BOOK REVIEWS


This book is aimed at two groups of people: the postgraduate student studying for one of the examinations in occupational medicine and to those already qualified it will act as a refresher.

The book is helpfully divided into sections which comprehensively cover the diverse topics within Occupational Medicine. The questions and answers are conveniently displayed back-to-back making it easy to use. However some questions ask 'which of the following is not associated with . . .' suggesting only one of the answers is incorrect when in fact more than one are wrong. There are further minor errors such as abbreviations with explanations incorrectly aligned with the relevant questions.

Unambiguous multiple choice questions are notoriously difficult to write. This book provides some examples of ambiguous and contentious answers. The book, if it is to remain topical, will need frequent revision—particularly the section on legislation. Despite the minor problems the book will prove very useful as a tool for revision for the examination candidate and for those already qualified.

Mary K. Sherry


A challenging phenomenon witnessed around the world in recent years has been the interest in establishing a legal framework to protect the public from unreasonable risks of injury associated with consumer products brought to the marketplace. This interest has been as intense as it has been universal. Moreover, it was concluded that protecting the health and safety of the consumer, both at the marketplace and the work environment, made good economic sense and brought many social benefits. The result has been the development of an enormous number of national, regional, and international health and safety regulations and standards covering a multitude of products that are complex, mostly non-compatible and difficult to track, let alone implement. The problem was further magnified by the policies and activities of the many already existing and the newly-created or regenerated standard-setting organizations, the conclusion of several regional and international agreements, and the adoption of several measures and regulations.

Under these conditions a company would appear to have a difficult, if not an impossible, time complying with all the legal requirements relevant to its operations. Yet, comply it must if it expects to maintain its economic viability; but in addition, the company must continually strive to keep abreast of all developments in health and safety regulations that apply to its product line and the environment of its workers and incorporate them into its operations.

Kenneth S. Kilimnik's Health and Safety Regulations: International and National Laws alleviates this predicament. It brings together in one volume and in sufficient detail information on and analysis of all major and many of the less publicized health and safety regulations. These have burst into the international arena in recent years as a result of the work of non-treaty and intergovernmental standard-setting organizations, bilateral and multilateral agreements, and relevant national policies and measures. The book is truly a superb compendium for such information and would make a welcomed addition to the libraries of major law firms, corporations, standards and trade associations, universities, government agencies, and professional investigators concerned with health and safety issues and legislation.

The material included in the book is well balanced, more detailed where it should be and less so where it should not. It is presented in ten separate chapters in a clear, easy-to-read language. The text, quite wisely, begins with a chapter on definitions of the multifarious terms used in the book; terms such as standard, regulation, risk and conformity assessment, accreditor, notified body, registration and certification. These are adequately clarified thereby avoiding mis-interpretation. There follow two profoundly relevant chapters: the first one discusses the relationship between standards and economics; the optimum application of standards

The chapter on economic factors discusses a host of particularly useful economic issues and concepts which are analyzed at length and in coherent terms. A few of the issues are: the relationship between standards and economics; the optimum application of standards
and regulations; the possibilities of risk bearing, private standard-setting organizations, government regulators and international organizations; and the differentiation between product specific and performance standards. Other more esoteric economic approaches to health and safety such as market analysis of regulations, risk analysis, cost benefit analysis and national and international harmonization of standards are also coherently discussed.

What may be considered the overriding purpose of this book, i.e. an analysis of the structures and activities of major regional and international standard-setting organizations and organizations created following bilateral and multilateral trade agreements is presented in four consecutive chapters. The author quite accurately points out that the International Organization for Standardization (ISO) and the Electrotechnical Commission (IEC) are the leading non-treaty international standards organizations. Their organizational structure and the elaborate process from preparing to confirming a standard is carefully explained in a separate chapter. This is particularly helpful to those who are not familiar with the intricacies of the process. Also succinctly presented are the 9,000 series of standards on quality management and valuable information on quality assurance and product safety and liability. The policies of ten prominent intergovernmental, standard-setting organizations from the UN’s Food and cultural Organization (FAO), The World Health Organization (WHO), and the Economic Commission for Europe (ECE) to the Organization for Economic Cooperation and Development (OECD), and the North Atlantic Treaty Organization (NATO) are in all instances, except NATO, well delineated with special emphasis on those aspects of their legal responsibilities that pertain to the protection of the health and safety of consumers and the work environment.

The longest chapter in the book comprising nearly one third of the entire text, is devoted to the operations of the regional, intergovernmental, supranational organization, the European Community (EC). This is altogether appropriate, judging by the depth and intensity of EC’s multifaceted and far reaching activities and the broad impact they have had upon world trade, world standards and regulations, and world health and safety institutions. The presentation of these activities is extensive and detailed, but well organized, well-balanced and well written. It begins with a description of EC’s historical background through the creation of the European Union, the incorporation (with one exception) of the states of the European Free Trade Association (EFTA), and the eventual creation of the European Economic Area. This is followed with an excellent delineation of EC’s organizational structure consisting of the Council, the Commission, the Parliament, the Court of Justice, and the Court of Auditors, and a clear explanation of the authority and *modus operandi* of each. Above all, critically evaluated is how legislation, directives, decisions, recommendations, and opinions are formulated and used.

Special emphasis is given to the legal bases for the enactment of health and safety regulations. These were significantly enhanced later on by the passage of the Single European Act of 1986 and the Treaty on European Union (the Maastricht Treaty). The so called Old Approach and New Approach dealing with the procedure for issuing consumer-related standards and regulations are prominently described. Finally, the important role in standard-setting played by the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC), and the European Telecommunications Standards Institute (ETSI) is skillfully presented. More importantly, their cooperative arrangements with ISO and IEC are analyzed and appraised. Several other issues relating to certification and testing (including the eight modules which provide alternative compliance systems) accreditation and the use of the CE working, mutual recognition and conformity assessment are lucidly described. Because of their complexity, these issues have in recent years led to much speculation, misinterpretation and deliberation in the international arena. A brief description of the essential safety requirements in seven specific sectors such as machinery, gas and electrical equipment, medical devices, and toys completes the material in this chapter.

