

EXTENSIONS OF REMARKS

THE SAFETY ADVANCEMENT FOR EMPLOYEES ACT [SAFE ACT]

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. TALENT. Mr. Speaker, I rise today to talk about the Safety Advancement for Employees Act [SAFE Act], a bipartisan bill introduced today that is designed to foster a partnership between OSHA and employees and encourage greater worker safety. In addition to the bill, the House Committee on Small Business prepared a paper entitled, "Why Workers Need Change: The SAFE Act," outlining why the need for change and how the SAFE Act can succeed where the big stick methods of OSHA have failed.

On any given day in the United States, 17 workers will die and 18,600 workers will be injured on the job. The fact is that many of these accidents occur not because employers don't care about worker safety; on the contrary, even the Federal Government estimates that 95 percent of employers are striving to create safe environments for workers. The problem lies with the adversarial posture of the Occupational Safety and Health Administration [OSHA], the Federal agency responsible for worker safety. Established by Congress in 1970, OSHA's mandate was to assure for all workers safe and healthful working conditions "by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment." The agency, however, has never seriously attempted to "encourage[e] employers and employees in their efforts" to create safe workplaces. Instead, OSHA operates according to a command and control mentality, issuing burdensome and often incomprehensible regulations which may not relate to worker safety, and are, in any event, only sporadically enforceable. Small wonder that, though OSHA has been in existence for 27 years and has generated tens of billions of dollars in compliance costs, there is a serious question whether it has improved worker safety at all.

For worksites to become safer, OSHA's ineffective, top-down approach must be overhauled. The agency in its present posture is simply incapable of handling the safety problems of millions of individual workplaces as America heads into the 21st century. As recognized by Vice President GORE, OSHA's system "doesn't work well enough." In short, OSHA can lead the country to better workplace safety; it cannot command the country into better workplace safety.

EMPLOYERS ARE DROWNING IN REGULATIONS

The sheer volume of OSHA regulations that employers are expected to read, understand, and implement is staggering. Many of the regulations bear no relationship to safety at the workplace. Others are so vague that discerning one correct interpretation is impossible. The result is that employers are left to fend for

themselves, wasting valuable time and money misinterpreting regulations and making work-site improvements that are either not required by OSHA or not related to workplace safety, or both.

PAPERWORK REQUIREMENTS ARE HUGE AND HAVE NO TANGIBLE SAFETY BENEFITS

Far and away the greatest number of citations are leveled against employers for OSHA paperwork violations. In 1994, the top 6—and 11 of 20—of the most-cited violations involved paperwork deficiencies. Employers are thereby forced to create more and more paper without tangible safety benefits. Meanwhile, as OSHA focuses its sights on paperwork, serious safety concerns go in uninspected. For example, in 1994 and early 1995, three-quarters of work-sites in the United States that suffered serious accidents had never been inspected by OSHA during this decade. In fact, even OSHA officials acknowledge that their inspectors "do not get to a lion's share of lethal sites until after accidents occur." The result is that incompetent or reckless employers go undeterred while good faith employers spend time and money on paperwork instead of safety.

SO MANY WORKSITES, SO FEW INSPECTORS

OSHA has only 2,451 State and Federal inspectors to regulate 96.7 million American workers. With a ratio of about one inspector to 3,000 worksites, Federal OSHA can currently inspect workplaces under its jurisdiction only once every 167 years. OSHA inspectors cannot possibly understand the safety and health concerns of worksites that they rarely visit. Nor can they have knowledge of workers' needs in industries as diverse as manufacturing plants, funeral homes, and restaurants.

A NEW OSHA REQUIRES A NEW APPROACH

The adversarial model that exists to regulate worker safety between OSHA and employers does not get the job done. Pitting the employer against the inspector, the current model fosters distrust and suspicion, flying in the face of true partnership efforts that are the key to worker safety. Both the Government and the private sector waste enormous resources on the struggle to catch employers in violation of regulations that no one believes will advance worker safety. No wonder that the current system has so little credibility in the private sector.

If we are to create a new OSHA, we must significantly change the culture that exists between employers and the agency—making them partners not enemies. It is not enough to threaten large fines for noncompliance when millions of safety-conscious employers don't know how to comply. Nor is it enough to weigh employers down with more compliance materials than they can possibly digest or understand.

