Wyoming Senate Kills Worker Safety Bill

Ben Neary, Associated Press Writer

CHEYENNE, Wyo. (AP) — A bill that would have increased employer penalties for workplace safety violations has died in the Wyoming State Senate.

House Bill 93 had come out of a worker safety task force Gov. Dave Freudenthal appointed last year to address the state's chronically high worker fatality rate, particularly in the energy industry.

The governor had called on legislators to pass it in his State of the State address last month. Labor — as well as industry groups — had openly supported it before its defeat. The Senate on Tuesday killed House Bill 93 in a tied vote of 15-15.

"Unfortunately the vote may confirm what some of the critics have been saying about the Senate in particular not being terribly concerned about worker safety," Freudenthal said Tuesday. "I'm disappointed and I think this doesn't reflect well on the state."

Sen. Kathryn Sessions, D-Cheyenne, spoke in favor of the bill. She said her husband had been an oil field roughneck and that she knew firsthand that they need more protection on the job.

Speaking after the vote, Sessions said some in industry circles had been lobbying secretly against the bill.

"It was industry, you bet it was," Sessions said. "It's incredibly sad. What are we saying? Our workers are not worth anything? We're just saying they're not worth it; it's not worth us taking a stand in the Senate for the people who do the work in that industry."

Bruce Hinchey, president of the Petroleum Association of Wyoming, the largest industry group in the state, said Tuesday that his group didn't work against the bill. He said he was surprised it died and had expected it to pass easily.

Despite the defeat of the bill, Hinchey said he expects that the energy industry in Wyoming will continue to work on safety issues.

Freudenthal in January wrote to lawmakers that Wyoming had the highest rate of worker deaths of any state in the nation in 2007, with 17 deaths per every 100,000 workers — more than four times the national average. The number of occupational fatalities in Wyoming declined from 48 in 2007 to 33 in 2008, according to the state Department of Employment.

House Bill 93 would have raised the penalty for an employer who violated the Occupational Safety and Health Act resulting in the death of an employee from the

current maximum fine of $70,000 up to a maximum of $250,000. The bill also would have increased penalties for nonfatal workplace safety violations.

Rep. Mary Throne, D-Cheyenne, had sponsored the bill. She said after the Senate vote that the task force had recommended increasing fines to give companies an incentive to participate in a workplace safety review program.

"The way it's set up now, the fines are so minimal there's not as much incentive as there should be to seek consultation from OSHA," Throne said.

Opponents in the Senate included Sen. Charles Scott, R-Casper. He said he saw the bill as a throwback to the early days of the federal Occupational Safety and Health Administration, when he said the agency often hit private industry with unmerited fines.

Speaking after the Senate vote, Scott said proponents of the bill claimed that hiking the fines would help to deal with the fatality problem. However, he said 60 percent of worker fatalities in the state involve transportation accidents and noted that the Legislature is also considering a bill he's sponsoring to raise the fine on people who fail to wear seat belts.

Sen. John Schiffer, R-Kaycee, voted for House Bill 93.

"We've been working on the safety issue for really as long as I've been down here, for 15-20 years," Schiffer said after the vote. "We tried to institute voluntary programs, having meetings and trying to educate people on safety. And I think those have helped, but I think it's kind of the carrot and the stick. We've never had the stick before, and this certainly was a stick."

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