

**ORAL STATEMENT**  
**Celeste Monforton, DrPH, MPH**  
April 28, 2009

Senator Murray, Senator Isakson and other members of the subcommittee:

I am Celeste Monforton, an assistant research professor at the George Washington University School of Public Health. I ask that my written statement be made part of the hearing record.

One of the most rewarding and enlightening experiences in my public health career was my involvement in the 2006 Sago mine disaster investigation. I came to understand and appreciate that family-member victims can make a meaningful contribution to the accident investigation process. There is no one more interested in finding the truth about the cause of an on-the-job death than a workers' loved ones.

I heard then (and still hear today) that family members will impede the investigation, that family members have a conflict of interest, and that family members are too emotional to be useful in the fact-finding. My experience tells me that nothing is further from the truth. With Sago, no one paid closer attention to details, pressed the investigators harder for answers, or raised the bar higher for mine safety reforms than those daughters, wives and brothers.

Proponents of the status quo reject proposals for family member involvement, saying "they'll want to bring their lawyers," as if attorneys are not already part of OSHA's settlement process. Besides, the OSHA process does not offer personal economic gain for family members--in contrast to employers, who do have an economic and reputational interest in reducing the impact of OSHA's action. Families simply want to know what happened and to see that it doesn't happen again

Traditionally, MSHA's (like OSHA's) policy is to not share details about the incident until the investigation is completely closed---potentially years down the road. But with Sago, we realized that we needed to balance the families' right-to-know with the needs and the legal responsibilities of the technical investigators. In an unprecedented decision, we gave each family a complete set of the interview transcripts ---this happened as soon as all the interviews were completed, but well before the investigation was done and final citations issued.

Despite the unease and anxiety expressed by some---NO calamity ensued. In fact, some of the family members devoted long days and nights to studying the transcripts and were able to alert us to inconsistencies in witnesses' testimony and identify topics deserving closer scrutiny. Their contributions to the process eclipsed any potential administrative hurdles.

I recommend, among other things,

- Family-members or their designee be given full party status in OSHA investigations; and that

- The Secretary of Labor appoint a federal advisory committee made up of injured workers and family-member victims to provide advice to the Solicitor's Office, OSHA and MSHA on improving the prevention potential of the Department's enforcement systems.

Our surveillance data, limited as it is, shows us that the same hazardous conditions that killed U.S. workers 20 years ago are largely the same hazardous conditions that kill or maim U.S. workers today. In 2009, there is no acceptable reason why U.S. workers still suffocate to death in unshored trenches. Yet last year, at least two dozen workers in our nation died this way. Likewise, workers in the U.S. continue to die from falls on residential construction projects, or because of unguarded equipment, inadequate lock-out/tag-out procedures, and uncontrolled combustible dusts and gases.

Because OSHA's responsibilities are grossly mismatched with its budget and resources, we need to amplify the prevention potential of OSHA's citations and penalties. In my written statement, I provide a number of recommendations to enhance their deterrent effect. These include:

- OSHA's penalty calculation should include a specific factor that assesses the economic benefits reaped by an employer for violating health and safety regulations. Employers who comply and embrace the letter and the spirit of OH&S regulations should no longer be placed at an economic disadvantage because their competitors are failing to invest in workers safety.
- OSHA must have the authority to compel immediate abatement of hazards that are known to contribute to serious injury, illness or death. Our nation can't make advances in preventing harm to workers when our system forces local OSHA managers to bargain with employers, choosing between levying a tough penalty or getting a hazard corrected quickly.

In closing, people around the globe are marking Worker Memorial Day—a day of remembrance and action. By making improvements to our nation's occupational health and safety system, we can honor the men and women whose lives were cut short or irreparably harmed by hazards at work.

I would be pleased to answer your questions.