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‘Stop OSHA’: The American Conservative Union’s Challenge to Workplace Health and Safety Regulation, 1975-1980

This paper describes the American Conservative Union’s “Stop OSHA” project, situates it within the broader late-1970s corporate and conservative mobilization against labor protection, considers how the AFL-CIO and pro-labor advocates responded, and assesses the campaign’s political and social impact.

The ACU’s Stop OSHA project, launched in 1975 and chaired by Republican Idaho Representative George Hansen, had the ambitious goal of “abolishing OSHA or drastically overhauling it.”1 A well-funded and wide-reaching effort, the campaign’s central tactic was to force the Occupational Safety and Health Administration to obtain search warrants before inspecting private establishments. As an ACU official characterized the objective, “the more OSHA has to get warrants, the more it slows them down. We want to give them a dose of their own red tape.”2 The ACU secured the right of business to demand warrants by funding a lawsuit filed in 1975 by Ferrol G. Barlow, an Idaho small businessman and active member of the right-wing John Birch Society who refused to allow OSHA to inspect his premises without a warrant. In its 1978 decision, *Marshall v. Barlow’s Inc.*, the Supreme Court upheld Barlow’s claim, reinforced by an ACU amicus brief, that nonconsensual, warrantless inspections violated the Fourth Amendment’s protection against “unreasonable searches and seizures.” In the months following the decision, the Stop OSHA project sent all sitting federal magistrates an expansive analysis of the ruling and mailed letters to 170,000 businessmen urging them to demand warrants for all inspections. Although the project disbanded shortly thereafter, it left conservative activists with a strengthened hostility toward OSHA in particular and social regulation as a whole. Moreover, for the next few years, public discourse surrounding occupational health and safety strayed from an emphasis on the dangers facing American workers to the perverse consequences of unrestricted protection. Debate increasingly revolved around questions of market efficiency, the civil liberties of entrepreneurs, and the application of cost-benefit analysis. This paper considers the role the ACU’s Stop OSHA campaign played in fomenting this debate and reshaping attitudes toward the regulatory state.

As there is no scholarly literature on this significant episode in the resurgence of the New Right and the emergence of a deregulatory movement, this paper will draw primarily on original sources deposited in the ACU papers at Brigham Young University (Provo, Utah).

2 Ibid.