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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

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IN REPLY REFER TO

June 20, 2010

1757 N STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE: (202) 828-8500  
FAX (202) 293-3457

The Honorable George Miller, Chairman  
Committee on Education and Labor  
2181 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John Kline, Ranking Member  
Committee on Education and Labor  
2101 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member Klein:

On Wednesday July 21, the House Committee on Education and Labor will mark up H.R. 5663, the Miner Safety and Health Act of 2010. By protecting whistleblowers and punishing violators, the legislation provides the necessary incentives to encourage employers to correct hazards before workers get hurt or killed. It updates the nation's workplace safety laws which are out of date and inadequate to deal with the worst violators. The UAW urges the Committee to approve the bill and report it to the full House without weakening amendments.

This year's major workplace calamities, including those that occurred at Massey Energy's Upper Big Branch (UBB) Mine in West Virginia, the Tesoro Refinery in Washington State, BP's Deepwater Horizon oil rig in the Gulf of Mexico and others, happened because employers put production and profits ahead of worker safety. These headline events are merely the tip of the iceberg for worker death, injury and illness. In 2008, more than 5,200 workers were killed on the job, and over a million more suffered serious work-related injuries and illnesses. On the average work day, 14 American workers die in preventable acute fatal incidents. In addition, more than 50,000 active and retired workers die each year from occupational illnesses, many related to chemical exposures at work.

Rates of injury, illness and death were even worse before the major improvements that have resulted from the nation's job safety and health laws. Nevertheless, H.R. 5663 will make some long overdue improvements to these laws, which were enacted over 40 years ago. The legislation will allow the Mine Safety and Health Administration (MSHA) to seek injunctions to correct hazards before workers suffer injury or death. It will give the agency power to subpoena evidence in investigations. It will allow a mine with a

pattern of violations to be subjected to increased oversight and enforcement until conditions improve. By strengthening penalties for retaliation against miners who raise job safety concerns, H.R. 5663 addresses an important factor that led to the UBB Mine explosion. Reducing the fear of employer retaliation can lead to reporting and correction of hazards that otherwise might go uncorrected until they hurt or kill. With passage, criminal violations under both the Mine Act and the Occupational Safety and Health Act (OSH Act) will become felonies. At present, such violations are only misdemeanors. To ensure that worker safety gets the necessary attention from top management, H.R. 5663 allows individual corporate officers and directors to be held criminally liable for violations committed knowingly that lead to death or serious harm.

All workers who face workplace hazards are entitled to the same basic rights. For this reason, H.R. 5663 updates the whistleblower protections of the OSH Act to bring them into line with other laws. It requires an employer covered by the OSH Act who contests a citation to fix serious violations before a determination is made to uphold the citation. Employees covered by the Mine Act have this protection under current law. The legislation gives the family of a deceased worker the right to meet with OSHA to receive information and be heard during a fatality investigation. Moreover, H.R. 5663 adjusts penalties under the OSH Act for inflation and sets new higher penalties for violations resulting in worker deaths. Under current law, the median OSHA penalty in 2009 for cases in which one or more workers were killed by preventable hazards was only \$5,000. This is an unacceptably low cost for reckless business practices.

The nation has mourned the loss of too many workers whose deaths in catastrophic events have made headlines this year. A vastly larger number of workers have suffered deaths injury or illness that were noticed only by those close to them. H.R. 5663 seeks to reduce this toll by encouraging employers to correct hazards before workers are affected. The UAW urges the Committee to approve the bill and report it to the full House without weakening amendments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Somson", followed by a horizontal line extending to the right.

Barbara Somson  
Legislative Director

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cc: Members, House Committee on Education & Labor