

# STRUCTURAL BUILDING COMPONENTS MAGAZINE

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## Adventures in Advocacy

### Bureaucracy: Friend or Foe? by Sean. D. Shields

In 1932, Franklin D. Roosevelt's New Deal gave rise to the behemoth we now know as the federal bureaucracy. Within its expansive jurisdiction, this unwieldy group of agencies and departments provide services, interpret and enforce laws, protect us from foreign and domestic aggression, and create innumerable employment opportunities. Through the operation of your business, you all have had your share of interactions with "the feds," and you undoubtedly have formed some definite opinions about the way they do their job. However, it may be of great benefit to you to maintain a broad perspective on this aspect of government.

For example, while some of you may view OSHA as an objectionable four-letter word, its existence, and its enforcement of workplace safety, protect our industry from potentially millions of dollars in work-related injury litigation each year. Further, the Department of Commerce (DOC) has been blamed for instituting less than favorable trade remedies on both Canadian softwood lumber and steel, yet this agency is vital in developing our trade agreements and enhancing our competitive edge in the global marketplace.

The issue here is bureaucratic agencies can often be seen as harbingers of regulation, endless red tape and unsympathetic enforcement. However, these same agencies are integral to the success of our businesses and the smooth operation of our marketplace. The key is to know how to roll with the punches and seek out opportunities to build relationships. This practice can be implemented through participating in federal rulemaking procedures, forming federal partnerships, meeting with agency administrators, and collaborating with smaller agencies that help you take on the bureaucracy at large.

Currently, OSHA is engaged in a negotiated rulemaking process on crane and derrick use in construction. The existing rule for cranes and derricks in construction dates back to 1971, and is based in part on crane and derrick industry consensus standards from 1967 to 1969. As part of this process, OSHA created a committee charged with identifying key issues, evaluating their importance, analyzing the information necessary to resolve the issues, and working to reach a consensus on the coverage and the substance of a recommendation.

Two years after the process began, OSHA announced in July the committee, made up of manufacturers and suppliers, users and operators, including WTCA member Craig Steele of Schuck and Sons Construction Co, Inc., had reached consensus on language for a revised crane and derrick standard for construction. Once the Assistant Secretary of Labor for Occupational Safety and Health reviews these recommendations, they will be posted for public comment. WTCA will be following this process closely, and will offer comments, particularly on crane operator certification, if necessary.

Another opportunity to build a strong, positive relationship with this agency is to get involved in the OSHA Alliance with WTCA. While it is a relatively new endeavor by OSHA, their Alliance program has a number of large national trade associations and companies with two-year participation commitments. While the partnership agreement with WTCA is still being drafted, this relationship will mainly focus on enhancing the use of the BCSI 1-03 documents on jobsites, and expanding awareness of our Operations Safety program and future safety initiatives undertaken by the industry.

Beyond these formal means of positive interaction, you may also want to consider building on your own personal relationships with agency administrators. For example, Al Frink, a small business owner for over thirty years and an individual who has held numerous leadership positions in and out of government, was recently nominated by President Bush to be the nation's first Assistant Secretary of Manufacturing and Services under the DOC. In this position, he will advocate, coordinate and implement policies that will help U.S. manufacturers compete globally.

WTCA recently joined with the National Association of Manufacturers (NAM) to support Frink's nomination, and it appears the U.S. Senate will give its approval before it adjourns this year. Having laid an initial foundation of support, members of WTCA are encouraged to build on this relationship by meeting with him in person during the May 2005 Legislative Conference. This type of connection with Frink will expand our ability to communicate with other offices within the DOC, and hopefully gain influence in trade policy.

When all else fails, fight fire with fire. Fortunately, the federal bureaucracy is so large some of its smallest components exist almost exclusively to help you understand and work with the whole. Take the Small Business Administration (SBA), for example. Within this agency there is an Advocate, who "works to reduce the regulatory burdens that federal policies impose on small firms and to maximize the benefits small businesses receive from the government." So, the next time those "feds" just won't get off your back, give me a call (608/274-4849), or email me at [sshields@qualtim.com](mailto:sshields@qualtim.com), and I will work with you and agencies like OSHA or SBA to do what we can to ensure the federal bureaucracy becomes your friend, and not your foe.

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