

# OSHA Says Criminal Penalties Could Prevent Construction Accidents

On behalf of Johnston, Moore & Thompson

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Assistant Secretary of Labor Dr. David Michaels believes that adding criminal penalties to OSHA's arsenal could prevent [construction accidents](#) and other [workplace injuries and deaths](#). He also says that OSHA needs and welcomes industry help in preventing on-the-job injuries and fatal accidents.

Speaking at the spring "Safety 2010" conference in Baltimore, a convention of industrial safety professionals, Michaels discussed workplace safety issues ranging from the need to update permissible exposure limits for chemicals used to clean up the Gulf oil spill to "wrong-thinking" incentive programs used in certain industries.

According to OSHA, more than 5,000 workers suffer fatal accidents every year in the U.S., while thousands more develop occupational illnesses from exposure to hazardous materials such as asbestos, diacetyl and BPA. "This must stop," he told the attendees.

## **Preventable Industrial and Construction Accidents Must Not Be Tolerated**

"It's an unfortunate fact that monetary penalties just aren't enough. We believe that nothing focuses the mind like the threat of doing time in prison, which is why we need criminal penalties for employers who are determined to gamble with their workers' lives and consider it merely a cost of doing business when a worker dies on the job," said Michaels to cheers and applause.

Preventing workplace and construction accidents will require both aggressive enforcement and proactive compliance by industry, Michaels argued.

"We know we do not have - nor will we ever have - enough inspectors to go to every workplace in the nation." Therefore, he called on industry to adopt OSHA standards and best practices on their own.

"It requires employers to implement injury and illness prevention programs that are tailor-made for their particular worksite, and it requires employers to be proactive, and not wait for OSHA to issue citations."

Specifically, Michaels called for better safety incentive programs, stronger whistleblower protections, and more effective outreach to non English-speaking workers, along with better injury and illness prevention programs, permissible exposure limits for chemicals that are updated based on more recent science, and an overall improvement on OSHA's methods.

Calling upon industry to help OSHA prevent workplace injuries and deaths, Michaels said that OSHA owes it to all the workers who have been killed on the job to make sure more lives are not lost to preventable workplace accidents.

"We need to embrace the spirit of Mother Jones, who said, 'Mourn for the dead, but fight like hell for the living,'" Michaels concluded.

### **BP Officials Celebrated the Deepwater Horizon Crew's Safety Record Just Before the Disaster**

As for the Gulf oil spill, Michaels noted that BP officials were on hand at the oil platform shortly before the oil rig explosion to celebrate the fact that the unit had achieved seven years of workplace safety and health. Unfortunately, he pointed out, past injury rates are poor predictors of future events.

Related Resource:

["OSHA Chief Calls for Criminal Penalties"](#) (Occupational Health & Safety, June 16, 2010)