



AIHCE Keynote Address: 10% Inspiration

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10% Inspiration

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Thank you for inviting me to be a keynote speaker at this historic meeting. The winds of change are blowing in our field, and it's time for reflection, planning, preparation, and pioneering.

Before proceeding, I want to express my satisfaction at the fact that among your leadership represented here on the podium today, Bob Herick, Bill Wagner, Jeff Lee, and Alan Hines, all are either currently or have been a part of the staff of the National Institute for Occupational Safety and Health (NIOSH). This reflects the centrality of the discipline of industrial hygiene both in the field of occupational health and in the expertise of NIOSH.

I'm glad you chose to meet here. Salt Lake City is a very important part of my personal adventure, and I have a very warm fondness for this place. This year marks 30 years since I left here after 2 excellent years of training as a rotating intern and a resident in internal medicine. I came here as the greenest of greenhorns from East Virginia. "Hadn't been west of Richmond," I'd say. I had an M.D. degree, a pregnant wife, and a lot to learn. We were a long way from home with an income considerably below the poverty line. Nonetheless, those two years were very good ones for us. The people of this valley welcomed us and looked out for us. We lived in a little house up on "K" Street on the North Bench. One of the neighborhood ladies who was kind to us was a Mrs. Mason. Somewhat later, I would meet her son, Jim Mason. He is now Assistant Secretary for Health. One of his first duties as Assistant Secretary was to join with Secretary of

Health and Human Services, Dr. Louis Sullivan, in convincing President Bush to personally intervene and rescind a deep and possibly fatal cut in the NIOSH budget, which had been proposed by the previous administration. They were successful, and we deeply appreciate what that meant for NIOSH. We appreciate the fine job Dr. Mason is doing, and Utah can be proud of him. But, I digress.

To resume my personal adventure, a lot of good things happened to my wife, Joan, and me during our two years here. It was here in Utah that our first child, our only son, was born. It was here in Utah that I learned about the Public Health Service. And it was here in Utah where I enlisted. It was here in Utah where I treated my first case of occupational injury. It was on my first day in the emergency room when I treated a cowboy who broke his arm bulldogging a steer in a rodeo at the Utah State Fairgrounds. And it was here in Utah that I learned the story of the Mormon pioneers and what can be achieved with faith and persistent devotion in responding to a call. It was here in Utah that I heard from Dr. William Brown, a mentor in the Salt Lake County General Hospital, about something called "The San Juan Mission." It is a story that changed my view of the world. It is a story of such pioneering extremity that it convinced me that a people full of faith in a God of their understanding could do anything. If time permits at the end of my remarks, I would like to share with you more about the San Juan Mission. In short, it was by dint of enormous faith, great

leadership, courage, and tenacity that the pioneers established Zion in these mountains.

Therefore, it is totally appropriate that your conference on "pioneering" should meet here under the outstretched arm of Brigham Young, the consummate pioneer. On the subject of pioneers, on April 29, 1991, we marked the 20th anniversary of NIOSH, and in so doing, we honored a particular group of pioneers, the pioneers of NIOSH. These are the current employees of NIOSH who were with us when the Institute first came into being 20 years ago. Four of those pioneers were industrial hygienists. Yes, that too is totally appropriate because industrial hygiene was at the very core of occupational safety and health when NIOSH was born and remains so today.

The Occupational Safety and Health Act, which created NIOSH, became law on December 29, 1970. This law was responsible for the creation of both NIOSH and the Occupational Safety and Health Administration (OSHA) and launched a national commitment to the pursuit of safe and healthful working conditions for every working man and woman. This year we are celebrating the 20th anniversary of the founding of NIOSH and OSHA.

