers in the spirit of improving and advancing occupational safety and health conditions.

In the many years that have elapsed since this treatise was first published, it has reflected the perspectives and research of many contributors who devoted long hours to this project. This Fourth Edition would not have been possible without the incredible contributions of many of our colleagues (*and their terrific staffs*) from the ABA Labor and Employment Law Section’s Occupational Safety and Health Law Committee. Our team of editors is comprised of some of the most experienced practitioners in this field of law. We are sincerely grateful for their significant work and dedication to
this project. We have also greatly benefited from the contributions and thoughts of our partners at Bloomberg Law in preparing this Fourth Edition.

This edition provides updates to key decisions and developments in occupational safety and health law since 2013. It is current through the end of 2017, but we have included some developments (such as citation penalty increases) that came into effect in early 2018. In working through the collection of cases and other developments, we have referenced decisions of the Occupational Safety and Health Review Commission, Mine Safety and Health Review Commission, and the courts. On some occasions, we have included decisions by administrative law judges where we thought such decisions present interesting issues, assist in analyzing the state of the law, or indicate possible emerging trends.

We are pleased to have assisted in preparing this Fourth Edition and acknowledge Randy Rabinowitz’s continued dedication to this project and the OSH Law Committee. We also thank Linda Schafer for her excellent formatting and organizational assistance. This latest edition would not have been possible without the support and contributions of our friends David Wagoner and Brian Malsberger of Bloomberg Law.

On a personal note: Greg thanks his wife Carol for her love and support. He also is grateful to Lew Beckwith for his patience and great mentorship in the field of occupational safety and health law. Katie thanks her spouse Travis for his love and support. She is also grateful to Matthew Shudtz for sharing his knowledge and guidance.

Finally, we could not conclude our remarks in this Preface without noting the untimely passing of David Jones, a long-time member of our ABA Occupational Safety and Health Law Committee and former legal counsel and special advisor to the Chair of the Occupational Safety and Review Commission. David passed away during the final editing process of this volume. After his government service, David returned to private practice and was part of a group of leading lawyers (from many areas, including government, labor, management, nonprofit, and academia) who were early members of our ABA Committee. David was a truly exceptional person, always
reaching out to new members to ensure they were welcomed into the Committee. We are fortunate to have had David as a colleague and we will miss him.

**Gregory N. Dale**  
**Katherine A. Tracy**  
Editors-in-Chief

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