



College and University Professional  
Association for Human Resources



July 20, 2010

The Honorable George Miller  
Chair  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable John Kline  
Ranking Member  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member Kline:

On behalf of the undersigned human resource associations, we share your concern for the safety of employees working in mining and other industries. However, we are writing to express our opposition to several provisions amending the Occupational Safety and Health (OSH) Act contained in **H.R. 5663, the Miner Safety and Health Act of 2010**, that would affect human resource professionals.

Our members are committed to implementing policies and procedures that provide safe workplaces for employees. Through the dedication of employees, employers, the Occupational Safety and Health Administration (OSHA) and others focused on workplace safety, workplace injuries, illnesses and fatalities in our country have steadily declined over the last few decades. We, and our hundreds of thousands of members across the country, look forward to working with OSHA to continue this trend. Unfortunately, H.R. 5663 would foster a more adversarial relationship between OSHA and employers, making it difficult for organizations and human resource professionals to work with the agency.

H.R. 5663 would create new civil and criminal liability for individual directors and corporate officers, including human resource managers. These provisions would impose new and vague standards for criminal liability—including felony criminal sanctions against “any company officer or director” for “knowing” violations of the OSH Act. The bill, however, provides no definition of “knowing,” nor does it provide any limitation or guidance on which “officers or directors” could face criminal charges. This unclear imposition of personal liability, coupled with the bill’s harsh penalties and complicated procedures for adjudicating whistleblower cases that include unlimited liability for companies, will make employers leery of working with OSHA. Yet, for OSHA to be effective it must be a resource, not just an enforcement agency.

Equally important, H.R. 5663 will not assist human resource professionals in helping their organizations improve workplace safety. The bill contains no support or assistance for employers to help them implement better safety programs or better understand safe work practices and related legal obligations.

In sum, H.R. 5663 will impose new liability on human resource managers—who typically are employees’ biggest safety advocates in the organization—during an economic period when they and their organizations can afford it least. Moreover, it will not provide support or assistance for businesses to help them prevent workplace accidents and injuries. These provisions constitute a misguided approach that will contribute little or nothing to improving workplace safety.

For these reasons, we urge you to oppose H.R. 5663.

Sincerely,

College and University Professional Association for Human Resources  
HR Policy Association  
Society for Human Resource Management