



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • [www.citizen.org](http://www.citizen.org)

January 19, 2011

Dear Representative:

The organizations listed below urge you to cosponsor the Protecting America's Workers Act (H.R. 190). This critical legislation would protect employees from unsafe workplaces, empower workers to report hazards and injuries, and strengthen the authority of the Occupational Safety and Health Administration (OSHA) to deter dangerous conduct and require corporate bad actors to quickly abate safety violations.

The previous year saw a flood of headline-grabbing workplace tragedies. In February, a natural gas plant explosion in Connecticut killed six workers; in April, a refinery explosion in Washington killed seven workers and the explosion of the *Deepwater Horizon* killed 11. These tragedies made national news, but they are only a few of the 5,000 fatalities from workplace injuries that occur each year. These deaths are preventable and illustrate the dire need for the increased worker protections and stronger OSHA that this legislation will provide.

PAWA would add several commonsense updates to the Occupational Safety and Health Act (OSH Act). It would extend OSHA coverage to government employees, improve whistleblower protections for employees, and strengthen OSHA's ability to enforce its rules.

Public servants deserve the same workplace safety protections as those in the private sector. Extending OSHA protection to the public sector will not only provide safer workplaces to more employees, it will reduce injuries and illnesses to government workers, which will save taxpayers money by lowering healthcare and productivity costs.

OSHA has the authority to issue civil and criminal penalties to employers who fail to comply with safety regulations or whose employees suffer injury, illness, or death as the result of noncompliance. Whether these penalties are meant to deter or punish bad behavior, they fail at both. OSHA's fines are not only pitifully small—on average only \$3,000 to \$4,000 for a serious violation, they do not automatically adjust for inflation, meaning that each year, the penalty for noncompliance is lessened. Recognizing that OSHA regulations exist to prevent serious injury, illness, or even death, PAWA would improve OSHA's ability to enforce its rules by increasing the fines and imprisonment that an employer faces for violating OSHA standards. An employer who willfully violates OSHA standards could be fined up to \$120,000 per violation; if the violation results in the death of an employee, the employer could face fines up to \$250,000 and imprisonment for up to 10 years. Civil and criminal penalties are also increased for repeat offenders. OSHA must have

the same ability as other federal agencies to press felony charges when workers are killed on the job. OSHA's fines would also automatically adjust for inflation every four years, preventing the annual weakening of OSHA's enforcement authority that has occurred for the last forty years.

PAWA would create additional rights and protections for employees who report unsafe working conditions. For instance, PAWA would forbid employers from retaliating or discriminating against employees who report injury, illness, or unsafe working conditions or refuse to work in unsafe or unhealthy conditions. PAWA would also empower employees to assist in OSHA inspections by forbidding loss of pay for time spent participating in an inspection. Additionally, PAWA would prohibit the adoption of programs that discourage the reporting of workplace incidents. Although perhaps well-intentioned, such programs, which typically reward employees for going a length of time without a workplace injury or illness, can stifle the reporting of incidents and leave dangerous hazards unreported and unfixed. A 2009 GAO study found that over three-quarters of occupational health practitioners believe that these incentive programs cause workers to avoid reporting workplace injuries and illnesses.

PAWA would also provide enhanced rights for victims of workplace injury or illness. The victim or his or her family would have an opportunity to speak with OSHA staff during OSHA's investigation of the injury and speak during any citation settlement proceeding. Allowing the victim or his or her family to have input during the investigation process will inform OSHA's investigation and any enforcement action.

Recognizing that many states administer their own occupational safety and health programs and could benefit from guidance by OSHA, PAWA sets out new provisions allowing OSHA to work with states to correct any problems with state plans. Under the current law, the only remedial option available when an underperforming state plan remains less effective than federal OSHA is to terminate the plan. PAWA would allow OSHA to jointly enforce safety and health standards in a state while it works with state administrators to fix problems—a far more workable outcome than triggering the termination of a failing state program.

We urge you to support the Protecting America's Workers Act. We look forward to working with you to protect America's workers from harm on the job.

Sincerely,

American Federation of Government Employees  
Arise Chicago  
Association of Flight Attendants—CWA  
Blue Green Alliance  
CNYCOSH  
El Comité de Apoyo a los Trabajadores Agrícolas/Farmworker Support Committee  
ConnectiCOSH  
The Construction Institute

Farmworker Health and Safety Institute  
Houston COSH  
Houston Interfaith Worker Justice  
Hudson Valley Occupational Medicine Center Affiliated with Mount Sinai – I.J. Selikoff  
Center for Occupational and Environmental Medicine Advisory Board  
Interfaith Worker Justice  
Interfaith Worker Justice – Community, Faith and Labor Coalition  
Interfaith Worker Justice – New Mexico  
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers  
International Chemical Workers Union Council  
Massachusetts Teachers Association Environmental Health and Safety Committee  
MassCOSH  
Mount Sinai I.J. Selikoff Center for Occupational and Environmental Medicine – Advisory Board  
National Consumers League  
National Council for Occupational Safety and Health  
NCOSH  
Nebraska Appleseed Center for law in the Public Interest  
New Jersey Work Environment Council  
New Labor  
NHCOSH  
NYCOSH  
Peter Orris MD, MPH  
Philaposh (Philadelphia Area Project on Occupational Safety and Health)  
Public Citizen  
Public Employees for Environmental Responsibility  
RICOSH  
SemCOSH  
SoCalCOSH  
South Florida Interfaith Worker Justice  
Southern Illinois Committee for Occupational Safety and Health  
United Support & Memorial for Workplace Fatalities  
Voces de la Frontera  
Western MassCOSH  
WNYCOSH  
Women’s Voices for the Earth  
Workers Defense Project  
Workers’ Rights Center  
Worksafe