The next longest chapter accounting for a little over a fourth of the text in the book is the one on International Agreements related to health and safety standards and regulations. Because of the universal attention such agreements have received and the goals they have sought to accomplish, the author, again quite wisely, begins the chapter by clearly delineating the basic differences between international agreements and international standards. ‘International agreements’, he points out correctly, ‘are based on the contractual consent of the parties’. Other differences are also described. Having done so, he next proceeds with comprehensive analyses of the historical backgrounds, objectives and accomplishments of each of the following, dwelling specifically on those aspects that relate to health and safety standards and regulations:

**EFTA Conventions**, a few of which were ratified by a number of non-EFTA countries and the EC.

The **General Agreement on Tariffs and Trade (GATT)** whose main objective was to promote the growth of world trade and eliminate tariffs.

The **Tokyo Round of Trade negotiations** whose principal aim was to reduce non-tariff barriers; no special mention of product safety issues was mentioned except remotely through a definition of ‘technical specification’ which incorporates a number of product characteristics such as quality, performance and safety.

The **Uruguay Round of Trade negotiations** which refined the original definitions of technical standards and tech-
nical regulations, incorporated requirements for the assessments of risks, provided for the resolution of disputes involving health and safety issues and expanded certification provisions to conformity assessment.

The bilateral Canada–US Free Trade Agreement of 1988 (CFTA) and the Trilateral North America Free Trade Agreement of 1992 (NAFTA), including two supplemental agreements of 1993 requiring to improve workplace environment and conduct environmental impact assessment, respectively. The CFTA and NAFTA contain many health and safety-related provisions regarding the movement of products, compatibility of standards and procedures, disputes settlement and deviations from international standards and, above all, adherence by both governmental and non-governmental standard-setting entities in the provinces and the states to the provisions on standards, regulations and conformity assessment. Comparisons are provided between CFTA and NAFTA and between NAFTA and the 1994 GATT.

All these agreements are elaborately and superbly described, analyzed and critically appraised. They constitute an excellent source of valuable information. Brief descriptions of the main objectives of many other multilateral and bilateral agreements are also provided.

Two more particularly informative chapters are included in the book. The first one provides many illustrations of the way various national standards, regulations and other measures affect those of other countries such as staff participation in standard-setting activities abroad, national legislation, imports and exports related to the health and safety of products and workplaces, court decisions involving liability cases, and customer demand.

The second chapter deals with Company Policies and Programs. Companies interact internationally in several ways through their subsidiaries abroad, joint ventures and exports and imports, to name a few. Company policies determine the nature and extent of interaction. Company commitment by the management through its policies determines the health and safety conditions under which the company operates. Policies should not only be set in place but also be vigorously implemented. Establishing a quality system involves the production of safe products and the operation of a healthy and safe workplace. A well-implemented quality system will reduce the incidence of accidents and the costs of product liability, product recalls, insurance premiums and worker accident compensation, among others. All these topics are diligently explained. Several cogent recommendations are offered on how to establish a quality system.

A useful addition to the book is an appendix which consists of the following four parts: ISO Member Bodies and Corresponding Members; GATT National Enquiry Points for the Agreement on Technical Barriers to Trade; CEN/CENELEC Members and Affiliates; and Selected Intergovernmental Standard-setting organizations.

Throughout my review of this manuscript I have maintained it is exceptionally well-written. It contains a wealth of information which is lucidly presented. It will be an invaluable resource to all individuals and businesses interested in health and safety regulations and standards related to consumer products and occupational workplaces. Difficult economic concepts, procedures of standard-setting organizations, national, regional, and international standards and regulations, and provisions of bilateral and multilateral trade agreements are delineated, evaluated and described.

Having said that, I would like to offer a few suggestions which in my opinion would enhance even more the already outstanding presentation of the book:

1. In Chapter 5 on Non-Treaty International Standards Organizations, under ISO, brief mention should be made of COPOLCO, ISO’s Council Committee on Consumer which in the last several years has made significant contributions by calling attention to health and safety issues and the protection of consumers.

2. In Chapter 7 on The Supranational European Community, brief mention should be made of the CCC— the Consumer Consultative Committee—which has provided input to the EC on issues affecting consumer protection.

3. The same chapter on the EC is justifiably long, but because of that it may convey the wrong impression to an unfamiliar reader that no other similar or comparable standards and regulations exist outside the EC. Since several of EC’s directives bear close resemblance to existing ISO, IEC, US and other countries’ standards and regulations, brief mention should be made, perhaps in a footnote. For example, product recall procedures in the US (CPSC) are quite elaborate and have been in operation for a long time. This oversight is more evident in the EC section on Essential Safety Requirements for Specific Sectors. For example, the toy regulations in the US especially those related to ‘use and abuse’ (i.e. testing procedure) also have been in effect for many years.

4. In Chapter 8 on International Agreements Concerning Health and Safety Standards and Regulations, I feel that brief mention should be made about the Kennedy Round of Trade Negotiations in the 1960s during which significant reductions were made in many product areas, but which above all, pointed out the need to deal with mushrooming non-tariff barriers.

5. An exceptionally useful contribution to the material of the book would be a comparative table showing how major product and workplace health and safety issues are treated by ISO/IEC, EC, GATT and NAFTA. Such a table would help bring together a lot of the material presented in various chapters of the book.

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