

OSHA's Complicity

Death at Work: Who Is to Blame? (5 Letters)

December 26, 2003

To the Editor:

"A Trench Caves In; a Young Worker Is Dead. Is It a Crime?" ("When Workers Die" series, front page, Dec. 21) points out three cardinal truths.

First, even at the risk of their workers, many employers will always try to skirt the law to save a few bucks on the bottom line.

Second, the federal regulatory agencies will never properly police and enforce their own laws, especially under a Republican administration.

Third, the only way workers can truly protect themselves from greed and malfeasance of employers is to form a union. Unions and their members have done more to win a greater share of the economic pie than any other group.

ERIK S. HOSTETTER Sunderland, Mass., Dec. 22, 2003•

To the Editor:

Re "A Trench Caves In; a Young Worker Is Dead. Is It a Crime?" (Front page, Dec. 21):

What happened in that trench was not just tragic it was also preventable. While the vast majority of the construction companies do their best to comply with Occupational Safety and Health Administration and other safety regulations, the few "bad actors" in construction discredit the overwhelming majority of contractors who feel that it is their moral and legal obligation to provide a safe workplace.

These bad actors need to ask themselves whether or not they would send their son or daughter into the trench before they send in someone else's father.

The Associated General Contractors of America, America's largest construction trade association, believes that current OSHA regulations for excavations provide enough worker protections to ensure a safe job site. What is needed is increased contractor education about OSHA regulations and better enforcement.

Safety needs to be a priority for all members of the construction team to ensure a safe job site, and to protect our most valuable resource - the worker.

STEPHEN E. SANDHERR

Alexandria, Va., Dec. 22, 2003

The writer is chief executive of the Associated General Contractors of America. •

To the Editor:

Re "A Trench Caves In; a Young Worker Is Dead. Is It a

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Crime?" (Front page, Dec. 21):

If the people who hired companies like Moeves Plumbing were forced to be legally and financially responsible for their subcontractors' misdeeds, there would be fewer safety and other violations.

Subcontractors like Moeves Plumbing survive by charging lower rates than their legitimate, safe competitors. Conversely, otherwise legitimate companies are forced to cut corners and compromise safety in order to compete.

Imposing legal liability on contractors would force them to take into account the safety records of their subcontractors and expose the otherwise hidden costs of unsafe business.

JACOB REMES Washington, Dec. 22, 2003 •

To the Editor:

Perhaps what is saddest in your detailed and heart-rending report of the fatal work accident that befell a plumber's apprentice (front page, Dec. 21) is the realization that so many Americans at the bottom of our economic pyramid remain vulnerable and forgotten.

Conservatives who rail at "big government" and "unnecessary regulation" would do well to remember people like Patrick M. Walters, who labored at the type of vital, dangerous and poorly rewarded tasks that we depend on in our daily lives - and so fail to appreciate.

DOUG BRIN New York, Dec. 21, 2003 •

To the Editor:

The thrust of your "When Workers Die" series (Dec. 21-23) is that OSHA has consistently failed to seek criminal prosecutions for willful safety violations that have resulted in employee deaths.

What is not mentioned, however, is the practical reality of prosecuting this type of case. Prosecutors with limited resources and time must make difficult decisions about the types of serious cases that they will take before juries. When faced with choices between prosecuting cold-blooded killers or employers who have cut corners in order to make a living, the former win out every time.

Also, there is a greater standard of proof required to convict people criminally than to find civil liability, and unlike jury decisions in civil trials, criminal verdicts must normally be unanimous. It is little wonder that OSHA seeks civil remedies given the constraints of the system under which it operates.

PATRICK MATTIMORE

San Francisco, Dec. 23, 2003

The writer is a former prosecutor.