The answer to achieving safer work environments is to encourage the 95 percent of employers who are concerned about worker safety and health to voluntarily seek expert advice on how to comply with OSHA's regulations and to implement and maintain the expert's recommendations. Creating true partnerships between employers and OSHA will empower

the honest employers to improve worker safety, while allowing OSHA to concentrate its enforcement on the 5 percent of employers who constitute the bad actors.

Vice President GORE strongly advocates using private sector OSHA compliance experts to help employers achieve greater worker safety. Acknowledging that OSHA "doesn't work well enough," because there are "only enough inspectors to visit even the most hazardous workplace once every several years," the Vice President has called on OSHA to rely on private inspection companies in its efforts to ensure the safety and health of America's workers. In this way:

[OSHA] would use the same basic technique the federal government uses to force companies to keep honest financial books: setting standards and requiring periodic certification of the books by expert financial auditors. No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

By creating partnerships with employers through the use of private sector compliance auditors, the "health and safety of American workers could be vastly improved."

THE SAFE ACT: THE SOLUTION FOR SAFER WORKPLACES

The Safety Advancement for Employees [SAFE] Act reflects a new partnership approach to worker safety. By encouraging employers to seek individualized compliance assistance from qualified third party auditors, the SAFE Act will ensure that more worksites are in compliance with OSHA, and more workers are protected. The SAFE Act does not waive any of OSHA's power to inspect workplaces, but it recognizes that employers who actively seek expert assistance to improve safety should not be treated as adversaries. Under the SAFE Act, employers can choose to enlist the aid of an entire field of compliance experts, thereby allowing OSHA to concentrate its resources on policing those worksites that truly need OSHA enforcement. The SAFE Act spells greater safety for workers and increased compliance by all employers.

REPORT FROM INDIANA—REV.

PAUL KNECHT

HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. MCINTOSH. Mr. Speaker, I rise today to deliver my report from Indiana. This week, I would like to share a special story of a dear and wonderful friend—Rev. Paul Knecht of Richmond, IN.

Reverend Knecht has recently retired after serving over 31 years as the executive director of Wernle Children's Home in Wayne County. Wernle Home is a dear place for both Ruthie and me. On many occasions we have visited our friends at Wernle. We've forged

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

friendships with both the children and the wonderful people who care for them.

Working with abused and troubled children requires a special person, a special love, a special faith, and a special heart. Reverend Knecht is and was a special man.

Reverend Knecht dedicated his life to helping abused and troubled children all across Indiana. His service to God, his church, and the needy children of Wernle Home will leave a loving presence of acceptance and stability in the lives of thousands of children who came to Wernle.

So today, I would like to commend the efforts of Rev. Paul Knecht. As he retires after 31 years of service, he will be missed. His life work has touched so many people, so many people and lives forever.

That, Mr. Speaker, is my report from Indiana.

PERSONAL EXPLANATION

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. ENSIGN. Mr. Speaker, on Monday, September 29, I missed rollcall votes 460 and 461 due to an aircraft delay in returning to Washington from Las Vegas. Had I been present for these two votes, I would have voted "nay" on rollcall vote 460 and "nay" on rollcall vote 461.

1996-97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. MCINNIS. Mr. Speaker, on behalf of the Veterans of Foreign Wars I would like to introduce the following winning script from the Voice of Democracy Program. The winner of the contest from the Third District of Colorado was Tara Linton of Craig, CO.

"DEMOCRACY—ABOVE AND BEYOND"

The lyrics to "God Bless America" have been permanently etched into my brain. I can remember reciting the song over and over in preparation for a play my entire elementary school participated in to commemorate the two hundredth anniversary of the United States Constitution.

That play was like a welcome mat to the future for me. Not only did it introduce me to the exciting and rewarding world of the theatre, but it brought me closer to something else—democracy. The play retraced the path of democracy from America's past to its present. I thank my lucky stars that I had the chance to participate because, until then, I had no idea how democracy had gone above and beyond, shaping our country and its people. And now, nine years after singing about the "land that I love," I am proud to speak out on behalf of democracy.

Today's "performance," if you will, is divided into two acts. In act one we will see how democracy is responsible for the American Dream. And act two will focus on the contributions we all make to keep democracy rising above and beyond.

