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AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



The Honorable George Miller
Chairman, Education and Labor Committee
U.S. House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

The Honorable John Kline
Ranking Member, Education and Labor Committee
U.S. House of Representatives
1210 Longworth House Office Building
Washington, DC 20515

Dear Chairman Miller and Ranking Member Kline:

The Associated General Contractors of America (AGC) supports common-sense Occupational Safety and Health Administration (OSHA) reform. Unfortunately, the provisions in H.R. 5663, the Miner Safety and Health Act of 2010, would amend the Occupational Health and Safety Act (OSH Act) in a manner that will not serve to proactively promote safety awareness and prevent the occurrence recordable safety incidents.

H.R. 5663 is being described as a mine safety bill, but it would enact several sweeping changes to the OSH Act that would affect every sector of our economy. The legislation also makes drastic changes to workplace safety enforcement by turning back the clock on well over 15 years of progress in improved workplace safety by creating a more adversarial relationship between employers and OSHA. The collaborative approach to safety has led to great strides in the creation of successful accident prevention strategies in the construction industry that have resulted in reducing workplace injury, illness and fatality rates through the successful efforts of business and government working together. Construction employers cannot be described as bad actors. To the contrary, OSHA's own statistics demonstrate that the construction industry has an increasingly improving record of workplace safety. Since the mid-1990s, the national construction fatality rate declined 47 percent and the number of recordable safety incidents dropped 38 percent since the Federal government switched to the collaborative approach. During the same period, construction employment grew more than 60 percent. The industry knows that safety is an ever-improving, never-complete process and that we must remain vigilant about continuing education and training.

We are very concerned that H.R. 5663 ignores the issue of education and training, two key critical elements to accident prevention. Instead, the bill introduces vague new standards for criminal liability, broadens the definition of employers to people who did not create a workplace hazard, and contradicts well established legal principles of due process. The bill also would grant an OSHA inspector broad authority to shut down business operations without showing imminent danger to the workplace OSHA already has the authority to halt operations if a serious hazard poses imminent danger to workers. Finally, the bill would strike existing whistleblower protections provided by the OSH Act and replace it with a complex and protracted process that will likely serve to protract the appeals process and prolong litigation.

Ultimately, this bill ignores proven strategies to prevent workplace injuries by installing confrontation where cooperation has produced exceptional results. While the bills professed goals are sound, its methods fall short of what our industry knows is effective. We think the bill should focus on strategies that proactively promote safety awareness and prevent accidents from occurring. Unfortunately, we believe this bill will create distrust between employers, employees and OSHA, turning back the clock on nearly 20 years of proactive and cooperative efforts to improve safety in the American workplace. Please oppose H.R. 5663.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery D. Shoaf".

Jeffery D. Shoaf
Senior Executive Director, Government and Public Affairs