

815 - 16th Street, N.W., Washington, D.C. 20006

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Safety and Health Update February 2006

Within just a few weeks' time, the disasters at the Sago mine and five other mines claimed the lives of 18 miners. These tragedies focused the nation's attention on the dangers faced by workers and the weakness in job safety protections. But the Sago disaster was not an isolated event. Before this year is over, thousands of more workers will be killed on the job and millions will be injured or diseased.

But unfortunately, rather than addressing the serious safety and health problems faced by workers, at the urging of corporate interests, the Bush Administration and conservative Republicans, have moved to rollback and weaken protections. Since 2001, the Administration has blocked or withdrawn dozens of important safety rules, including a number of measures that may have prevented the recent mine tragedies. Voluntary compliance has been favored over issuing new protective standards and enforcement. Industry officials have been put in charge of government safety programs.

In the Congress, Republican leaders have ignored calls to strengthen the mine safety law, and instead are pushing legislation that would gut OSHA enforcement.

Here's are some of the major challenges we face in our fight for safe jobs:

- **OSHA "Deform" Legislation** – Senator Enzi (R-WY) has introduced legislation that would cut the heart out of OSHA enforcement. S. 2065 – the Occupational Safety Partnership Act – allows employers to self certify compliance through third party audits, and exempts these companies from OSHA penalties. A companion bill, S. 2066 – the Occupational Safety Fairness Act – includes four bad OSHA bills passed earlier by the House, including a measure to award attorneys fees to all "small" employers who prevail in OSHA enforcement cases, and other provisions that would make it difficult if not impossible for OSHA to issue citations for job safety violations. On top of this, S. 2066 authorizes OSHA to cite and penalize workers for failing to wear personal protective equipment. There is nothing in these bills to strengthen job safety protections.

In contrast, Senator Kennedy (D-MA) and Rep. Owens (D-NY) have introduced legislation (S. 944, H.R. 2004) – Protecting America's Workers Act – to strengthen OSHA by expanding coverage to uncovered workers, enhancing whistleblower protections and increasing penalties for serious and willful violations.

phone: (202) 637-5366

e-mail: oshmail@aflcio.org

- **Securing Mine Safety Improvements** – The Sago mine disaster highlighted in the inadequacies in mine safety and health protections, particularly measures related to mine rescue and weak enforcement for serious violations. Legislation (S. 2231, H.R. 4695 and S. 2308) has been introduced to direct MSHA to adopt stricter standards on mine rescue teams, communications and oxygen availability and to set mandatory minimum penalties for egregious and repeated violations. After withdrawing dozens of needed safety rules under development in 2001, the Bush Administration now has stated that it may issue stronger mining protections. But given the administration's dismal track record, passage of mandatory legislation is the only way to ensure that these needed safety measures are adopted.
- **Employer Voluntary Programs Favored over Enforcement** – The administration has made expanding voluntary programs and outreach to employers a top priority. Bush's OSHA has set up partnerships and alliances with dozens of employers, largely excluding unions. At both OSHA and MSHA, industry officials have been appointed to top positions, increasing the employer friendly orientation and policies of these agencies.
- **No New Workplace Safety and Health Rules** – The Bush administration killed dozens of worker protection measures under development at OSHA and MSHA, including rules on cancer causing substances, reactive chemicals, infectious diseases such as TB, mine rescue teams and self-contained, self-rescue devices. They have even refused to issue a rule requiring employers to pay for personal protective equipment, particularly important for immigrant and low wage workers. This Bush administration has the worst record on safety rules in OSHA's entire history, issuing no new significant rules during its first term.
- **Ergonomic Hazards Still a Major Problem** – Soon after taking office in 2001, the Bush administration joined with anti-worker business groups to repeal OSHA's ergonomics standard. The standard, 10 years in the making, would have required employers to protect workers from the nation's biggest job safety problem – injuries caused by heavy lifting and repetitive work. The administration's promised "comprehensive plan" to address ergonomic hazards has turned out to be a sham. In four years, only three voluntary non-enforceable guidelines – for nursing homes, retail grocery and poultry – have been issued, with no additional guidelines planned. Meanwhile, musculoskeletal disorders remain a major job safety problem, responsible for one third of all workplace injuries.
- **Maintaining OSHA, MSHA and NIOSH Funding** – Since President Bush took office, maintaining adequate funding for the federal job safety programs has been a struggle, with repeated attempts to slash funding. Since FY 2001, the OSHA budget has been cut 3% and the MSHA coal enforcement budget cut 10% in real dollar terms and hundreds of enforcement positions eliminated at both agencies. The FY 2007 budget request maintains the OSHA and MSHA programs at 2006 levels, but proposes to eliminate OSHA's worker training

program and shift funds instead to employer compliance assistance. For NIOSH, the job safety research agency, a \$4.5 million cut is proposed.

- **Protecting Workers From Pandemic Flu** – In the event of a pandemic flu outbreak, healthcare workers and other responders will be on the front lines, and at increased risk of infection, disease and death. But rather than moving to provide the best protection possible for these workers, the Bush Administration's pandemic flu plan has failed to recommend even the most basic occupational health protections, such as NIOSH-approved respirators. The unions have called upon OSHA to issue an emergency standard and for HHS to strengthen guidelines to protect health care workers from pandemic flu, but no action has yet been taken.

American workers need a strong OSHA and a strong MSHA that put workers, not employers, first and protect safety and health, not corporate interests. We will continue to fight for strong safety and health protection for all workers.

Good Jobs Safe Jobs Protect Workers Now

Please contact the AFL-CIO Safety and Health Office
if you have questions about this fact sheet or need additional information
(phone: 202-637-5366; e-mail: oshmail@aflcio.org; or
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