

Opinion

# Letter: OSHA penalties are too low for serious workplace violations

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## OSHA penalties are too low for serious workplace violations

Richard Wade, a Tonawanda Coke worker, died because the company failed to comply with well-known safety requirements for locking out machines during maintenance, according to the Occupational Safety and Health Administration's (OSHA) report on the fatality issued last week. This preventable death is an egregious example of insufficient and ineffective workplace health and safety enforcement.

Penalties assessed by OSHA for violations are not only too low, but too often are reduced in informal settlements that let employers off the hook, even when workers have been seriously injured or killed. A June 2016 report I co-authored for the Center for Progressive Reform (CPR), "OSHA's Discount on Danger," finds that even when violations involved fatalities, OSHA gave the employer a median settlement discount of 25 percent. The median penalty for worker fatalities during the Obama administration was \$5,800, less than the cost of an average funeral.

True to this disturbing pattern, OSHA cited Tonawanda Coke in 2010 and again in 2014 for the same kind of violation that killed Mr. Wade this year: failure to lock out machines before performing maintenance and failure to train employees in lockout procedures. For the 2014 citation, following an explosion that injured three workers, OSHA imposed an initial penalty of \$161,000 but later reduced it by 28 percent in a settlement of \$115,370, despite the repeat violation.

To strengthen enforcement, CPR's report recommends new OSHA guidelines discouraging settlement in egregious cases like fatalities. Improved settlement policies, along with OSHA's new power to adjust maximum penalties for inflation, will be a step forward.

Martha McCluskey

Center for Progressive Reform

Professor of Law, University at Buffalo

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