

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

Wednesday, April 23, 2008
Press Office, 202-226-0853

**Chairwoman Woolsey Statement at Subcommittee Hearing on
“Improving Workplace Safety: Strengthening OSHA Enforcement of
Multi-Site Employers”**

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 subcommittee hearing on “Improving Workplace Safety: Strengthening OSHA Enforcement of Multi-Site Employers.”*

On March 6, 2007, Mr. Eleazar Torres-Gomez, a 46-year old washroom employee at Cintas, was killed at the company’s Tulsa, Oklahoma, plant when he stepped onto a conveyor to remove a jam of wet uniforms.

He was then caught by a large robotic conveyor and dragged into a dryer as it continued to operate for 20 minutes at 300 degrees before he was discovered.

The death of Mr. Torres-Gomez was a preventable tragedy.

Emmanuel Torres, thank you so much for being here today.

It is crucial that we hear from you today to understand what happened to your father and to look at ways to prevent similar tragedies.

Many of us on this subcommittee were outraged that Cintas initially sought to blame Mr. Torres-Gomez for his own death.

Especially since Cintas has its own history of unsafe working conditions.

And it is for this reason that, from the beginning, we have been concerned with this fatality and its implications.

In fact, only days after the death of Mr. Torres-Gomez, we sent a letter to OSHA asking for a nation-wide investigation of Cintas facilities.

One of the reasons we wanted OSHA to investigate was because we discovered that Cintas, the largest uniform supplier in North America, with more than 400 facilities employing more than 34,000 people, was well aware of the hazard that caused this tragedy and failed to take the necessary steps to prevent such an incident.

We have documents showing that years before this tragedy, Cintas had experienced at least three “close calls” involving almost the exact same scenario that killed Mr. Torres-Gomez.

Yet the company had failed to effectively address the problems.

An internal memo dated April 30, 2004 notified company officials---including regional health and safety coordinators---of “an incident that could have resulted in serious injury and possible death.”

Accompanying this memo was an attachment from then Cintas President Scott Farmer (currently the CEO) describing two other incidents in 2000 where employees had climbed onto working laundry conveyors to clear jams and fell into a running washer.

The problem the company faced was that in order to shut down the shuttle, or conveyor belt, the dryer and the unloading conveyor also had to be shut down, something that the company was apparently reluctant to do every time there was a jam.

Among other measures designed to reduce the risk, the memo promised to discuss with manufacturers retrofitting the equipment so that the shuttle could be completely shut down without shutting everything else down.

None of these promises were acted upon at the Tulsa facility. We know that OSHA was aware of these hazards!!

We have a July 7, 2005 OSHA Letter of Interpretation alerting employers, workers and inspectors about the need for fixes—such as barriers and barrier guards with interlocks -- to protect employees from robotic laundry shuttle equipment like that used at the Tulsa plant (where Mr. Torres Gomez was killed.)

And on August 8, 2005, one month after the Letter of Interpretation was issued, OSHA inspectors investigated the company's Central Islip, NY, facility, and cited the company for the very violations which the bulletin addressed.

The OSHA citation against Cintas for the tragedy in Tulsa is more than \$2.7 million, the largest OSHA fine ever assessed in the service sector.

It included a “repeat” citation based on the hazards uncovered two years before in Central Islip. The hazards and citations were not isolated to Cintas in Tulsa - for example:

The Tulsa citation was accompanied by a \$117,500 penalty against a Cintas facility in Columbus, Ohio, and later a \$196,000 citation against Cintas in Mobile, Alabama.

In August 2007, Washington State OSHA fined Cintas \$13,650 after a worker’s arm was almost torn off.

California OSHA also cited Cintas for similar violations.

Our main purpose here today is to explore ways to assist OSHA and employers to better protect employees.

We are also interested in solving the problem of corporations with multiple sites and multiple states.

Additionally, Cintas officials have visited us and assured us that they have made significant changes in the company's safety policies (after Mr. Torres-Gomez's death).

We want to hear about that, but we regret that scheduling problems made it impossible for a Cintas official to appear before us to describe the actions they took before and after the death of Mr. Torres-Gomez.

We are also aware that Cintas has challenged OSHA's citations and we're following with great interest and concern the progress of settlement negotiations [with OSHA].

And the problem of ensuring safety at all of the facilities of large corporations is not, of course, just a problem at Cintas, so, as I said earlier, we are looking at corporate inside investigations and problems.

We think that OSHA can do better and that corporate America can do better.

We want to know if there are ways to enable OSHA to more effectively hold large employers accountable for compliance throughout their operations and ensure broader abatement of hazards.

Are there problems with the Occupational Safety and Health Act itself or in OSHA regulations that prevent OSHA from effectively addressing corporate wide safety and health problems?

Can changes in the law or OSHA regulations address these issues?

In addition, we need to know what a good corporate-wide health and multi-location safety program would look like.

And finally, what else can OSHA do to encourage companies to take more responsibility for their workers' safety and health?

I hope we find the answers to these questions and develop goals we can all work toward to keep our workers safe.

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