
EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Chairwoman Woolsey Statement at Subcommittee Hearing on Improving OSHA's Enhanced Enforcement Program

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Lynn Woolsey (D-CA), chairwoman of the House Subcommittee on Workforce Protections Subcommittee for a subcommittee hearing on "Improving OSHA's Enhanced Enforcement Program."*

One year ago almost to the day, this subcommittee held a hearing on strengthening OSHA's enforcement of multi-state employers.

Today---as part of the Workers Memorial Day commemoration---the subcommittee is examining OSHA's enhanced enforcement program (or EEP), which OSHA unveiled in 2003 to deal with large employers that are indifferent to the health and safety of their employees.

The EEP (Enhanced Enforcement Program) was initiated in response to a widespread investigation by the New York Times and Frontline that exposed the horrendous working conditions at McWane, the biggest cast iron water and sewer pipe manufacturer in the world.

From 1995-2003, at least 9 workers were killed and 4,600 workers were injured at McWane facilities across the country.

McWane had received over 400 citations, but it had only one criminal conviction in 2002. At that time McWane paid only a fine.

Several years later, McWane was found guilty of several work and safety and environmental criminal violations. And just this last week some of its officials were finally sentenced to substantial prison terms.

Had an EEP been in place at an earlier date, many McWane workers might well have been saved from death or serious injury.

Currently, under the EEP, if OSHA has reason to target a recalcitrant employer for the program, it is permitted to conduct enhanced enforcement activities, such as follow-up inspections and inspections of related worksites.

It also can insist that a company hire a health and safety consultant to develop a health and safety program or apply the terms of any settlement it reaches with the employer on a company-wide basis.

After 6 years of operation, it's clear that the EEP's original design is flawed, and that OSHA under the Bush Administration did not even implement the program as intended.

The Office of Inspector General (OIG) has conducted an audit of the program and has come up with some startling results.

In 97% of the cases the audit sampled, OSHA did not comply fully with the requirements of the program.

These omissions were not trivial and had serious consequences.

Jesus Rojas who is here with us today will testify as to just how devastating these kinds of mistakes can be. He is the step-son of Raul Figueroa who was killed in January 2008 while working as a mechanic for Waste Management, Inc. at one of the company's facilities in Broward County, Florida.

Mr. Rojas I am so sorry for your loss.

Your step-father died a gruesome and senseless death, when he was crushed by the hydraulic arm of a garbage truck he was working on. Now Waste Management, Inc. is a large company with multi-state facilities and it has a history of OSH act violations.

In fact, before Mr. Figueroa died, another worker had suffered a similar fate at a different facility in Florida. And Waste Management was one of the 32 employers the inspector general found should have been targeted for the EEP but wasn't.

If the company had been properly monitored under the EEP, would Mr. Figueroa be with us today?

That is a sobering thought and one that deserves our full attention, which is why we are conducting this hearing today. We need to know why the program is not working and what we can do to fix or revamp it.

I am very pleased to welcome all of our witnesses, including acting assistant secretary for OSHA, Jordan Barab, who until very recently used to sit on this side of the table.

Mr. Assistant Secretary, we know that both you and Secretary Solis share a deep commitment to worker health and safety, and so we are looking forward to hearing from you on the agency's suggestions---be they legislative or administrative---for targeting large employers who are indifferent to their employees.

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