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Senator Seeks Regular Review of OSHA's Enforcement Record

Senator Frank R. Lautenberg, a Democrat from New Jersey, says he intends to introduce legislation that would require OSHA to provide a monthly review of the number of deaths and injuries reported and any enforcement action taken against employers that put workers in danger.

Lautenberg says his decision was prompted by a *New York Times* examination of how OSHA punished willful safety violations that caused worker deaths. The newspaper found that the agency rarely uses criminal referrals as an enforcement tool. OSHA declined to seek prosecution in more than 90 percent of cases involving willful violations that resulted in worker deaths, according to the newspaper.

The senator announced his intentions for the legislation in a letter to OSHA administrator John Henshaw.

"This is an astounding record of failure by the one federal agency charged with ensuring workplace safety," Lautenberg wrote. "OSHA's gross negligence to perform its most basic duties of holding companies accountable for their failure to protect their employees, in my opinion, rises to a level where a top-down review of agency policies is required."

Henshaw has said that criminal prosecution carries a high burden of proof and that in many cases there is insufficient evidence for criminal referral.

Other legislators have called for an increase in prison sentences and fines for those who cause worker deaths by willfully violating workplace safety and health rules. Senator Jon S. Corzine of New Jersey has introduced legislation that would increase the maximum sentences for such offenses from six months to 10 years.

"Because the penalty upon conviction is so minimal and the resources required to bring a case to trial are substantial, federal prosecutors have been reluctant to prosecute even flagrant safety violations that cause death," Corzine said in a letter to Henshaw in early 2003. "As a result, the deterrent value of the criminal statute has eroded significantly."