

## OSHA's Complicity

Workplace Safety: The View at OSHA

December 28, 2003

### To the Editor:

Your "When Workers Die" series (front page, Dec. 21-23) does not reflect the Labor Department's strong record of enforcing the nation's health and safety laws and reducing workplace injuries, illnesses and fatalities through its Occupational Safety and Health Administration.

There are still too many families who lose loved ones in workplace accidents, yet there are fewer workplace fatalities, illnesses and injuries than ever before. Over the past 30 years, workplace fatalities have been cut in half and injuries and illnesses reduced by over 40 percent - while the American work force has doubled!

Workplace fatalities in 2002 fell to the lowest point ever recorded, and inspection results show that we are focusing on the most dangerous workplaces. But there is more to be done. One fatality is one too many, and workplace injuries and illnesses can and should be avoided. We will not stop until that goal is reached.

Under the Occupational Safety and Health Act, responsibility for worker health and safety rests with employers. OSHA helps employers meet their obligations through compliance assistance and enforcement.

One enforcement tool is referral for criminal prosecution. However, many cases do not reach the high burden of evidence for successful criminal prosecution - proving each element of a violation beyond a reasonable doubt.

For a civil citation, a lesser standard suffices - preponderance of the evidence. The department does not refer cases that do not meet the higher burden of proof required for criminal prosecution by the Justice Department.

We will continue to use every tool at our disposal, and we will continue to strongly enforce all workplace safety and health laws.

JOHN L. HENSHAW

Assistant Secretary of Labor for Occupational Safety and Health  
Washington, Dec. 24, 2003