
EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Chairman Miller Statement at Committee Hearing on “Is OSHA Failing to Adequately Enforce Construction Safety Rules?”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the chairman of the House Education and Labor Committee, for a committee hearing on “Is OSHA Failing to Adequately Enforce Construction Safety Rules?”*

Over the past few months a number of catastrophic and well publicized construction accidents has highlighted concerns about whether government health and safety agencies are doing enough to ensure safe working conditions at construction sites.

In New York, two massive construction crane collapses have killed nine people, including one bystander.

In Las Vegas, over the last 19 months, 12 construction workers have been killed in construction projects on the Strip. According to the Las Vegas Sun, more workers have died in the city over the past 19 months than died during the entire 1990s construction boom.

An investigative series by the Las Vegas Sun detailed the circumstances behind the deaths on the Strip, including the inadequate response from the Nevada Occupational Safety and Health Administration.

As our witnesses will describe today, construction is one of the most dangerous industries for workers. On average, four construction workers die on the job every day.

Unfortunately, most of these workers die one at a time and their deaths do not garner the same level attention from the media that the New York crane collapses did.

There’s no question that construction is an inherently dangerous job. No one here would argue with that.

The question is whether more can be done to prevent accidents and make the industry safer. We intend to begin to answer that question today, and to explore ways to make the industry safer.

We will examine whether the U.S. Occupational Safety and Health Administration is doing everything it can to improve safety at construction sites.

This Committee has repeatedly raised serious concerns about OSHA's inability or unwillingness to issue needed health and safety standards for a number of different industries. We have the same concern about the construction industry.

We will also examine today whether OSHA has sufficient resources to do its job. In the boroughs of Manhattan and Queens, for example, federal OSHA has only 20 inspectors to cover thousands of construction sites – and some of those inspectors are new trainees. We have nothing but praise for the dedication and work that those few valiant inspectors perform every day, but they are faced with an impossible task, and the root cause of that problem lies here in Washington.

We will also examine the role that cities can play in making construction sites safer.

Because of the lack of federal OSHA resources in the city, New York City decided to step in to address the hazards that the city's construction boom has presented. The city reasoned that its actions not only protect workers, but also protect members of the public who may be walking, driving or living underneath a tower crane.

By our count – and one of our witnesses can confirm this today – the city has more than 20 times more inspectors on the ground than OSHA has.

While we commend New York City for its activity in this area, it is unclear whether other, smaller cities have the same ability to put resources into construction safety that New York has.

We also intend to examine today whether federal law, as now written, may actually discourage some states and cities from maintaining their own programs to enforce workplace safety rules, unless there are overriding public safety concerns.

The state of Florida has tried to issue stronger construction safety regulations on its own. But those efforts were overturned by the courts because federal OSHA regulations pre-empt any state enforcement in states that do not have their own occupational safety agencies.

Let me be clear: The U.S. Occupational Safety and Health Administration is the agency responsible for workplace safety. But workers might be best served by vigorous OSHA enforcement coupled with renewed efforts by states and cities to make construction sites safer.

Finally, we will examine the enforcement tools that OSHA has to ensure construction site safety. OSHA has the ability to assess penalties against construction companies that violate the law, but those penalties are low – low enough to be considered just another cost of doing business – and they are usually assessed long after an inspection occurs.

Moreover, OSHA does not have the authority to shut down a job site unless the agency can convince a judge that the site presents an imminent danger.

A city has the authority to wield a much bigger stick. The New York Buildings Department has the ability to shut down a dangerous job site at a moment's notice, potentially costing a contractor hundreds of thousands of dollars a day.

We will discuss today whether OSHA ought to have the enhanced authority to shut down hazardous job sites without first jumping through excessively time consuming legal hoops when workers lives are on the line.

These are not simple issues, but they are life and death issues, and they demand this Committee's attention.

Today we will hear from the head of OSHA, the president of the Building and Construction Trades Department of the AFL-CIO and the acting director of the New York Department of Buildings.

We will also hear from a former iron worker and contractor from Las Vegas who will speak to the hazards that workers face during a building boom. He will also address the personal loss that workers and families face when one a loved one is killed on the job.

I thank all of our witnesses for being here today and I looked forward to their testimony.

Thank you.

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