



Press Office: (202) 226-0853
Thursday, June 28, 2012

Rep. Lynn Woolsey (D-Calif.) Opening Statement for the Hearing on the VPP Program

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. Lynn Woolsey (D-Calif.), the senior Democratic member of the Workforce Protections Subcommittee of the House Committee on Education and the Workforce for the committee hearing entitled, “Promoting Workplace Safety through Voluntary Protection Programs”.

Mr. Chairman, thank you for holding this hearing to examine the Voluntary Protection Program (VPP) at the Occupational Safety and Health Administration.

Before we take any steps to increase the size of the VPP program, we need to explore several issues about the program’s effectiveness, oversight and funding.

In 2009, the Government Accountability Office (GAO) found that there were inadequate controls to ensure that only genuinely safer worksites participated in the VPP. When GAO reviewed files for 30 VPP sites that had fatalities between 2003 and 2008, they found that OSHA had not done adequate follow-up.

The Center for Public Integrity found that two workers at the Tropicana juice plant in Bradenton, Florida were severely burned in a preventable explosion. OSHA inspected and found instances where employees were told to “throw safety out the window.” yet the plant was allowed to stay in vpp. That is troubling. There must be better OSHA oversight so that those who do not belong in vpp are removed.

GAO also found that OSHA’s evaluations of VPP have been inadequate, and that the only study done on its effectiveness was flawed. I hope the Majority would agree that a scientifically credible study of VPP is necessary before moving forward with legislation to expand this program.

The Government Accountability Office has cautioned that growth in VPP could have unintended effects on resources needed to protect workers at the millions of worksites outside of VPP.

Given flat budgets, however, VPP participants are going to have to help cover OSHA’s administrative costs through a fee, if VPP is going to grow significantly. The idea of a fee is not a new one. It originally came from a Republican OSHA reform bill that was reported out of the help committee in 1996.

Where employers fail to make employee safety their first priority, OSHA's safety inspections are imperative.

The following example illustrates what happens when OSHA's limited resources prevent it from inspecting a plant for two decades.

Last November, Carlos Centeno was burned over 80 percent of his body at the Raani Corp. in Illinois, after a nearly boiling cleaning solution scalded him. Carlos died three weeks later from his burns.

When OSHA investigated Carlos' death, they found that serious injuries at the 150-employee factory were abundant. And some were never recorded.

Yet, these unsafe working conditions were not caught because OSHA's last inspection at this worksite was in 1993—almost 20 years ago. The problem is that federal OSHA only has enough resources to inspect each worksite once every 131 years.

We know from peer reviewed studies conducted by one of our witnesses, that when inspections *are* conducted, they not only prevent workers from getting hurt, they also save employers billions of dollars through reduced workers' compensation costs.

Given OSHA's limited resources, it counts on the eyes and ears of workers at the jobsite to report unsafe conditions that go unresolved.

However, if employers retaliate for reporting unsafe conditions, workers need to know that OSHA will protect them and their jobs in a timely manner.

However, delays in investigating whistleblower complaints are crippling this important protection. There is a backlog of over 2000 whistleblower cases that have been pending for an average of 359 days.

That is why OSHA reallocated \$3.2 million in efficiency savings to the whistleblower program from the compliance assistance budget. Yet this has spurred overblown rhetoric that OSHA has somehow put confrontation ahead of cooperation or is gutting the VPP program.

I look forward to hearing from our excellent panel of witnesses. I yield back.

<http://democrats.edworkforce.house.gov>