



July 22, 2010

**To: Members of the House of Representatives
House staff assigned to steel and/or workplace safety issues**

AISI URGES MEMBERS OF THE HOUSE TO OPPOSE H.R. 5663 AS REPORTED

Background: The American steel industry places a high priority on occupational safety and health (OSH) matters, as it is critical that our valuable workers remain safe and healthy. AISI members continue to work collaboratively with their employees to decrease the number and frequency of workplace incidents. Industry, labor and the federal government share a common goal of continuing to improve occupational safety and health at industrial workplaces. We therefore support policy measures appropriately designed to increase worker safety at industrial and mining workplaces. However, the Miner Safety and Health Act of 2010 (H.R. 5663), recently passed by the House Education and Labor Committee, contains a number of provisions that are counterproductive to achieving this shared goal.

Situation: H.R. 5336 contains no provisions specifically focused on preventing workplace accidents and injuries. Instead, it focuses entirely on enforcement, penalties, abatement and whistleblower provisions. AISI members' experiences have demonstrated that cooperative efforts among company management, employees, and government can help maximize workplace safety and health. However, inordinate emphasis on punishing employers and bureaucratic processes will serve to misdirect priorities, create unnecessary hurdles for employers, and create an adversarial environment that will prevent optimum workplace safety and health benefits from being realized.

H.R. 5336 would permit inspectors to require an employer to shut down the workplace and/or commence immediate abatement of an alleged occupational safety or health violation, even in the instance where an employer seeks judicial review of the allegation. Furthermore, it would substantially change the existing, straightforward whistleblower procedure with a complicated and costly one. The bill also would grant employee representatives and family the right to contest citations, penalties, and modifications of proposed citations and penalties, thus creating unnecessary delays in correcting hazards. Finally, the bill would authorize criminal sanctions against any company officer or director when OSHA determines that serious injuries or a fatal accident was allegedly due to a "knowing" violation, but fails to provide a definition of the term "knowing." Such provisions will only increase litigation, and delay prompt corrective actions.

Request: AISI urges a renewed focus on alternative cooperative government-industry approaches to promoting worker health and safety at both industrial and mining workplaces. Unfortunately, the Miner Safety and Health Act of 2010 (H.R. 5663) completely ignores cooperative efforts that have helped to dramatically improve safety performance and instead concentrates on counterproductive and unnecessary penalties, litigation, and unfair abatement mandates. Accordingly, AISI urges Members of the House to oppose H.R. 5663 as reported.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Gibson".

Thomas J. Gibson
President and CEO