

EXTENSIONS OF REMARKS

INTRODUCTION OF OSHA REFORM BILLS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. BALLENGER. Mr. Speaker, today I am introducing five bills, each targeted specifically to a needed reform of the Occupational Safety and Health Act.

Over the past several years, we have made progress in redirecting and refocusing OSHA, from an agency that was too often focused on enforcement "for enforcement's sake" to one that has begun to recognize the importance and effectiveness of cooperative efforts and consultation programs, and of encouraging the voluntary efforts of employers and employees.

When we began this effort, the Clinton administration claimed that any change in OSHA's focus on enforcement would lead directly to increased injuries and deaths. In fact, just the opposite has occurred. The Department of Labor has reported in recent months that both workplace fatalities and workplace injury rates have again declined and are at the lowest levels since those records have been maintained. Those record low levels have been achieved even though we are the midst of a tight job market, a time in which, historically, injury rates increased.

My goal is to continue to push for changes that will further reduce injuries and fatalities by encouraging voluntary action and cooperative approaches. Where regulation and enforcement is imposed, it should be fair and the benefits should justify the costs. Unfortunately, there are still far too many instances in which OSHA's enforcement and regulation is neither.

The five bills that I am introducing cover the following areas. I welcome my colleagues' support for these bills.

Audit Protection: Safety and health audits are an important aspect of a company's efforts to ensure that their workplaces are safe. Most employers, particularly in hazardous industries, do some type of safety and health audit. Those with good lawyers then either destroy the records or disclose it only to their lawyers, neither of which is the most effective way to improve safety and health. The reason companies do so is that OSHA inspectors routinely use the audit to penalize the employer. OSHA's enforcement policy is counterproductive to employee health and safety. I believe we should encourage employers to conduct audits, not discourage them. My bill provides limited protection for audits, and at the same time, encourages employers to conduct audits and to fix the hazards found during those audits.

Whistleblower Protection: The OSH Act provides important legal protection for employees

who raise concerns about safety or health hazards. However, the current process for handling those complaints is neither effective nor fair. Complainants sometimes wait years for the Department of Labor to decide whether to seek relief in court. I am proposing that the OSH Act be amended to provide an administrative private right of action so that the complainant is assured opportunity for an administrative hearing and timely decision. Encouraging safety and health audits and assuring timely adjudication of whistleblower complaints by employees are important steps that Congress must take to support and encourage voluntary safety and health efforts by employers and employees.

Safety Meetings: As a result of a December 1998 decision by the National Labor Relations Board, employee safety committee are illegal, except: (1) where a union is involved and the safety committee is negotiated with the union, or (2) the safety committee has no real responsibility for safety and health. For years we have argued over what employee involvement the law allows or does not allow. At least now, in the area of safety, it is clear that, for most workplaces, current law permits very little employee involvement. It is time to fix the law. My bill addresses only safety committees; it does not open up the National Labor Relations Act. It would allow employees to participate, through safety committees, in evaluating safety conditions and safety rules and policies—responsibilities that are now prohibited in the majority of workplaces.

Rulemaking Reform: In my view, a relatively simple reform would make OSHA standards-setting more fair and lead to more practical regulation. When OSHA proposes a standard, it should clearly indicate which industries will be regulated, and its risk assessments and cost analysis regarding the standard should relate specifically to those industries. Neither of these steps is new. OSHA has identified specific industries in some rulemakings, and the courts have frequently required OSHA to reconsider standards because it failed to conduct "industry specific" analyses. Putting these changes in statute will ensure that both are consistently part of the rulemaking procedure, thereby providing greater fairness in future OSHA rulemakings.

SBREFA Implementation: The 1996 Small Business Regulatory Enforcement Act (SBREFA) required all federal regulatory agencies to establish policies to provide for reduction and waiver of penalties for non-serious violations by small employers. OSHA has maintained that its existing penalty policy was an adequate response. However, the existing policy allows a maximum 35 percent reduction for most small businesses, and conditions even that reduction on meeting additional, non-regulatory requirements. My legislation will direct OSHA to adopt a specific waiver of

penalties policy for non-serious violations, if those violations are corrected within a time-frame set by OSHA.

NANCY JALONEN, 1999 BRAVO!
RECIPIENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LANTOS. Mr. Speaker, I rise today to recognize Ms. Nancy Jalonen of San Mateo, CA, the recipient of the 1999 Bravo! Award. The Bravo! Award is given each year by the Hillbarn Theatre League in honor of substantial contributions to the cultural life of the Peninsula area. Ms. Jalonen will receive this honor on tomorrow evening at a ceremony held in her honor at the Crowne Plaza Hotel in Foster City.

Nancy Jalonen has been absolutely vital to the arts community on the Peninsula for many years now. During her tenure as executive director from 1978 to 1984, she revolutionized the San Mateo Arts Council. She developed the Music in the Schools program, attracting professional musicians to local schools to give lectures and demonstrations, and she created the SWAP program, where artists "swap" teaching for studio space. When Ms. Jalonen left the Arts Council in 1984, it had been judged one of the top three councils in California for 2 years running.

Since then, Ms. Jalonen has led the committee to renovate the San Mateo High School Auditorium and transform it into the San Mateo Performing Arts Center. She is on the Board of Directors of Ragazzi and Theatre-Works and is also a member of the committee to found City Arts of San Mateo, an organization geared to promote visual, literary, and performing arts in San Mateo.

In 1996, Ms. Jalonen produced and hosted 21 television programs on the oral history of San Mateo County. This was not her first foray into the world of television. For 20 years at KCSM-TV, she produced and hosted over 150 television programs featuring performing and visual arts organizations throughout San Mateo County. She currently presents a monthly radio program on local theater for the Lighthouse for the Blind.

Mr. Speaker, Nancy Johnson's work has been a remarkable and an important contribution to the cultural life of the Peninsula, and her efforts have enriched the lives of all of us in the Bay Area. I would like to ask my colleagues to join me and the Hillbarn Theatre League in lauding Ms. Nancy Lee Jalonen for her well-deserved honor.

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