

SENATE MAJORITY LEADER HARRY REID
STATEMENT BEFORE THE HOUSE COMMITTEE ON EDUCATION AND LABOR
HEARING ON THE FEDERAL OSHA REVIEW
OF NEVADA'S OCCUPATIONAL SAFETY AND HEALTH PROGRAM
THURSDAY, OCTOBER 29, 2009

Chairman Miller, Ranking Member Kline, distinguished members of the House Education and Labor Committee: Thank you for asking me to speak with you this morning.

Few states have felt the full force of this recession as intensely as Nevada. Foreclosures in the state lead the nation, and unemployment there is at an all-time high.

As a result, much of the attention in recent weeks and months has understandably been devoted to job security. But that is only half the story; we must also pay attention to safety and security on the job.

That is why I am pleased that the U.S. Department of Labor's Occupational Safety and Health Administration has reviewed – and will continue to review – troublesome violations and other concerns in Nevada's workplaces. And it is why I am pleased that your Committee is building upon that investigation with today's hearing.

The Las Vegas Strip recently saw a \$32 billion building boom. But something else was going up along with the hotels and casinos – the unnecessary deaths of construction workers. Twelve of them died in just 18 months.

Those tragedies represent just under half of all of the workplace deaths in Las Vegas during that period. Elsewhere in the city, 13 other workers died equally tragic and equally preventable deaths.

The men and women who have made Las Vegas into the fast-growing city it is today – and who have made the Las Vegas Strip the entertainment hub of the world – are professionals who are both capable in their respective trades and cognizant of the dangers they face. They deserve better than Nevada OSHA's indifference to their health and safety.

When a construction worker's day includes climbing an iron structure several hundred feet into the air under intense heat and high winds – or a maintenance worker must climb down into a manhole – his or her job is hard enough. That worker should not also have to worry about whether the state agency whose sole purpose is ensuring his or her safety is doing its job, too.

But that is exactly what we are worried about. As you know, Nevada is one of 27 states and territories that operate its own health and safety enforcement program. Unfortunately, Nevada OSHA failed too many times to enforce workplace safety. In some cases, it simply failed to act; in others, it acted improperly or poorly. Its

carelessness created an environment that allowed dangerous conditions to persist, and put Nevadans' lives at risk.

The Federal OSHA review found many patterns of this kind of negligence. A citation for a "willful violation" carries significantly higher penalties to punish employers who flout the law and endanger employees. Regrettably, they happen. But Nevada's workplace safety program discouraged these citations, issuing only one willful violation in the 18-month period that was reviewed.

The program also failed to cite glaring repeat violations, which would have flagged persistent problems and led to proper remedies that could have saved lives. For example, two men were killed at the Orleans Hotel and Casino, and a third was severely injured, after they were directed to enter a poorly ventilated grease pit filled with toxic fumes. It was not the first time the property's owners had been found responsible for similar conditions and hazards.

But Nevada OSHA did not act, terrible mistakes were repeated, and Travis Koehler and Richard Luzier died. Travis' mother, Debi Koehler-Fergen, will testify before you later today.

Over a six-year period, Nevada OSHA also consistently failed to report serious violations, doing so at a much lower rate than they likely occurred. Federal OSHA classified more than three out of every four violations as serious ones, and state plans did so for nearly half of theirs. But Nevada OSHA reported less than one-third of their breaches as serious.

Finally, the state agency failed to notify a victim's family that it was investigating their loved one's death in almost half of the fatalities at Nevada workplaces during the time of the OSHA review.

This record is unacceptable and indefensible. Each one of these deaths is tragic, and while accidents happen, each one could have been prevented. It is not unreasonable to demand that the agency dedicated to worker safety doesn't look the other way.

Federal OSHA and this Committee are right to hold the state agency accountable for its violations of the law and the public trust.

I will continue to support your efforts on the federal level by directing my staff to remain in contact with the director of Nevada OSHA. As my office did for Debi Koehler-Fergen, I will also continue to support any Nevadan who issues a complaint about the state program.

I will continue to work with my colleagues in the Senate, and those here in the House, to ensure Federal OSHA gets the funding it needs to ensure American workers' safety. And I will not hesitate to call for further action if Nevada OSHA fails to act on this report's recommendations.

As our economy recovers, it is not enough merely to ensure Nevadans, and all Americans, can have a good job to go to every morning. We must also make sure they can safely come home from that job every night.

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