

One agency that didn't testify at the hearings was the Texas Occupational Safety and Health Commission. That

is because there is no such agency. Unlike most states, Texas has decided that it does not need a program to protect the safety and health of its workers. We leave that up to the free market. After all, companies will have to pay higher wages to persuade workers to labor in unsafe workplaces, so they have an incentive to protect their workers. Of course, it doesn't work that way in the real world where workers are unaware of the risks and are offered wages on a take-it-or-leave-it basis.

The federal Occupational Safety and Health Administration has an obligation to protect workers in states that decline to do so. But OSHA has been so decimated by 30 years of attacks from the U.S. Chamber of Commerce and business-funded think tanks that it can inspect a Texas facility only once every 98 years. It did inspect the West plant once, almost 30 years ago.

If Texas had an occupational safety agency in place, its primary concern would have been for the safety of workers in the plant. That concern would have alerted it to the risks posed by the ammonium nitrate. And the steps taken to reduce those risks would have protected the entire community of West, not just the workers.

When it comes to protecting public health and safety from threats posed by unsafe fertilizer plants in rural areas and equally dangerous industrial operations in major cities, Texas politicians have adopted a Wild West attitude that gives Texas businesses great freedom to innovate and grow the economy. But the Legislature and the governor have been less concerned about ensuring that these companies exercise that freedom in a responsible manner and are held accountable when they don't.

In a regulatory environment in which companies have virtually unchecked economic freedom but not enough responsibility and accountability, the inevitable result is a series of crises like the West explosion.

Horrible as they are, these predictable crises provide an opportunity for legislatures to re-examine the balance

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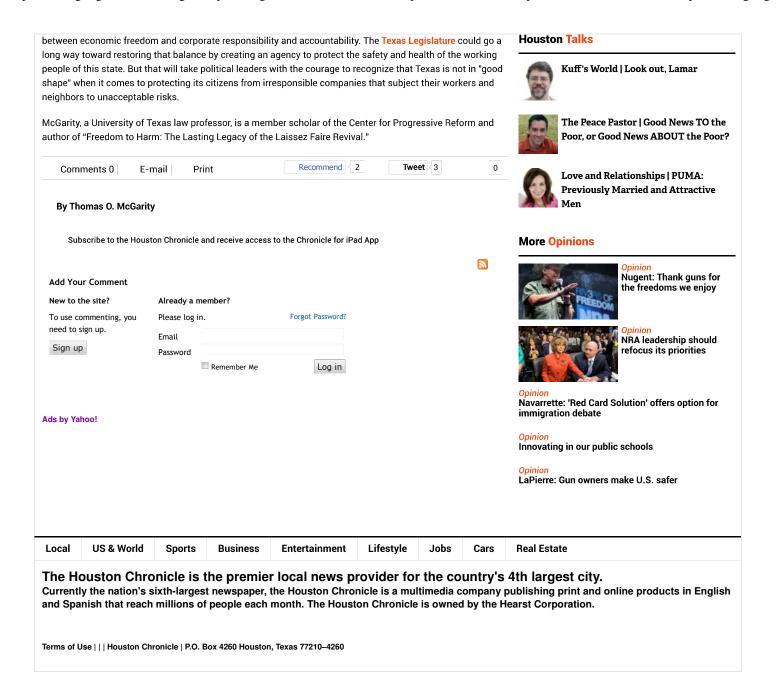


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