Anniversaries of any kind generally evoke two responses. One is of "celebration." Hallelujah, we are still alive! We are still married! We are still a nation! We are still here! The other response is one of evaluation or "reckoning." What have we accomplished? Are we on track? Do we need to change? I well remember the scene from "Jer-

emiah Johnson," that consummate movie about the mountain man, which was filmed here in Utah, up in the high Uintas. You remember the scene. The old trapper Hatcher, who had taught the greenhorn Johnson the trade, runs across him years later when Jeremiah is legendary for his canny survival of multiple attempts by Crow warriors to lift his scalp. The older man says to Johnson, "You've come far, pilgrim." Johnson replies, "Feels like far." Hatcher: "Were it worth the trouble?" Johnson, with a sigh, "Ah—what trouble?"

The Occupational Safety and Health Act was passed by large majorities of both houses of Congress and was signed by President Richard Nixon, a member of the minority party. It clearly represented the democratically determined will of the people of this country. Now, 20 years later in the wake of the celebrations, we are asking, "Were it worth the trouble?"

Does the Act need changing? Some folks think it does. They've undertaken various initiatives to change the Act. These generally proceed under the label "OSHA reform." The term is jargon for revising the Occupational Safety and Health Act. When my staff asked your program planners what I should talk about here at this meeting, it was suggested that I speak on "OSHA Reform." I was not enthusiastic because, frankly, I found the very words—"OSHA reform"—jarring. They sound ominous, as though the Occupational Safety and Health Act had something "bad wrong" with it, as though the Act were "fatally flawed," to use the term that lawyers love so well. But is there something wrong with the Occupational Safety and Health Act? Under the Act, have we not made progress? Of course we have. It is clear that working conditions in many settings have improved. The number of occupational fatalities in 1970 was over 14,000. We estimate it's less than 9000 this year. Surely this is progress.

We can point with pride to what all of you represent. In the 1970s, there were approximately 5000 industrial hygienists working in America. Today, there are over 12,000! Indeed, there are more registered at this Conference than were in the Nation when the Act was passed. The same is true in other

occupational safety and health professions. Surely this is progress. And today, workers are clearly more knowledgeable about potential hazards at work than they were 20 years ago. Worker notification, hazard communication, and the growing focus of the media on issues concerning worker health have all contributed to this growing awareness. Surely this is progress.

However, all of us also know well that we are still far from fulfilling the ambitious commitment which opens the Occupational Safety and Health Act: "... to assure, so far as possible, every working man and woman in the nation safe and healthful working conditions." Clearly, many men and women, especially in construction, agriculture, and small business, are outside the dream of "safe and healthful working conditions." Moreover, the 9000 workers killed in action during the past year represent an intolerably tragic, continuing toll.

While we face new emerging problems, we are still grappling with problems we've known about literally for millennia. I offer you an off-the-cuff, very preliminary, "Millar's List of the Five Occupational Obscenities."

1. Silicosis
2. Lead poisoning
3. Occupational deafness
4. Deaths from construction cave-ins
5. Deaths from tractor rollovers

We know how to prevent these problems. If we never did another minute's research on these problems, we would have no scientific excuse for the loss of life due to any of them. In short, even where there are strong occupational safety and health programs in this country, we remain far from our destination.

Well, is it the Act that needs changing? Some think so. Now me, I'm inclined to think there are other barriers to our progress such as attitudes. There is a widespread lack of outrage about occupational disease and injury and, instead, a lot of apathy. There is widespread resistance to any authority that says, "You must improve working conditions in your operation." It was, I believe, Gus Tyler, who said, "Scratch an

American and you will find an anarchist." What could be more American than "Don't tell me what to do!" Attitudes. Everyone sees the willingness of managers to hire an army of lawyers to find loopholes in a standard rather than trying to comply with it. Attitudes. As a culture, we still accept occupational disease, injury, and death as "part of the job." We accept that it's okay to have to risk one's life to make a living.

