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**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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**Chairman Miller Statement at Committee Hearing on “The Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the chairman of the House Education and Labor Committee, for a committee hearing on “The Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses.”*

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Good morning. Welcome to today’s hearing on the underreporting of workplace injuries and illnesses.

The Occupational Safety and Health Act of 1970 requires the U.S. Department of Labor to collect and compile accurate statistics on occupational injuries, illnesses and fatalities in the United States.

Accurate injury and illness records help the Occupational Safety and Health Administration better allocate its resources, accurately target its inspections, and evaluate the success of its efforts to improve the health and safety of American workers.

Every time top officials at the Department of Labor and Occupational Safety and Health Administration have appeared before Congress, they have cited declining injury, illness and fatality numbers to demonstrate their effectiveness at protecting America’s working men and women.

When Assistant Secretary Foulke has testified before this committee – whether on OSHA’s failure to issue standards to protect workers, OSHA’s failure to address the fatal “popcorn lung” disease, or OSHA’s failure to mitigate combustible dust hazards or OSHA’s shortage of inspectors – he has cited record-low injury and illness statistics.

Secretary Foulke has essentially told this committee that if fewer workers are being injured on the job, then the agency must be doing something right.

However, a growing amount of evidence suggests that the workplace and injury statistics Secretary Foulke cites are grossly inaccurate. Today we will hear about the growing number of academic studies that conclude that the Department of Labor is actually counting and reporting as few as one-third of all workplace illnesses, injuries, and deaths.

Some of the undercounting can be blamed on the fact that millions of public employees and self-employed workers are not required to report injuries and illnesses to the Labor Department. Some

of it results from the difficulty in counting occupational illnesses like cancer or asthma that may appear years after workers' initial workplace exposure.

However, critics also correctly point to a more significant reason why it is difficult to get accurate injury and illness data: The nation's workplace injury and illness report card is based on a system of self-reporting by employers.

This flawed system gives employers an incentive to underreport injuries: The fewer injuries and illnesses an employer reports, the less likely it will be inspected by OSHA and the more likely it will pay lower premiums for workers compensation.

There is also mounting evidence that a number of employers are engaging in intimidation in order to keep workers from reporting their own injuries and illnesses.

A recent Charlotte Observer investigation on hazardous working conditions in North Carolina's poultry industry revealed a shocking record of worker abuse and exploitation, often leading to crippling injuries and illnesses.

The Observer also uncovered concerted efforts to discipline, intimidate, and fire workers in retaliation for reporting serious on-the-job injuries.

The Observer found that workers were forced to return to work immediately after having surgery so that the company would not have to file for workers compensation.

I want to commend the Charlotte Observer for their amazing work on this important story on revealing working conditions that remain hidden to most Americans.

We learned about workers with shattered ankles, workers whose hands went numb after thousands of repetitive motions, and workers who suffered serious knife cuts while on the job. But none of these injuries appeared on the poultry company's accident and injury logs, as required by law.

We also read about the very same poultry processing plants proudly claiming perfect safety records – records that are hard to believe if you know anything about these hazardous working conditions.

Underreporting on-the-job injuries and illnesses is not a new problem. Nor is it an isolated one: It happens in job sites across different industries and throughout the entire country.

As demonstrated by the extensive report released by this committee today, it is a regular practice for steelworkers to avoid detection and therefore retaliation by management by keeping their injured hands in their pockets.

This is known as "bloody pocket syndrome." A recent Transportation Committee hearing also revealed a similar pattern in the rail industry.

And the threats are not just limited to workers. We will hear testimony today that occupational physicians are often pressured to improperly report and provide inappropriate treatment to injured workers in order to keep incidents off of the OSHA log.

Although there is widespread agreement that workplace injuries and illnesses are woefully underreported, OSHA refuses to recognize that a problem exists.

The agency stubbornly refuses to perform thorough audits, which further calls into question the accuracy of the statistics it relies on. Today we will hear testimony from a longtime OSHA official about the agency's failure to seriously address this problem.

Some will dismiss recordkeeping problems as insignificant paperwork violations. But these infractions are anything but insignificant.

Without accurate injury and illness statistics, employers and workers are unable to identify and address safety and health hazards and to ensure that workers get appropriate medical treatment.

And we cannot properly evaluate the status of our nation's workplace safety and health laws in this country if we do not start with accurate information.

We simply must not allow a lack of information to permit hazardous working conditions to go unaddressed, putting workers' limbs and lives at risk.

The purpose of today's hearing is to evaluate the extent and causes of this problem and to learn what we can do to improve reporting in order to do more to protect workers' health and safety.

I am grateful to all of our witnesses for taking the time to join us today. I look forward to your important testimony.

Thank you.

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