On July 23, 1991, the U.S. House of Representatives Education and Labor Committee’s Subcommittee on Safety and Health sent H.R. 1063, the Construction Safety, Health and Education Improvement Act, to the full committee. The Education and Labor Committee is expected to consider this bill in late September.

H.R. 1063, introduced by Representative Joseph M. Gaydos (D-PA), would have a tremendous impact on the entire construction industry. Even OSHA Administrator Gerard F. Scannell opposes the legislation because it would be too “rigid” and “inflexible” to work. AWCI has joined a coalition of construction industry associations working together in opposition to the bill.

The bill would create within OSHA a separate Office of Construction Safety, Health and Education under the direction of a Deputy Assistant Secretary. This office would be charged with developing a system for targeting inspections of construction sites. The bill would also require a “project constructor” for each project and a “project safety coordinator” to carry out various record-keeping activities, both preconstruction and postconstruction for every project undertaken.

AWCI opposes the bill because it deemphasizes employer/employee safety training and education, imposes needless recordkeeping requirements, and does not adequately address drug use and other aspects of employee accountability.

In subcommittee action, ranking minority member Paul B. Henry (R-MI) offered 24 amendments to the Gaydos legislation, most of which were rejected by the Democratic majority. The final subcommittee vote to pass the bill on to the full committee was 5-3 along party lines.

AWCI has joined an industry coalition opposing H.R. 1063, an attempt to single out construction.

One substantive amendment that was accepted involved a provision on employee accountability. The amendment stated that OSHA shall not issue citations to an employer if the employer has a safety program in place but an employee fails to adhere to its provisions.

Rep. Henry claimed that the bill’s requirements would translate into 2.5 million pieces of paper a year, adding that OSHA does not have the resources to process the anticipated avalanche of paper.

Rep. Gaydos has said that he will ask the full Education and Labor Committee to consider the bill “as soon as possible.” He has been pushing this bill through the hearing process very heavily, and many members of Congress either are not aware of its provisions or are confusing it with OSHA reform. There is a chance, therefore, that the bill could move through the committees and to the floor of the House with only perfunctory debate.

AWCI and the construction industry coalition opposing the bill are working very hard, therefore, to let members of Congress know about the hardships the bill would impose on contractors. A target list of key Representatives has been drawn up, and these members are being contacted.

No action has been scheduled in the Senate this year. Senator Dodd’s (D-CT) companion bill, S. 673, is not active at this time.

AWCI’s members will soon be receiving a sample letter to send to their Congressional Representatives. Readers of this magazine are also urged to contact their Representative and voice their opposition to this bill, H.R. 1063.