

# OSHA Reform

## OVERVIEW

As builders of our nation's communities and infrastructure, ABC members know exceptional jobsite safety and health practices are inherently good for business. They understand the importance of common-sense regulations based on sound evidence and scientific analysis—with appropriate consideration paid to implementation costs and input from employers.

However, actions from the Occupational Safety and Health Administration (OSHA) threaten to impose excessive and burdensome costs that could impact job creation, stifle industry growth and offer little in return in terms of worker safety. ABC has expressed concerns about such proposals, several of which circumvent existing checks and balances within the federal regulatory framework.

OSHA's emphasis on enforcement and its simultaneous de-emphasis on successful efforts with employers is a growing concern. ABC strongly believes employers should be viewed as partners in achieving safer workplaces, and that OSHA's cooperative programs should not be diminished.

An earnest approach to achieving and maintaining safe, healthy workplaces is needed. The construction industry and its workers benefit from legislation and regulations that implement results-based solutions, provide consistent enforcement and increase compliance in a collaborative way.

## ABC SUPPORTS

- Meaningful, constructive oversight of OSHA's regulatory and enforcement agendas.
- Strengthening the scientific and technical basis of OSHA standards by making them as practical, cost-effective and performance-oriented as possible.

- Restructuring the Occupational Safety and Health Act (OSH Act) to incorporate collaborative approaches to education, training and technical assistance. Employers must be encouraged to take advantage of such assistance without undue reprisal.
- The Voluntary Protection Program Act (S. 807/H.R. 1511), introduced by Sen. Mike Enzi (R-Wyo.) and Rep. Tom Petri (R-Wis.). In general, the bill would codify the Voluntary Protection Program (VPP), expand it to include more small businesses and incorporate recent U.S. Government Accountability Office recommendations for program improvements.

## ABC OPPOSES

- The Protecting America's Workers Act (H.R. 190; also known as PAWA), introduced by Rep. Lynn Woolsey (D-Calif.). PAWA would amend the OSH Act and dramatically increase both civil and criminal penalties for violations. PAWA's provisions also have been incorporated into Title VII of the Miner Safety and Health Act (S. 153/H.R. 1579).
- PAWA's changes to the OSH Act's penalty scheme. In particular, changing mens rea requirements for criminal liability from "willful" to "knowing" and broadening the definition of employers from "any responsible corporate officer" to "officer or director" would create uncertainty, lead to increased litigation, and create a more combative relationship between OSHA and employers.
- PAWA's provision requiring immediate abatement and imposing limits on an employer's ability to challenge a citation. This denies employers due process rights, and OSHA already has the authority to seek an injunction if a hazard poses an imminent threat.