



For Immediate Release

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***ENZI URGES HELP COMMITTEE TO EXPLORE ALL OPTIONS,  
CONSIDER PLANS ALREADY WORKING, TO ENHANCE  
WORKPLACE SAFETY, REDUCE FATALITIES***

**Washington D.C.** – U.S. Senator Mike Enzi, R-WY, Ranking Member of the Senate Health, Education, Labor and Pensions Committee (HELP Committee), today urged Members of the Committee to “think outside the box” to establish effective, innovative strategies to enhance workplace safety and prevent on-the-job injuries and fatalities.

“No penalty can make up for the loss of a loved one,” Enzi said at today’s HELP Committee hearing, titled “When a Worker is Killed: Do OSHA Penalties Enhance Workplace Safety?” “Instead of talking just about punishments after injuries or fatalities occur, I wish we were holding a hearing on preventing injuries from occurring in the first place. More can be done and needs to be done so that no family has to deal with the loss of a loved one who has died on the job.”

Enzi said he plans to build on the provisions of the “Safety Advancement for Employees (SAFE) Act,” which he introduced during the last Congress. The SAFE Act would provide incentives to improve workplace safety. It included provisions to help the vast majority of employers working in good faith to achieve compliance with safety laws, while allowing the Occupational Safety and Health Administration (OSHA) to target more effectively the few bad actors who willfully place their employees at risk.

Enzi noted several workplace safety programs that have been proven to be effective, including the Voluntary Protection Programs, workplace drug-testing, and Workplace Compensation Insurance strategies, which vary from state to state.

“These programs have been able to make workplaces safer and even save money,” Enzi said. “Let’s take a look at the best practices out there and determine how these programs can be translated to the federal level. I have worked throughout my career on legislation to help businesses, especially small business, comply with workplace safety regulations, and to reward employers who go above and beyond to create safe work environments. I will continue working toward these goals. We need to think outside the box to develop new strategies to enhance workplace safety – no option should be taken off the table.”

Enzi said that statistics show that workplace fatalities are decreasing. In 2006 the fatal work injury rate was 3.9 per 100,000 workers, the lowest level since the federal government began collecting this data in 1992. Young workers and Hispanic employees have seen a significant decrease in fatality rates. However, Enzi said that more work needs to be done.

“Although the rates are improving overall, the presence of two witnesses today who have lost loved ones reminds us that every loss is one too many. By looking seriously at the whole issue – and making no subject off limits – we can pay them the best tribute of real progress in reducing workplace fatalities.”

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**Statement of Michael B. Enzi, Ranking Member**

**Senate Committee on Health, Education, Labor and Pensions**

**April 29, 2008**

*“When a Worker is Killed: Do OSHA Penalties Enhance Workplace Safety?”*

Good morning. I want to thank Chairman Kennedy for scheduling today’s hearing on the very important topic of workplace fatalities. As the title of this hearing indicates, much of today’s testimony will focus on how employers are punished after a death occurs at their worksite and is caused by negligence or willful disregard of safety regulations. I think everyone would agree that such an employer should face appropriate sanction. However, I think America’s employees would appreciate it even more if this hearing were focused on the prevention of workplace fatalities.

The experts at the Occupational Safety and Health Administration have developed extensive, industry and hazard-specific regulations designed to reduce the risk of workplace injury and death, and every private employer in America is required to follow them. In fact, the statistics show that workplace fatalities are decreasing. In 2006 the fatal work injury rate was 3.9 per 100,000 workers, the lowest level since the federal government started collecting this data in 1992. The rate is even lower when you factor in that more than 1 in 4 (27%) of the deaths recorded at workplace fatalities are in fact highway or aircraft-related accidents. I was pleased to see that fatality rates also decreased among Hispanic employees, although it remains higher for that demographic group. Younger workers also saw a significant decrease in fatality rates.

Despite this progress, more needs to be done to reduce the risk of fatalities in the workplace so that no family has to deal with the tragic loss of a loved one as has my friend Ron Hayes, who is sitting on today’s panel. What strategies work best? Penalties are part of the equation, but just like the death penalty cannot deter every crime, so too, is their utility limited.

When it comes to workplace safety, I am willing to think outside of the box. Over my career I have introduced legislation to improve compliance with workplace safety regulations and reward employers who go above and beyond to create a safe work environment. Programs such as the Voluntary Protection Programs have been shown to make workplaces safer and save money. We should talk about expanding them to smaller employers and making them even more effective. Workplace drug-testing is another important way to reduce risk of injury and death in the workplace. All of the regulations and required compliance in the world are not going to work if an employee or manager disregards them because their judgment is impaired.

The field of Workers Compensation Insurance has developed a long record of experimentation with strategies to make workplaces safer, and has measurable results. Every state creates its own Workers Comp regime. Let's look at the best practices out there and determine if there are new ideas that can be translated to the federal level. The small business owner who is here with us today, Mr. George Jenson, has explained the multiple and significant motivations every businessperson has to maintain the safest workplace possible. First and foremost, most businesses cannot operate without employees, so keeping them safe and satisfied that they are well-treated is to the benefit of every employer. Mr. Jenson also points out that the insurance coverage he must carry every single day focuses heavily on the company's safety program. While he has never had an OSHA penalty to pay, he is continually motivated by the insurance rates he pays to put safety first.

Finally, I know that this hearing was scheduled to coincide with Workers Memorial Day. I certainly join the rest of the Committee in honoring all the lives that have been lost in workplace accidents, no matter what the cause. Although the rates are improving overall, the presence of two witnesses today who have lost loved ones reminds us that every loss is one too many. By looking seriously at the whole issue – and making no subject off limits – we can pay them the best tribute of real progress in reducing workplace fatalities.

Since Chairman Kennedy referenced his staff's report, I'd like to say a word about that, too. Because it just came out yesterday, I haven't read it yet, and I doubt any of today's witnesses have either. I understand that it is based on extensive and costly data requests from OSHA, yet I also understand that OSHA has had no opportunity to review and respond the report's interpretation of the data. It seems to me that such an opportunity should be provided to provide clear and accurate information and be a serious addition to the dialog on workplace safety beyond political rhetoric. Worker safety is too important an issue for anything less.

I welcome today's witnesses and I look forward to your testimony.

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