Bravo, Senator Harkin

On April 19, Sen. Tom Harkin (D-IA), chairman of the Health, Education, Labor and Pensions (HELP) Committee, conducted a hearing on the subject of OSHA rule-making, titled "Time Takes Its Toll: Delays in OSHA's Standard-Setting Process and the Impact on Worker Safety."

The hearing began with a very important statement by Sen. Harkin on how delayed OSHA rule-making contributes to deaths at work. He commented:

> I suspect that the lack of new rules is at least partly the result of relentless external pressure from business lobbyists and anti-labor groups. These groups pressure both OSHA and OMB to create delays that cost lives.

Chairman Harkin continued with:

> Today rather than hearing outrage over worker deaths, we hear misinformation campaigns from corporate lobbyists about OSHA supposedly killing jobs. We see legislative proposals that call for blanket prohibitions on new regulations and proposals to add even more red tape to the regulatory process. Some folks won't be satisfied until it takes 80 years for OSHA to issue a regulation, instead of 8. That is unacceptable.
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> The truth is that OSHA doesn't kill jobs, it keeps jobs from killing people.

Sen. Harkin then introduced as witnesses the surviving family members of workers who had died as a result of their employment. The family members who testified brought with them photos of the loved ones who had died. The real faces of the victims were in the photos and the faces of those holding them.

Following the opening comments by Chairman Harkin, committee ranking member Michael Enzi (R-WY) commented that some OSHA rule-making has taken too long through the years, offering a 15-year mark as an example. In contrast, he then cited an example of rule-making that took only one year under the Clinton administration, which involved the creation of an OSHA ergonomics standard.

Under his breath, you heard his disdain over how many resources from OSHA had worked on this specific agenda and that doing so was detrimental to other matters that OSHA must deal with. So what happened to the ergonomics rule that was developed so quickly?

If you go to thomas.gov and search for yourself, you will find that on March 6, 2001, Sen. Enzi was a co-sponsor of S.J. Res. 6—Joint Resolution of Disapproval of Ergonomics Regulation, which had been introduced by Sen. Don Nickles (R-OK). That resolution in part read:

> The Administration supports enactment of S.J. Res. 6, which would overturn the recently issued 'ergonomics' program standard designed to address injuries caused by repetitive motion or overexertion. These regulations would cost employers, large and small, billions of dollars annually while providing uncertain benefits. If implemented, they would require employers to establish burdensome and costly new systems intended to track, prevent, and provide compensation for an extremely broad class of injuries whose cause is subject to considerable dispute.

What was Sen. Enzi really saying? Pass rules more quickly, but don't take up too many resources so that we can kill the rules that protect employees from getting killed by those who don't like rules?

Sen. Enzi's comments on April 19 included the following:

> Today, even the smallest employers must grapple with thousands of pages of regulations and burdensome record-keeping requirements. But what should matter the most is the result—keeping workplaces safe. OSHA must use its broad authority appropriately when establishing new standards. The agency must ensure that new standards address an actual hazard and the preventative steps OSHA may mandate must actually work to reduce the risk. **If the costs will weigh heavily on small businesses, OSHA must consult with small business stakeholders.** I will closely scrutinize proposals to 'shortcut' any of these important steps. (Emphasis added.)

Now it makes a little sense. If a rule, developed to protect an employee, might weigh heavily on a small business, then you should not impose that cost. Here again we find that the anti-labor forces are opposed to the cost of safety.

The elections this November will determine whether or not the needs of working men and women will be protected. Get mad. Get educated and get involved. Keep an eye on each other. ✉