



UNITED SUPPORT & MEMORIAL FOR WORKPLACE FATALITIES

2837 Yellowstone PKWY Lexington, KY 40517

Phone: (859) 266-5646 Fax (859) 266-5646 Email: tammy@usmwf.org

BECAUSE GOING TO WORK SHOULDN'T BE A GRAVE MISTAKE!

OSHA Listens: Occupational Safety and Health Administration Stakeholder Meeting Docket No. OSHA-2010-0004 Statement by Tammy Miser

Hello my name is Tammy Miser; I would like to thank you for giving us the opportunity to speak here today.

My Brother, Shawn Boone, was killed in 2003 at Hayes Lemmerz in an aluminum dust explosion. His death was horrendous; Shawn was directly behind the chip melt furnace during the first blast and nearby when the second more severe blast occurred. The blast that he sustained was hot enough to melt the copper piping which has a melting point of almost 2000 degrees (1984.32 °F). The blast took Shawn's eyes, fatally scorched his internal organs and burned through much of his muscle tissue. All we could offer Shawn was compassion and mercy. The doctors gave Shawn enough morphine to put him in a comatose state, slowing his functions enough to let him go peacefully. We do this for our animals - we shouldn't have to make this sort decision for our loved ones! Families should not have to live with this judgment on their shoulders! In 2007, my youngest brother Thomas took his own life. I believe the pain of knowing what happened to Shawn greatly contributed to Thomas' death. As you can imagine, this has only added to our loss and frustration.

There were so many things wrong; so many warning signs of trouble, yet nothing was done to protect workers at Hayes. Furthering the pain was the fact that so many workers had information about problems in the plant that may have been relevant to the investigation but they had no opportunity to be involved. If Hayes had a union, Shawn and the other workers would have had representation during the investigation process, including decisions about abatement.

Families are no longer sitting by on the sidelines. We want answers, involvement and change. I am here today with a group of USMWF's members, not only to speak for my brother Shawn but as a voice for families all across the United States who have lost a loved one in the workplace and were not able to attend this event.

The USMWF families all have commonalities connected to a sudden death: disbelief; anger; grief; a need to be acknowledged; and to have answers. Many of us have had the added pain of dealing with an unknown regulatory system that is not equipped to accommodate the families of lost workers.

We feel that families have a right to be included in the OSHA process. USMWF families have provided Congressional members, the media and the public with insight into real life incidents of workplace tragedy with heartfelt, moving and invaluable testimony. We feel we could be an additional, and valuable, resource to the OSHA investigation.

We would like to see a federal liaison office that provides family member victims with reliable and responsive information about investigation procedures, the role of other state or federal agencies, and workers' compensation.

Family members should have access to all documents gathered and produced as part of the accident investigation. This includes records prepared by first responders, interviews, affidavits, or written statements, as well as training and maintenance records, videotapes and photographs. Information mentioning the deceased family member's name and condition should not be redacted from documents provided to family members, and all fees related to the production of documents should be waived for family members.

We would like to see monetary penalties for violations raised by a substantial amount. These penalty amounts are nearly 20 years old and seriously out-of-date. We urge you, Dr. Michaels to work with Members of Congress to increase the maximum allowable penalty and ensure these levels are regularly adjusted for inflation.

Finally, we believe that all workers and their families need the protection of the OSHA law, including those individuals employed by state, county and municipal government agencies. The Protecting American Workers Act (PAWA) would fix some of the gaps in our nation's worker health and safety system, and we support it.

I still miss my brother every day and I don't want to see another family have to deal with their grief while battling an unjust and unresponsive system. Mr. Secretary, we need improvements in our nation's laws and regulations. We support you in your efforts and ask you to consider our recommendations.

Thank you.