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**Statement of Terence M. O'Sullivan,  
General President of LIUNA,  
Regarding the House Education and Labor Committee Construction Safety Hearing**

*“The price of going to work every day to build America should not be injury or death on the job”*

**Washington, D.C. (June 24, 2008)** – Today’s hearing by the House Education and Labor Committee addresses one of the most important issues facing the construction industry – the safety of the working men and women who go to work every day to build America.

There are a lot of issues debated in Congress where reasonable minds can disagree, but there can be no dispute that the recent wave of construction injuries and fatalities across the country is unacceptable. The price of going to work every day to build America should not be injury or death on the job. Construction workers understand the inherent dangers of their occupation, but they cannot be expected to deal with unnecessary and avoidable hazards.

On March 15<sup>th</sup> three LIUNA members along with four other construction workers were killed in a crane collapse in New York City. Similar crane related tragedies in Las Vegas, Dallas, Miami and again in New York have brought to the public’s attention what those in the construction industry have known for some time – OSHA under the Bush Administration is failing construction workers.

OSHA convened a panel in 2003 to develop new safety standards for cranes and derricks. The panel was created to streamline and expedite the rulemaking process for this extremely important area of safety risk. Four years ago, after 13 months of meetings, the panel developed consensus recommendations for new regulations. Despite the support of both labor and employers, OSHA only recently began the administrative process to enact the proposed rule.

OSHA’s four year delay in addressing crane safety is inexplicable, demonstrating an appalling lack of concern for the safety of construction workers and a failure to carry out the mission of the agency.

Why is it taking so long for OSHA to enact this vital safety regulation? As recent events painfully demonstrate, we need them now. Every day that OSHA waits to act puts construction workers in continued, unnecessary and avoidable peril.

While today’s hearing is an encouraging step, Congress too must assess whether it is doing everything it can to keep construction workers safe. Congress, with its oversight authority, should never have allowed OSHA to escape its responsibility to enact and enforce regulations in crane safety and other areas. It is also disappointing to see that no official action has been taken in a year by either the House or the Senate on the Protecting America’s Workers Act – an important piece of legislation to strengthen

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and expand the Occupational Health and Safety Act by covering more workers, increasing penalties for repeated and willful violations, protecting whistle blowers, enhancing public disclosure of safety records and requiring employers to provide necessary safety equipment to their workers.

We call on Congress to do whatever it takes to make sure OSHA fulfills its mission. The men and women who build America deserve a safe and healthy workplace.

LIUNA points to these areas where serious improvement is needed:

- Increased funding - OSHA's 2008 budget of \$486 million comes to \$3.89 per worker. OSHA has about 821 safety inspectors. With those limited resources, OSHA can inspect each workplace once every 133 years.
- Safety standards and regulations – some safety standards are over 30 years out of date and, as is the case with the crane safety standard, take much too long to revise.
- Targeted inspections – given its limited resources, OSHA needs to target its inspections to focus on the most dangerous workplaces.
- Training – OSHA developed a 10 hour program for construction workers but requires neither employees nor supervisors to have this minimum training requirement. LIUNA and other labor unions help fill the gap with excellent training courses but OSHA must also start mandating minimum safety training.
- Increased penalties – as revealed by a recent report of the Senate's HELP Committee, OSHA fines are so low and the risk of enforcement so unlikely that some contractors view it as a cost of doing business rather than a deterrent.
- Subcontracting – the fragmented nature of construction work results in a situation where it is not always clear who is responsible for the safety of workers. OSHA regulations should make clear that contractors in charge of a project have oversight responsibility for the safety of the subcontractors they hire.
- Employee protections – workers are often fearful to refuse or report unsafe working conditions for fear of employer retaliation. Workers must have the right to refuse unsafe working conditions and there needs to be greater protections for workers who report safety violations.

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*The half-million members of LIUNA – the Laborers' International Union of North America – are on the forefront of the construction industry, a powerhouse of 10 million workers who build America.*