

July 16, 2010

Honorable George Miller, Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, DC 20515

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

Dear Chairman Miller and Ranking Member Kline:

The Committee on Education and Labor is reported to be going to markup on H.R. 5663, the “Miner Safety and Health Act of 2010” next week. Of course, H.R. 5663 is much broader than its short title implies, containing in Title VII sweeping changes to the Occupational Safety and Health Act (“OSH Act”) that will adversely affect wholesaler-distributors and other employers across the vast expanse of American industry. NAW, whose 40,000 affiliated companies (with approximately 150,000 places of business located in every state in the United States) range in size from the very large to the very small, strongly opposes these changes to the OSH Act for reasons well articulated by the Coalition for Workplace Safety (CWS) of which NAW is a member, in testimony presented at the Committee’s July 13<sup>th</sup> hearing on H.R. 5663 and in CWS’s July 13<sup>th</sup> letter to you.

For wholesaler-distributors large and small, nothing surpasses in importance meeting their responsibility to provide their employees with safe and healthy workplaces. NAW and our affiliated employers believe that cooperation among employers, employees and regulatory authorities advances that objective as well as the goal of timely hazard abatement, and that public policy should facilitate such a cooperative, results-oriented atmosphere.

In recent years, that has generally been the approach to workplace health and safety that has been embraced at the federal level through the Occupational Safety and Health Administration (OSHA) with laudable results. Over the past 15 years, the number of workplace fatalities (which are now at their lowest rate ever) and the total illness and injury rate have declined substantially, the latter by more than 50%. While obviously not perfect and while there is still progress to be made, this exceptionally good news argues strongly against the radical shift in approach proposed in Title VII of H.R. 5663 that will replace cooperation between employers and OSHA with an adversarial relationship, generate expensive litigation, unnecessarily deprive employers of due process rights, and substantially drive up employers’ costs. None of this advances the cause of workplace health and safety and, particularly at this time of lingering economic difficulty, will come at the expense of workers’ wages, benefits and jobs.

NAW urges that the revisions to the OSH Act proposed in H.R. 5663 be removed from the bill. If they remain in this legislation, NAW’s opposition to it will extend to including votes taken in the House in connection with H.R. 5663 as “key votes” for the 111<sup>th</sup> Congress.

Thank you for your consideration of NAW’s views.

Sincerely,



James A. Anderson, Jr.  
Vice President-Government Relations

cc: Members of the Committee on Education and Labor