However, some feel the reason that we have not made more progress is that something is wrong with our approach. To change the approach, they are looking at changing the Act. Well, none of our laws are perfect. After all, even the Constitution was extensively amended. However, before sending this little pamphlet [holding up a copy of the Act] to the paper shredder, I think it is important that *someone* enter the dialogue about "OSHA reform" and talk about what is *right* about the Act. There is a *lot* that is right about the Occupational Safety and Health Act. In fact, I believe the essentials of the Act are inspired.

You will remember the old saying, "Genius is 10 percent inspiration and 90 percent perspiration." In my opinion, to achieve the goal of occupational safety and health for all depends on some inspired thinking, which we already have in the Act, but it depends a great deal more on the "perspiration" of persistent implementation.

Today, I want to talk about excellent aspects of the Act, the inspirations that I hope will always be preserved. I will mention only those aspects of the Act that relate to NIOSH. I don't like it when people in OSHA or the Mine Safety and Health Administration interpret my mandates for me, so I will refrain from interpreting theirs for them. Moreover, my own Department of Health and Human Services has not taken an official position on amending the Act. So, I can only offer my personal experience of trying to carry out the mandates of the Act as Director of NIOSH for almost a decade.

What's Right in the OSHA Act—A NIOSH Perspective

Here is what I like about the Oc-

cupational Safety and Health Act, just as it is. These are aspects that I consider inspired. They are not listed in priority order but in the order in which they came to mind.

First, I like the *clarity* of the Act. It tells me just what NIOSH is expected to do. In Section 22, it authorizes NIOSH 1) to develop recommended standards and 2) to carry out all the functions of the Secretary of Health and Human Services specified in the Act. These include three additional functions: a) conduct research, b) respond to requests for investigation of hazards, and c) conduct educational programs in order to provide an adequate supply of qualified personnel to carry out the purposes of the Act. There is enough detail given in the Act to know also *how* these things should be done. The clarity of the mandates is reflected in the specificity of our program in NIOSH. We make recommended standards by producing criteria documents. We conduct research through both intramural and extramural research programs. We respond to cries for help through our Health Hazard Evaluation Program. And we produce qualified personnel through a variety of training programs including the Educational Research Center Program, which supports a very fine Rocky Mountain Occupational and Environmental Center right here in Salt Lake City. Yes, I appreciate the clarity of the mandates to NIOSH in the Occupational Safety and Health Act.

Secondly, I appreciate that the Act establishes clear rights for NIOSH. In Section 8, the Act authorizes NIOSH to "enter without delay . . . any workplace, etc.; to have access to such records, medical employment, etc., as necessary for developing information regarding the causes and prevention of occupational (injuries) and illnesses; to publish all reports of information obtained in the course of investigations." These rights are precious assets. With them, we can do studies that no one else in the country can do; studies like those of workers exposed to dioxin, of miscarriages among women operating video display terminals, and of workers exposed to ethylene oxide, all of which were pub-

lished this year. Without the special rights granted to NIOSH, we could not exercise scientific leadership in this field in this country.

Thirdly, I appreciate that the Act specified the placement of NIOSH in the Department of Health and Human Services. In Section 22, the Act specifies this in the very first sentence establishing NIOSH. OSHA is in the Department of Labor. This separation of NIOSH and OSHA in two different departments was clearly deliberate on the part of Congress and is beneficent to all. The Congressional intention that this be done is reinforced by other details in the Act. The beauty of it is that it permits a true partnership between science and regulation in which the independence of the functions assures our best prospect for success of both functions.

When we recommend a standard to OSHA, we are mandated by the Act to base that recommendation on science and to make the recommendation via a criteria document. In turn, OSHA processes the recommendation in light of its different mandates specified in the Act. This process is open for all to see.

