

SUN EDITORIAL:

Making OSHA work

Bills in Congress would take important steps to help ensure worker safety

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Over the past few years, Nevada has become a poster child of the problems with workplace safety oversight and regulation. During the construction boom on the Las Vegas Strip, for example, there were 12 deaths in an 18-month period, and Nevada's workplace safety regulators were criticized for their slow, anemic response.

About half of the states, including Nevada, have their own workplace safety agencies. By law, states are allowed to police workplace safety as long as they uphold the federal standards, which are minimal. The reality is they operate with little real oversight.

The federal Occupational Safety and Health Administration has the responsibility to oversee programs, but it doesn't have much power to make the states do their jobs. If a state fails to meet the standards, the federal government has one of two options: It can take over the state agency or it can do nothing. There is no intermediate correction or punishment allowed.

That can lead to a serious issue with oversight. For example, in 2007, two workers died after being exposed to fumes in a manhole at the Orleans. A state inspector found that Orleans owner Boyd Gaming had committed a "willful" violation of safety regulations. That is a rare but serious finding. The inspector said Boyd had been warned about problems with manholes but hadn't properly addressed them.

However, after Boyd representatives secured an unprecedented meeting with a high-level appointee of Gov. Jim Gibbons to discuss the situation, the violation — and the resulting fine — were reduced.

After receiving a complaint about the handling of the case, federal OSHA investigated and found "irregularities" that raised "significant concerns." The state responded by telling the federal government its conclusions were wrong, and it largely got away with that because the irregularities weren't enough to force federal OSHA to pull the plug on the state agency.

After being harshly criticized in Congress for the problems exposed by the Las Vegas Sun's Pulitzer Prize-winning work on worker safety issues, Nevada OSHA has changed its tune and is now working with the federal agency. That is good.

But the issue still remains — states can largely operate autonomously without oversight and that creates a danger in the states with their own programs.

On Tuesday, Rep. Dina Titus, D-Nev., introduced a bill that would change the law to give federal OSHA the ability to exercise greater oversight, without having to take over a state agency. The bill would also require regular Government Accountability Office audits of state agencies and federal oversight, which would provide an independent opinion of workplace safety measures.

Titus' legislation is important, and it should garner wide support. But it is just one piece of what is needed to reform worker safety in the United States. In 2004, Sen. Ted Kennedy, D-Mass., introduced the Protecting America's Workers Act, a bill that would provide tougher punishments for workplace safety violations. The bill has been introduced in every session of Congress since, and every time it has languished.

Before Kennedy died last year, the legislation was introduced in both the Senate and the House. It is not a panacea, but it would be a strong step toward improving worker safety.

Millions of Americans are hurt, sickened or killed on the job every year. This should be a bipartisan issue. It is beyond time for Congress to address it.