

**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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Press Office, 202-226-0853

**Chairwoman Woolsey Statement at Subcommittee Hearing On  
“Workplace Safety: Why Do Millions of Workers Remain without  
OSHA Coverage?”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Lynn Woolsey(D-CA), chairwoman of the Subcommittee on Workforce Protections, for a committee hearing on “Workplace Safety: Why Do Millions of Workers Remain without OSHA Coverage?”*

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I want to thank everyone for coming here today as we address a serious shortcoming in our federal OSHA law: the lack of coverage for public employees.

And I am especially grateful to you, Mrs. Jones, for being willing to come forward to testify about the human cost of our failure to provide health and safety protection to these workers.

For while OSHA covers most private workers and an Executive Order covers most federal workers, there is no comparable coverage for over 8.5 million state, county and municipal workers.

The tragedy is that Congress gave the states the opportunity to cover their public employees with the promise of matching funding, but today, 37 years after the passage of OSHA, 26 states still do not have OSHA-approved state plans that would cover public employees.

These employees work in a wide variety of areas and may be highway construction workers, wastewater treatment plant workers like Mr. Jones, hospital personnel or corrections officers.

And they work in the same hazardous environments that private sector employees do.

Every month, dozens of public employees in this country are killed and thousands injured in accidents that could have been prevented had their workplaces been covered by OSHA.

It is important to remember that when we speak of OSHA coverage, we are talking about more than compliance with specific OSHA standards.

In fact, OSHA sets out a number of other provisions that are critical to safe workplace. These include:

- The ability of workers to request and participate in inspections by an outside authority and to have an independent investigation of every fatality and significant workplace injury;
- The enforcement of the law and training on health and safety standards and hazards;
- A whistleblower provision protecting workers against retaliation for exercising their health and safety rights; and
- The right of workers to have access to critical information regarding their health, exposure to certain hazards, along with statistics on injury and illnesses at their work sites.

Without OSHA coverage, workers have none of these basic rights.

Let me give you a brief illustration about how important OSHA rights are.

Tony Poole, a 42 year old public employee, was killed in Byron, Georgia last year when a trench collapsed on top of him.

Because Georgia does not provide coverage for its public employees, there was never any OSHA investigation into the reason why Mr. Poole was killed.

Had there been an investigation, his family, friends and co-workers might have learned that if an OSHA trenching standard---requiring that the use of a trench box to keep the trench from caving in--- had been in place, Tony Poole would be alive today.

Today, we will hear from Casey Jones, whose husband, Clyde Jones, was needlessly killed last year in an explosion at the Bethune Wastewater Treatment Plant, a facility owned and operated by the City of Daytona Beach in Florida.

This incident caught the attention of the U.S. Chemical Safety Board, and it decided to investigate precisely because the employees of the City of Daytona Beach, such as Mr. Jones, were not covered by OSHA.

Let me first say something about the U.S. Chemical Safety Board.

It is an independent investigative agency created by Congress in the wake of major chemical explosions in the 1980's, and it is charged with investigating major chemical-related incidents.

The Board consists of 5 individuals appointed by the President for five-year terms, and all the current members on the Board were appointed by President Bush.

In the accident involving Mr. Jones, the Board found that several OSHA standards had been violated, standards that if followed, would have prevented the explosion.

As a result, it recommended to the Florida State Legislature and the Governor that the State pass legislation providing OSHA coverage to public employees.

I think it should be noted that this Board has submitted testimony for this Hearing today, calling for OSHA coverage for all public employees.

Now, there are many who object to providing OSHA coverage to state, county and municipal employees on the grounds that it is too expensive.

And I'll be interested to hear the views of a safety manager – Mr. Jon Turnipseed – on this subject.

As a purely economic matter, the money saved in workers compensation and other costs by covering public employees should more than pay for these programs

However, it is impossible to quantify the costs to victims or their families of these senseless and preventable injuries and deaths.

But I do know this. The cost is too high, and we in Congress must do whatever we can to fulfill the promise OSHA made 37 years ago to provide all workers with a safe and healthful workplace.

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