

Testimony of Ron Hayes Senate Labor Committee Hearing,
April 29,2008

I would like to thank the Senate Labor Committee for allowing me the honor to testify about OSHA issues. For fourteen years I have monitored, fought with and tried to change this agency for the better. As of this date we still have many problems and issues to correct. What I have learned over the years is there is no consistency within this agency; the only consistent part of this agency is the failure to protect the Great American worker. There is no honor or justice for the sixteen workers that are killed on a daily basis or the thousand of workers injured as well. The very agency given the task of safe guarding the American workplace by Congress fails to do so miserably every day.

My Fight with this agency started in 1993 when our nineteen-year-old son was killed on the job. Pat was working for a company that had no regard for human life and had a long history with this agency, even the corporate safety director told OSHA his company worked under the roll of the dice plan we want change our ways until something bad happens. I can tell you something bad happened and they did change their ways but OSHA didn't do it I had to, there was no help or justice for Pat. OSHA treated us like we were dirt. So Dot and I started our Fight project(Families in grief hold together) to help other families and try and make sense out of this tragic experience. We found along the way many great people to work with and help, in fact we have helped hundreds of families over the past fourteen years, we have given hundreds of safety classes and have presented hundreds of proactive safety speeches. And yes we have helped many OSHA folks as well, both state and federal. We continue to work toward an agency that will protect and serve the American workers and their families.

Losing a loved one on the job is very difficult to deal with but when the very agency that is supposed to protect them, fails in correcting, investigating and prosecuting the company that killed your loved one, it is even harder to bare. This agency could and should do a better job. But day after day it fails.

Through the years I have heard many excuses of why this agency can't do there job. I know and will always believe it can do a better job. But it will take a huge measure of oversight by this committee and the entire congress to make it work. I truly believe that Congress did not mean for OSHA to fail, neither did Congress want a jack booted terrorist agency. But what has happened over the years, are lack of oversight and a culture of laziness, the only way to make this agency change is to change the way we handle it. Oversight and budget restraints is the way to move this agency forward, I will give you my ideas for change later in this document.

The number one question I have heard from every family member is (why can't OSHA do its job, why can't OSHA fine the company more, Why can't OSHA prosecute the company in a criminal manner. Why does OSHA reduce the penalties, these are all good and fair questions and someone should give us a strait answer but to date I have not heard one good reason for any reductions of fine for a fatality.

In 1995 while working with NBC Dateline show we told America, using OSHA's on records, how the agency only collects 50 cents on every dollar they fine a company, it still happens today and many companies simply never pay their fines at all and because no one seems to check or better yet care, OSHA continues to let violators walk away free. All you have to do is check their records to see how low the fines are and truly how much a life is worth. Every year there are many cases that should be prosecuted for criminal

standards but because of the poor investigating techniques and the reluctance of the Justice Department to prosecute, after all it's just a misdemeanor to kill an employee. These cases fall by the wayside and no one seems to care, except for the family. I can tell you I will never stop trying to get someone to listen and help correct a real travesty of justice we families experience on a daily basis. OSHA can and will be better, I hope I see it in my lifetime and with the help of this Great Committee we can have justice of all our fallen workers.

I am now going to tell you how you can have a better OSHA one that is compassionate as well as strong:

- 1 Make sure we have regular oversight hearing every six months. Make OSHA appear and talk about issues raised during the past six months.
- 2 Have OSHA employees trained in criminal investigating techniques.
- 3 Have an ombudsman to represent and help families
- 4 Have a special fatality investigating team.
- 5 Take away the discretionary immunity clause that OSHA staff have and open these people up to outside scrutiny
- 6 Tie OSHA's budget to line items to be accomplished each year and make them prove its outcome.
- 7 Set aside a special budget amount yearly, just for prosecuting and criminal enforcements of bad actors.
- 8 Make all OSHA offices follow its policy and procedures to the letter
- 9 Make all state OSHA offices be equal to or better than federal offices.

- 10 Have a felony charge for willfully killing an employee, give OSHA some teeth and make them bite.
- 11 Have the family present during all OSHA settlement meetings with the companies.
- 12 Increase the fine structure to send a clear message of the importance of human life and limb

I will close by saying that even though I was thrust into this Fight I am so proud of what has been accomplished over the past fourteen years and the many great people I have met and the great work that I have been privileged to see accomplished. It is not all gloom and doom. There are many great people that work tirelessly each and everyday in the OSHA agency to make a difference, there are as in every business bad folks but I feel the good out ways the bad, when we tap into the good and let these men and women shine we will see the agency we all need and deserve. I would be glad to answer any and all questions and will be glad to help with any OSHA issue you may have. I am deeply proud of my country and this great Committee. Thank you again for this great opportunity.

Ron Hayes Director and Founder of The Fight Project

