

*Proposed OSHA Rule Testimony  
of Oklahoma Labor Commissioner Mark Costello*

Mr. Secretary,

The late Senator George McGovern wrote in a 1992 Wall Street Journal column, "... I also wish that during the years I was in public office, I had had this first-hand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. Senator .... We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities."

The proposal by the U.S. Department of Labor to change OSHA workplace reporting of injury and illness data to be electronically posted on a special web site has the potential of **choking off** opportunities. Let me restate the obvious, the federal government is proposing the creation of yet another special website.

Should not the federal government's most recent launch of a web site give pause and raise concern at the Department of Labor?

This administration's stonewalling the release of relevant data to the Obamacare website; whilst, mandating the public disclosure of workplace safety data is beyond irony, to the point of parody. What is public is now private, while what is private is to be made public. In the best of Orwellian doublespeak, "...four legs good, two legs bad."

As Commissioner of Labor, duly elected by the citizens of Oklahoma, I have a lawful obligation to speak out for the economic well-being as well as safety concerns of the citizens of our great state. I strongly oppose this rule change as the proposal seems to be more about politics rather than public safety.

The experimental idea of OSHA using ***naming and shaming*** as a means to improve safety is unwise and unproven. Instead the proposed rule will serve to harm the reputation of the employer. It's the functional equivalent of painting a scarlet letter on individual businesses while creating a pick list for trial lawyers nationwide.

There is no evidence that those who promulgated these rules have ever started, owned, or operated a business as did the late George McGovern ***after*** he left the Senate.

This proposal will likely lead to a distortion of a company's safety record and could be used in an adversarial manner by union bosses, trial lawyers and a company's competitors. The unintended consequences will lead to a decrease in job creation while creating additional burdens for entrepreneurs.

If the goal is to reduce workplace accidents and injuries, then federal OSHA should redirect existing resources to the states where voluntary consultation programs are making a difference in reducing workplace accidents. In Oklahoma, we market ***state*** OSHA consultation services at no cost to the business, confidential, voluntary, and non-punitive. Our voluntary consultation services historically

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have resulted in a reduction in workplace accidents as evident by a corresponding reduction in workers compensation costs for the participating business.

Let me restate, voluntary state OSHA consultation demonstrably reduces workplace accidents and injuries.

Oklahoma's voluntary consultation program is marketed as **Safety Pays**. For the business, **Safety Pays** by creating a safer work environment, decreasing employee lost time, and reducing workers' comp. rates. For the employee, **Safety Pays** when the employee returns home to their family free from injury.

For example, one Tulsa based company who participated in **Safety Pays** saw a recordable rate drop by 83% and Workers' Comp direct costs drop by 92%, resulting in a savings of \$250,000. A Sand Springs participant has logged over 500,000 man hours without a lost time incident. There are many more positive examples that testify to voluntary consultation as the best answer to improving workplace safety.

Publication of workplace data does not increase safety or reduce workplace accidents. Nor, does the proposed use of data tell the full story about the circumstances surrounding an injury and efforts to prevent such injury.

As President Ronald Reagan once joked, "I'm from the government, I'm here to help." This dubious proposal and its' hostility towards the private sector is no joke. This proposed **naming and shaming** of American businesses will not increase safety. It will however, lead to a choking off of job creation and a harming of the American economy. On behalf of the citizens of the state of Oklahoma, I call for a stand-down on this proposal.