The curtain opens, and the American Dream is exposed. What we see is a plethora

of people, every American who has ever lived or will live. They represent democracy's past, present, and future, how it has changed and how it has stayed the same.

But one thing stands out more than anything else. We can't see it or touch it or interpret it with any of the five senses. It is deeper and more powerful than any sensation. It is a sense of love, patriotism, and gratitude rolled into one.

You see, nobody had to sit down and decide that the people of the future deserved a better life. But somebody did. A lot of somebodies, in fact, including the likes of George Washington, Thomas Jefferson, and Benjamin Franklin. The result of their desire to improve the world is what generations of Americans have experienced—the original American Dream. We have the opportunity to live in the society our forefathers only dreamed about.

It's as if we are all actors fortunate enough to have starring roles in the manuscript our founders began to write even before the formation of the Union.

Washington, Jefferson, and Franklin. Their masterpiece wasn't the Declaration of Independence, nor was it the Constitution; their masterpiece is us.

This draws the curtain on act one and leads us to act two: just how we Americans send democracy above and beyond.

With every effort at getting involved, the driving force behind democracy gets stronger. And we're encouraged to get involved at an early age. Many schoolchildren are directly exposed to democracy the moment they enter the school with the recitation of the Pledge of Allegiance. With education playing a major role in democracy's success, the emphasis on saying the Pledge at school is a giant stepping stone for children to become familiar with the system.

But it only just begins in childhood. As we grow older we begin to make choices for ourselves and our country. Nearly every man and woman involved in the armed services does so for the preservation of democracy.

And all registered voters have the say in what the future should entail when they cast their ballots.

Why do Americans try so hard to keep democracy strong and prominent? Well, it all goes back to what we saw in act one. We came from a long line of people who truly care. Though democracy in America has faced a number of changes, one thing doesn't change: we care. About the past, the present, and the future.

The curtain has fallen over act two, but the performance isn't quite finished.

An actor knows that the hours spent memorizing, rehearsing and performing have been well worth the effort when the final curtain drops, and the audience, left in a state of wonder, fulfillment, and satisfaction, reacts with generous and sincere applause.

Will the manuscript our forefathers began writing hundreds of years ago ever come to a conclusion? We may never know. Like nearly all things, democracy will continue to grow and evolve—to go above and beyond. With every new life exposed to its benefits, democracy enters for an encore performance, sure to be even more spectacular than ever before.

And now, as the performance comes to a close, we should all take time to remember what democracy means to us. From the mountains, to the prairies, to the oceans, we stand beside her and guide her. America—the land that we love.

EXTENSION OF CONGRATULATIONS TO TUSKEGEE UNIVERSITY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. RILEY. Mr. Speaker, I rise today to extend my congratulations to Tuskegee University for being named second in the Nation for the number of black graduating engineers.

I always love to hear about institutions of higher learning making good use of their resources. By using different programs at the university, the school helps to advance its students' futures. One program is the Research Apprenticeship for Disadvantaged High Schoolers [RADHS], which is implemented during the summer of a high school student's junior year. Another program is the Freshman Accelerated Start-up and Training for the Retention in Engineering Curricula [FASTREC], which is introduced at the freshman level of college. These two programs, as well as the familiarity between the faculty and the students, help the University to produce fine and outstanding engineers. Every school does its best to help students decide what they want to study, and to help the students achieve their goals with whatever means possible. Fortunately, Tuskegee has developed an effective program. This program enabled 192 students to finish their undergraduate degree in engineering. Through the example of Tuskegee University, other institutions may have a model of a productive, resourceful, and successful program—a program which will benefit students, Alabama, and this Nation.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mrs. CHENOWETH. Mr. Speaker, yesterday, September 29, 1997, I was unavoidably detained and missed rollcall votes 460 and 464. Had I been here, I would have voted "nay" on rollcall No. 460 and "yea" on rollcall No. 464.

PERSONAL EXPLANATION

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. FOLEY. Mr. Speaker, on rollcall Nos. 462, 463, and 464, I was unavoidably detained. Had I been present, I would have voted "aye."

A TRAGIC LOSS IN BOISE, ID

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. CRAPO. Mr. Speaker, earlier this month, a tragic but common event in many