

State Building and Construction Trades Council of California

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Chartered by
BUILDING AND CONSTRUCTION TRADES
DEPARTMENT
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The Honorable George Miller
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Miller:

On behalf of the State Building and Construction Trades Council of California, AFL-CIO, I am writing to urge you to co-sponsor H.R. 5663, a bill to protect miners and all American workers. It would improve conditions for all workers by strengthening both the Mine Safety and Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA), the federal agencies charged with regulating workplace safety. This legislation will provide the additional tools these agencies need to carry out their respective duties to enforce safe and healthy workplaces for all American workers.

Recent workplace tragedies have focused national attention on workplace safety. They include: the explosions and 40 worker fatalities at the Massey coal mine in West Virginia; the Deepwater Horizon oil rig in the Gulf of Mexico that killed eleven workers; a natural gas plant explosion in Connecticut that killed six workers; a refinery explosion in Washington that killed seven workers in April. These tragedies made national news, but they are only a few of the approximately 5,000 workplace fatalities that occur each year. Additionally, an estimated 50,000-60,000 workers die from occupational illness, a monumental national toll. These deaths are preventable and illustrate the dire need for the increased worker protections in this legislation.

H.R. 5663 requires several common sense updates to the Occupational Safety and Health Act from strengthening whistleblower protections for workers who call attention to safety and health hazards to strengthening OSHA's ability to enforce its rules. Because OSHA's civil and criminal penalties have not been updated in two decades and are not a significant deterrent to dangerous behavior, H.R. 5663 would improve OSHA's ability to enforce its rules by increasing civil and criminal penalties including increasing monetary penalties to adjust for inflation since 1990. Civil and criminal penalties are also increased for repeat offenders. OSHA would also have, for the first time, the same ability as other federal agencies to press felony charges when workers are killed on the job.

The changes contained in H.R. 5663 are critical to the construction industry in particular. Statistics show that the construction industry is one of the most dangerous fields of work there is. According to the Bureau of Labor Statistics (BLS), in 2008, the last year that statistics are

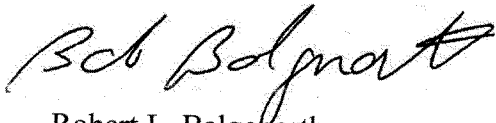
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available, construction workers made up six percent of the workforce but accounted for twenty percent of the workplace deaths. Of the 5,218 deaths nationally, the construction industry had the most with 975. Additionally, in 2008 according to the BLS, California led the nation in fatal work injuries and actually saw an increase in fatal injuries over 2007. One of the leading reasons for these sobering numbers is that because of appallingly low penalty amounts, there is little disincentive in current law to encourage employers through threat of fine or penalty to keep their workplaces safe. The civil and criminal penalty increases provided for in H.R. 5663 would begin, finally, to make recalcitrant employers think twice about ignoring a possible fatal safety and health violation in their workplace.

Because ensuring a safe workplace is essential, H.R. 5663 would create additional rights and protections for employees who report unsafe working conditions. It forbids employers from retaliating or discriminating against employees who report injury, illness, or unsafe working conditions or refuse to work in unsafe or unhealthy conditions. H.R. 5663 would also provide enhanced rights for victims of workplace injury or illness by allowing the victim or his or her family the opportunity to speak with OSHA staff during OSHA's investigation of the injury and speak during any citation settlement proceeding. Allowing the victim or his or her family to have input during the investigation process, will inform OSHA's investigation and any enforcement action.

Unsafe workplaces in construction, mining, oil drilling, manufacturing, transportation, agriculture and service industries are taking an unacceptable toll on the lives of American workers. Employers are too often simply writing off the paltry penalties in current law for protecting workers' lives on the job. It is time to enhance the powers of OSHA and MSHA so that workers will be treated as human beings instead of a means to a profit for greedy employers. We urge you to co-sponsor H.R. 5663 and look forward to working with you to improve workplace safety.

Sincerely,



Robert L. Balgenorth
President

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