



Opening Statement

Ranking Member Frederica S. Wilson Workforce Protections Subcommittee

*"Promoting Safe Workplaces Through Effective and
Responsible Recordkeeping Standards"*

Wednesday, May 25, 2016

Mr. Chairman, the Occupational Safety and Health Administration was established "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions."

Sadly, every year, tens of thousands of Americans are severely injured on the job, with significant, sometimes permanent, impact to self and family. Until last year, OSHA lacked information vital for effectively responding to these workplace injuries.

In its ongoing efforts to improve workplace safety, OSHA has issued two rules to provide greater transparency about injury and illness rates and to ensure disclosed information is accurate.

First, as of January 2015, OSHA requires employers to report work-related amputations, in-patient hospitalizations or loss of eye within 24 hours. This severe injury reporting requirement is in addition to OSHA's pre-existing requirement to report fatalities within 8 hours.

In the year since this requirement took effect, over 10,000 incidents were reported to federal OSHA alone—including 2,644 amputations and 7,636 in-patient hospitalizations.

Ideally, OSHA would inspect each workplace where a severe injury occurs, but because Congress has starved OSHA of much-needed resources, the federal agency lacks a sufficient number of facility inspectors. For example, with only 63 inspectors in my home state of Florida, it would take 266 years for OSHA to inspect each workplace.

Despite its limited resources, with 24 hour reporting of severe injuries, OSHA was able to work with employers, asking them to conduct their own incident investigations, report their findings to OSHA, and implement remedies to eliminate hazards and prevent recurrence.

For example, while a worker at a Missouri meat processing plant was cleaning a blender, it started up suddenly, amputating both of the worker's lower arms. The employer immediately re-engineered the blender's computer control system, changed safety interlocks, and enhanced worker training and supervision, significantly reducing the risk of amputation. According to OSHA, the worker's arms were surgically reattached, and he is undergoing rehabilitation.

Under its more recent efforts to protect worker safety, OSHA issued a final rule on May 12, 2016 requiring large employers and those in high hazard industries to electronically transmit to OSHA injury logs and annual summaries employers are *already required* to maintain and make available to their employees. OSHA will make this information publically available on its website. OSHA will not collect personal identifiers.

Prior to this new rule, most workplace injury and illness logs were only available at the workplace, making it impossible for OSHA, other employers, prospective employees, investors and public health researchers to know which employers have bad or good injury records.

Some object to posting this data to OSHA's web site, claiming it could harm reputations and damage businesses.

However, under OSHA's 1995 Data Initiative, 80,000 establishments in high risk industries were required to provide OSHA with annual summaries. Since 2004, OSHA posted this data to its website and used it to target its inspections to the most hazardous worksites. Under this new rule, however, the universe is expanded to approximately 460,000 establishments.

Furthermore, for the past 15 years, the Mine Safety and Health Administration has posted injury and illness rates, allowing mine operators, prospective employees, and current workers to access the information. Indeed, MSHA posts even more information to its website than required under OSHA's new rule.

I would also argue that responsible employers *want* to demonstrate to their employees, investors, and the public that they are committed to workplace safety. Public disclosure can help nudge employers towards improved safety outcomes.

DOL's reporting rule also seeks to ensure injury and illness reports and records are accurate.

This means addressing the major problem of underreporting of injuries, as recommended by two GAO reports for this committee. These GAO reports document how employer policies, such as rate based safety incentive programs, discourage workers from reporting injuries. One can easily imagine how programs that cut potential employee bonuses when the worksite injury rate goes up can have a chilling effect on reporting. In addition, the committee will be releasing a new GAO report examining underreporting of injuries in the poultry and meat process industries.

To further ensure accuracy of data, OSHA's rule also makes it clear employers may not discriminate against workers for reporting injuries or establish policies discouraging them from doing so. We know that the accuracy of reporting rests on employees' confidence that reporting injuries will not lead to job loss.

Mr. Chairman, I ask unanimous consent to enter these three GAO reports into the record.

Mr. Chairman, as we begin this hearing, I want to remind all in attendance that we should focus on ensuring safe workplaces for those we represent. Our constituents have families. They have loved ones. They deserve our efforts to come together as the Subcommittee on Workforce Protections to promote and protect safe and healthy workplaces for all Americans.

I want to thank the witnesses for their testimony today and yield back the balance of my time.