

## Why Susan Dudley is Dangerous for Workers' Rights



*Susan Dudley, nominee for administrator of the Office of Information and Regulatory Affairs, has consistently opposed protections of the public health, safety, and environment. Here is a look at Dudley in her own words.*

### Davis-Bacon: Keeping Federal Projects from Undercutting Area Wages

Why It Matters	What She Said
<p><i>The Davis-Bacon Act protects workers by ensuring that contractors for federal construction projects do not undercut the prevailing wage for the area. Dudley commented on a rule intended to maintain this landmark protection for workers by preventing a “helper” job classification from becoming an escape clause for contractors.</i></p>	<p>“<b>The prevailing wage requirement does not offer net benefits to society</b>, but rather reflects a transfer from low-skilled and low-wage workers to skilled and union workers . . . There is <b>no economic justification</b> for a federal role in defining construction practices and determining wages, as required by the Davis-Bacon Act.”<sup>1</sup></p>

### OSHA: Protecting Worker Health and Safety

Why It Matters	What She Said
<p><i>The Occupational Safety and Health Administration is charged with protecting workers on the job. Despite mountains of evidence of the substantial positive effects for worker health and safety from OSHA regulations — and despite case examples in which OSHA regulations have ultimately saved money for industry — Dudley is harshly critical of all workplace health and safety regulation.</i></p>	<p>“In the case of OSHA regulation, empirical analysis has not found strong evidence that OSHA regulations have had a substantial impact on worker health and safety . . . <b>OSHA’s regulations are costly for the economy.</b> According to recent estimates, OSHA regulations contribute nearly one-half of the total direct cost of workplace regulations—around \$41 billion per year in 2000. MSHA regulations cost another \$7.4 billion. <b>It is unclear whether these costs produce commensurate benefits.</b> Econometric studies have generally failed to find evidence that OSHA regulations have had a significant impact on job safety.”<sup>2</sup></p>

### Improving Maximum Working Hours for Truck Drivers

Why It Matters	What She Said
<p><i>Almost 700 truckers die in crashes every year, and those crashes put everyone else on the road at risk. Under standards that had not been updated in decades, trucking companies could force their drivers to work up to 70 hours in an eight-day period.</i></p> <p><i>The Federal Motor Carrier Safety Administration issued a notice of proposed rulemaking in 2000 to reduce the incidence of fatigued drivers.</i></p>	<p>“The real reduction of accidents involving trucks, and other vehicles as well, is clearly a desirable aim. Restrictions on hours and driver flexibility as proposed in all five options will not, however, achieve those goals. The proposed work hour caps cannot effectively mandate reductions in sleep debt, and DOT’s proposal to eliminate alternatives and flexibility in a system with as large and diverse a work force as trucking will not address <b>the sleep deficit problem, if indeed one exists.</b>”<sup>3</sup></p>

## Protecting Workers from Musculoskeletal Disorders and Repetitive Stress Injury

Why It Matters	What She Said
<p><i>“Work-related musculoskeletal disorders (MSDs) are a leading cause of pain, suffering, and disability in American workplaces,” and cost employers an estimated \$15 billion each year in direct compensation costs.<sup>4</sup> In 2000, after finding that work-related MSD’s are a widespread and persistent problem, OSHA issued a final rule.<sup>5</sup> In 2001, however, Bush signed a resolution in disapproval of the rule, rendering it invalid.</i></p>	<p>“OSHA offers no evidence that employers and employees do not have adequate incentives to provide the optimal level of workplace protection against MSD hazards. On the contrary, OSHA provides evidence that (1) MSDs impose significant costs on employers, which should offer ample incentives to reduce their occurrence, (2) employers are, in fact, developing programs and other initiatives to reduce MSDs, and (3) MSDs are declining. Lack of knowledge on the causes of and remedies for MSDs, not lack of motivation, has hindered efforts to reduce MSDs.”<sup>6</sup></p>

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<sup>1</sup> John Charles Bradbury & Susan E. Dudley, Comments on DOL’s Proposed Rule Governing Helpers on Davis-Bacon Act Projects, June 8, 1999, *available at* <[http://mercatus.org/repository/docLib/MC\\_RSP\\_PIC1999-05\\_DOL-Davis-Bacon\\_990608.pdf](http://mercatus.org/repository/docLib/MC_RSP_PIC1999-05_DOL-Davis-Bacon_990608.pdf)>, at 2, A-1.

<sup>2</sup> Andrew P. Morriss & Susan E. Dudley, Defining What to Regulate: Silica & the Problem of Regulatory Categorization, Aug. 2005, *available at* <<http://www.utexas.edu/law/news/colloquium/papers/Silica.pdf>>, at 14, 56-57.

<sup>3</sup> Susan Dudley, Brian Mannix & Jennifer Zambone, Comment on the Office of Management and Budget’s Draft Report to Congress on the Costs and Benefits of Federal Regulation, May 28, 2002, at A-26.

<sup>4</sup> Unified Agenda on Regulatory Plan (Fall 2000), *available at* [http://www.rtknet.org/new/reg/reg2.php?database=reg&datatype=T&detail=1&reptype=R&rin=1218-AB36&data\\_set=200010](http://www.rtknet.org/new/reg/reg2.php?database=reg&datatype=T&detail=1&reptype=R&rin=1218-AB36&data_set=200010)

<sup>5</sup> *Id.*

<sup>6</sup> Dudley, Susan and Hayden G. Bryan. Public Interest Comment on the Occupational Safety and Health Administration’s Proposed Ergonomics Program Standard. Mercatus Center: Feb. 25, 2000, p. 28  
[http://mercatus.org/publications/pubID.1505/pub\\_detail.asp](http://mercatus.org/publications/pubID.1505/pub_detail.asp)