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## **LEGISLATIVE ALERT!**

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Dear Representative:

I am writing on behalf of the AFL-CIO to urge you to support and co-sponsor H.R. 5663, the Miner Safety and Health Act of 2010, legislation to protect the nation's miners and other workers from death, injury and disease on the job.

This year has been deadly for America's workers. Major disasters at the Upper Big Branch (UBB) mine, the Tesoro Refinery in Washington State, the Deepwater Horizon oil rig in the gulf and at other workplaces have claimed dozens and dozens of workers lives. Too many employers – including Massey Energy and BP – are putting production and profits ahead of worker safety, costing workers their lives, limbs and health.

In 2008, more than 5,200 workers were killed on the job, and over a million more were seriously injured or diseased because of their jobs. Every day an average of 14 workers die from job injuries, never to return home to their loved ones and families.

The nation's job safety laws were enacted 40 years ago and have significantly reduced workplace deaths and injuries. But the laws are out of date and are too weak, particularly for dealing with the worst violators.

H.R. 5663 would strengthen the Mine Safety and Health Act to give the government stronger enforcement tools to take action against employers who commit serious violations and to get hazards corrected. It would also strengthen whistleblower protections so workers can raise job safety concerns without fear of firing or other retaliation.

The bill establishes new enforcement procedures to address those mines, like Upper Big Branch, that are repeat offenders and have a pattern of violations. These mines would be subject to increased oversight and enforcement until conditions were improved and could be required to put in place additional safety and health measures and training to protect miners. H.R. 5663 would also give MSHA stronger enforcement tools to seek injunctions to stop practices that pose a continuing hazard to miners and subpoena power to seek testimony and documents in investigations.

As we saw with the Massey mine explosion, in too many workplaces workers fear for the loss of their jobs if they speak out. H.R. 5663 would strengthen the anti-discrimination provisions of the Mine Act by providing for new civil and criminal penalties for retaliation against miners who raise job safety concerns.

The bill also strengthens the criminal penalties under the Mine Act to make criminal violations a felony, instead of a misdemeanor. To ensure that worker safety gets the necessary attention from top management, individual corporate officers and directors could be held criminally liable for knowing violations that lead to death or serious harm.

H.R. 5663 also includes important provisions to strengthen the Occupational Safety and Health Act (OSH Act), to bring this law into conformance with other workplace safety and environmental laws.

The civil penalties under OSHA, which haven't been updated in 20 years, would be increased for inflation, and new higher penalties would be set for violations resulting in a worker's death, so fines would be more than a slap on the wrist, as too often now is the case. Last year the median OSHA penalty in fatality cases was a paltry \$5,000, clearly not enough to deter violations. Criminal penalties would be made a felony and knowing violations that result in death or serious bodily injury could be subject to criminal prosecution.

For workplaces covered under the OSH Act, the legislation would require that employers fix serious violations if they contest OSHA citations to make sure that workers are protected. This is already required by the Mine Act. To ensure due process, employers could seek a stay of this requirement on an expedited basis if they can demonstrate that workers' safety and health will not be adversely affected.

The bill would also strengthen worker's rights. It updates the OSH Act's whistleblower protections, which are now 40 years old, to bring them into line with other laws. And for workers hurt or killed on the job, the legislation provides the right for the worker or their family members to meet with OSHA, receive information and be heard during the investigation.

The nation has mourned the loss of the Massey miners, the BP oil rig workers, the Tesoro Refinery workers and others who have lost their lives on the job. While these tragedies rightfully received much national attention, there are thousands of others that occur each year that can be prevented by long overdue changes to the OSH Act. Congress must act now to see that these kinds of tragedies and unnecessary deaths do not happen again.

I urge you to support and co-sponsor H.R. 5663 to strengthen the nation's job safety laws to give America's miners and workers the protections they need and deserve.

Sincerely,



William Samuel, Director

GOVERNMENT AFFAIRS DEPARTMENT