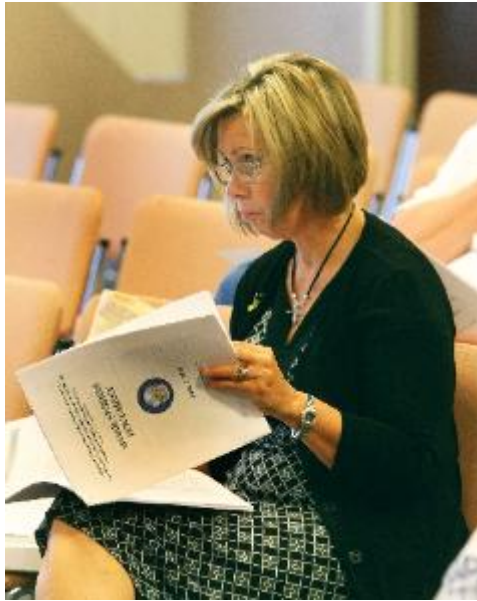


## Panel OKs safety-rule proposals



Gary Thompson/LAS VEGAS REVIEW-JOURNAL

Debi Koehler-Fergen, mother of fatally injured worker Travis Koehler, listens Monday during an occupational safety subcommittee work session at the Sawyer building. »

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A state legislative subcommittee agreed Monday on new legislative proposals that would increase penalties and make it easier to cite employers for workplace safety violations.

The committee, which met at the Sawyer Building and by satellite link from Carson City, said it will propose several draft bills during the next legislative session. The bill drafts will include imposing higher fines, giving state OSHA officials more authority to cite employers and requiring OSHA investigators to forward any findings of a fatal workplace accident to a local district attorney or state attorney general for further investigation. The committee also will ask legislators to require that family members be notified about investigations of any accident resulting in injury or death.

The committee's actions were welcomed Monday by citizen activist Debi Koehler-Fergen, whose son, Travis Koehler, was killed on the job in 2007. Three of her recommendations will be included in the four bill requests that will be submitted during the 2011 Nevada Legislature.

"I'm pleased everyone was able to bring things to the table," Koehler-Fergen said. "They did address many of the most important issues."

The legislative subcommittee met Monday as part of its review of an October report by the U.S. Department of Labor that was critical of the state's worker and occupational safety program.

The federal agency reviewed Nevada OSHA's activities from January 2008 through June 2009 after a string of worker deaths in 2007 and 2008 at construction sites along the Strip and at The Orleans.

In the time span studied, 25 workplace deaths occurred in Nevada. Of 14 construction deaths, five occurred on the Strip. In many of the 25 deaths, the state's workplace safety agency issued minimal or no fines, even when critics argued that employers had condoned unsafe behavior that led to the accidents.

Subcommittee member Assemblyman Marcus Conklin, D-Las Vegas, pushed for "heavy" fines for companies that have workplace safety violations.

He said companies now often fail to correct safety hazards because it is cheaper to pay a small fine.

Companies now can be fined between \$5,000 to \$70,000 for willful violations that do not result in a worker's death, and \$50,000 for a first offense when a worker dies.

The committee chose the bill draft proposals from a list of 25 recommendations.

Committee Chairwoman state Sen. Maggie Carlton said that the requests that come out of the committee have a long way to go before becoming law.

"We have a full year from now before the end of the next regular session for these things to be worked on," Carlton, D Las Vegas, said. "Today is the start of a long process of trying to address these very serious issues that came out of the report."

The subcommittee included Sen. Maurice Washington, R Sparks, Conklin and Carlton.

Interested parties including state OSHA Chief Administrative Officer Steve Coffield, Coffield's boss Nevada Division of Industrial Relations Administrator Donald Jayne, Nevada AFL-CIO Executive Secretary-Treasurer Danny Thompson and Steve Holloway, executive vice president of the Las Vegas chapter of the Associated General Contractors attended the hearing.

One of Koehler-Fergen's proposals that will be introduced will require that any state OSHA investigation involving a fatality be forwarded to the local district attorney and, or the state attorney general for possible criminal action.

The committee accepted Koehler-Fergen's recommendation that the state OSHA interview members of a deceased or injured worker's family to find out whether they were told about any workplace safety problems by the worker.

The bill also would require investigators to include the worker's family in all conferences and meetings relating to the investigations.

Koehler-Fergen said no one ever contacted her or any other family member during the investigation into her son's death in February 2007. Her son died after entering a poorly ventilated grease pit at The Orleans to rescue a co-worker, Richard Luzier, who also died. A third co-worker, David Snow, was severely injured but survived.

The federal report in October faulted state OSHA for not seeking relatives' knowledge about hazardous conditions at the victim's workplace and not keeping them informed as investigations unfolded.

"My son had a lot to say," Koehler-Fergen said. "It was information that may have been useful and may not have been. But it would have been nice to have the opportunity."

Koehler-Fergen said she would like to have a bill that would give family members a say in the final findings of an OSHA investigation.

"At this time, we have no legal standing at all," she said. "It's not to change what the rulings are, what their fines and violations end up being. It's just we wanted a voice in saying we didn't agree."

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