



**Independent Electrical
Contractors**

Independent Electrical Contractors

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July 21, 2010

The Honorable George Miller
Chairman
Committee on Education and Labor
2175 Rayburn HOB
Washington, D.C. 20515

The Honorable John Kline
Ranking Member
Committee on Education and Labor
2175 Rayburn HOB
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member Kline:

I am writing on behalf of the 2,700 contractor members of the Independent Electrical Contractors (IEC), to express our opposition to H.R. 5663, *The Miner Safety and Health Act of 2010*, which will not improve workplace safety but serve merely as a punitive tool that closes the proverbial barn door after the horse has already left.

Unfortunately, none of the testimony at last week's hearing has given our contractors any reason to believe that H.R.5663 will do anything other than bring increased business costs and litigation to an industry that is already facing more than 20% unemployment, while providing no benefits to the hard working men and women in the electrical field.

Prior to addressing IEC's concerns with H.R. 5663, I feel compelled to make clear to the Committee that IEC members are committed to the health and safety of their employees and the well-being of their electrical contracting businesses and customers. For that reason, IEC has been, and continues to be, an active participant with the Occupational Safety and Health Administration (OSHA) and other organizations in a continuing effort to promote the safe products, procedures, and work practices that govern our industry.

OSHA's cooperative programs, such as the IEC/OSHA Alliance, serve as a valuable conduit for ensuring that the busy contractor is kept up to speed on the latest regulations and workplace practices. As part of IEC's agreement with OSHA, IEC commits to educating its members about OSHA regulations, as well as, relaying the best industry practices promoted by OSHA. An excellent example of this partnership is IEC's *Jobsite Safety Handbook*, which was produced in cooperation with OSHA, and provides contractors with a pocket-sized, jobsite safety guide, written in English and Spanish, for their supervisors and employees.

Cooperative efforts between the government and the private sector, including the IEC/OSHA Alliance, are key reasons why the injury rate in our industry has been in a consistent and steady decline. IEC members believe that one injury is too many, but remain confident in consistent improvements in this field, and committed to ensuring that jobsite injuries and fatalities continue their downward trend.

Specifically regarding Title VII of H.R. 5663, IEC is concerned that the legislation increases penalties and gives OSHA inspectors more authority over the jobsite without doing anything to actually *prevent* accidents from taking place.

The association for electrical and systems contractors

The increased criminal penalties are vague, as there is no clear definition of a “knowing” violation, nor is there any guidance or limitation on the “officers and directors” who could face criminal charges. The lack of clarity that accompanies this significant expansion of criminal liability will undoubtedly discourage settlements and instead increase litigation.

Further, H.R. 5663 will give OSHA inspectors, who may not be experts in the construction industry generally or the electrical field specifically, the ability to shut down a jobsite until an employer makes their recommended changes. Along with denying the contractor their right to appeal for a review of the inspectors’ decision, this new authority could have a substantially negative impact on a small business owner’s ability to be competitive. When an inspector, who has no training or background in the construction industry, mistakenly orders the abatement of a jobsite, even for a few hours, they will be threatening the economic livelihood of that contractor and every employee on that site, including those who work for other employers on related jobs.

Again, I would like to express our opposition to H.R. 5663 with the clear statement that IEC and its contractor members strongly support improvements to workplace safety, and we remain hopeful that cooperative relationships, such as the IEC/OSHA Alliance, can continue to contribute to a reduction in workplace injury rates.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Brian Worth". The signature is written in a cursive style with a large, stylized initial "B".

Brian Worth
Vice President
Government and Public Affairs