

**Opening Statement of Congressman Mark Takano (CA-41), Ranking Member
Subcommittee on Workforce Protections
“A More Effective and Collaborative OSHA: A View from Stakeholders”
February 27, 2017 at 10 a.m.**

Mr. Chairman, thank you for holding this hearing on workplace safety, as it has been nearly two years since this Committee held a hearing on the Occupational Safety and Health Administration.

Over the previous two years, nearly 10,000 workers were killed on the job and at least 7 million suffered serious occupational injuries. Over the past two years, approximately 100,000 workers have died from occupational diseases such as asbestosis and black lung disease.

While the toll of occupational death and injury has declined since the Occupational Safety and Health Act was passed in 1970, there are still 14 work-related fatalities each and every day.

Mr. Chairman, the subcommittee received several statements from the family members of workers killed on the job, and I'd like to read one from Tina Tout of Lawrenceburg, Indiana:

My husband, Douglas Tout was a roofer and employed by *Joel Cornelius Enterprises* of Harrison, Ohio from 2008 to 2013. On September 17, 2013, Doug was fatally injured when he fell approximately 20 feet from a residential roof. The company would not officially inform me of what happened that day.

Doug's treating physicians at the University of Cincinnati Hospital advised us that Doug's injuries were too severe, he would never wake up, and we needed to "let him go". To be the one who has to give the okay for them to let the person you love most in the world die is something that haunts me day and night. Tina wrote: "everything I had planned and hoped for our life together ended with me giving the okay for him to die."

Her statement notes that OSHA investigated the incident and ultimately settled for a penalty of \$6,000 for a repeat violation of the duty to provide fall protection.

She is urging Congress to strengthen penalties as a deterrent.

I agree. The median OSHA penalty per fatality investigation in 2016 was a mere \$6,500. For most employers, this is not nearly enough to cause a meaningful change in behavior.

Mr. Chairman, I ask unanimous consent to enter Tina Tout's statement into the record.

Likewise, current criminal sanctions are inadequate. An employer who willfully violates an OSHA standard that causes a worker's death is currently only subject to a misdemeanor penalty.

A stronger deterrent is needed.

The *Protecting America's Workers Act*, introduced by Representative Joe Courtney, modernizes the OSHA Act and strengthens penalties.

Additionally, OSHA's ability to protect workers is hamstrung by an inadequate number of inspectors.

Today, OSHA only has the capacity to inspect each workplace within its jurisdiction once every 159 years.

We've seen their capacity cut in half over the past 25 years. As this chart illustrates, OSHA had the ability to inspect each workplace once every 84 years back in 1992.

The problem is simple, it's a lack of inspectors. There are only 1,838 state and federal inspectors on the front lines covering 8 million workplaces nationwide.

Appropriations for OSHA have been effectively frozen by Congress since 2010, when my Republican colleagues took power. The Trump Administration budget for 2019 actually cuts OSHA's budget.

America's workers cannot afford to have OSHA starved for resources.

Congress and the Trump administration are also jeopardizing numerous worker safety and health protections.

First, Congress enacted a Resolution of Disapproval nullifying a rule that requires employers to keep accurate injury records.

When workplace injuries are not recorded, patterns of injuries and illnesses are masked from the employer, employees and OSHA. I have introduced the *Accurate Workplace Injury and Illness Records Restoration Act* (H.R. 2428), which reinstates OSHA's authority to enforce an employer's *continuing* obligation to make and maintain accurate records.

Second, OSHA has commenced a rulemaking to roll-back existing health protections for construction and shipyard workers who are exposed to beryllium, which causes irreversible lung disease.

Third, OSHA has signaled it will repeal a rule that increases transparency and better protects workers from retaliation who report workplace injuries.

Fourth, OSHA ended work on nearly half of the health and safety protections it had under development. This includes standards to prevent combustible dust explosions; reduce worker exposure to toxic chemicals; and require employers to adopt an injury and illness prevention program.

Fifth, OSHA suspended efforts to prevent violence in health care facilities; protect workers from exposure to infectious diseases such as Ebola; and prevent major chemical accidents.

Deliberate inaction has a high price on workers and their families. For people who have been injured on the job, this is about more than just so-called “big government regulations,” this is about their family and their future.

I hope our witnesses today can outline the costs of inaction and who will pay.
I want to thank the witnesses for preparing their testimony and appearing here today.

I yield the balance of my time.