We may view this relationship in terms that have emerged in the last decade, "risk assessment" and "risk management." NIOSH, in the Department of Health and Human Services, is the risk assessor. Our job is to identify occupational safety and health hazards, scientifically assess the risk, and as the Act dictates, make a science-based recommendation to OSHA. OSHA is the risk manager. OSHA takes the scientific assessment provided by NIOSH, applies to it considerations of technical feasibility and economic consequences, and then promulgates regulations that "assure so far as possible" safe and healthful working conditions. There is great strength for all in this arrangement. There is strength for science, for regulation, for labor, for business, for the people, and for the republic because these functions are separated in different departments requiring open transmission of information. Even our respective departmental buildings in Washington are geographically located in a way that

symbolizes this relationship. Health and Human Services is located on one side of the mall; Labor is on the other. "The people," as represented by Congress on Capitol Hill, provide close scrutiny to both of us.

A fourth aspect of the Act that I consider to be inspired grows out of Section 2. In this section, there are a series of expressions of Congressional findings and purposes that focus on a theme of prevention. In Section 2, an object of the Act is defined as "to preserve our human resources." It is clear that Congress saw occupational diseases and injuries as waste—an unnecessary waste of human lives and hard cash. Thus, the Act was, among other things, a "waste control act" with responsibilities for employer, employee, and government to stop the waste through *prevention*.

Prevention is certainly an inspired notion and the only real solution to the problem of occupational diseases and injuries. It is the one idea in the Act that is most directly accountable for NIOSH being made part of the nation's prevention agency, the Centers for Disease Control (CDC).

Finally, the universal goal defined by the Act was clearly inspired. It is a universal invitation to the entire nation. It excludes no one, it includes everyone, and its transcendent nobility has a distinctly spiritual quality. Listen to the words, "to assure safe and healthful working conditions for every working man and woman." That incorporates ideals of dignity, equality, and a belief in the inestimable value of the human existence.

The only thing "wrong" with that goal is our failure to pursue it with sufficient vigor, sufficient imagination, and sufficient dedication.

Conclusion

At the beginning of this, I promised you that if we had time, I would share with you more about the San Juan Mission. In 1865, close to his death, Brigham Young called for a mission to cross the Colorado River and settle the desolate southeastern corner of Utah. The area is called "San Juan" for the name of a river that flows there. The

leader died, but his dream was picked up by his successor. Seventy families were officially "called" by name to make this trek and to plant faith and community in a distant place. They were called to go over miles and miles of rocky, desolate country to the Colorado River, to find a way to get wagons down the 1000-foot sheer cliffs, to cross the river itself, to get up the other side, to carry on to a designated area, and there to settle and begin agriculture.

They started their mission, and as they progressed, it became increasingly clear that they had to do the impossible if they were to get 150 people with wagons over hundreds of miles of rocks without water, to get the wagons down the cliffs to the river and up the other side, and to do it all before winter closed in to stop the mission. The hardships were unimaginable. They

wanted to give up—after all they were human—but they didn't. Instead, they prayed, sang, and then cut and blasted a wagon trail across 290 miles of the impossible. At the river, their explorations found a small crevice. They named it "Hole in the Rock" and then proceeded to blast that tiny crevice into a trail that would permit a hair-raising descent with wagons. In the end, they prevailed; they descended the cliffs, crossed the river, found a way up the other side, and they brought faith and community to southeastern Utah. But beyond that, to an extent that they couldn't possibly imagine, their persistent dedication to answer an inspired call stands as a challenge to all, anywhere, to persist in accomplishing a worthy goal.

In the face of a particularly traumatic obstacle, one of the pioneers, Stanford

Smith, wavered. To his wife, Belle, he said, "I'm afraid we can't make it." "But," replied Belle Smith, "we've got to make it. We have been called to go to San Juan, and we *must* go."

In 1970, all of us were called, called to go to a place where there would be safe and healthful working conditions for every working man and woman. We are on the way, and it's tough, and we're having trouble getting to our goal. But this is not the time for doubt and disarray. We have an inspiring goal worthy of our very best. Now is the time for dedication and dogged persistence in the practice of prevention. Now is the time for *sweat!*

Acknowledgment

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