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**From:** [Donna Spadaro](#)

**To:** [Mary Beth Cahill, Kerry-Edwards 2004](#)

**Sent:** Monday, July 19, 2004 9:34 PM

**Subject:** Re: We are listening

**Ever since my brother, Gary Puleio, was killed on the job due to unsafe working conditions, I have chosen to honor his memory by becoming involved in the struggle for improved workplace safety. This path has led me to becoming an advocate for the Kerry-Edwards campaign and to defeat the anti-worker policies of the Bush administration so that other families do not have to suffer the devastating unnecessary losses that my family did.**

**Our family was devastated when Gary was killed at a concrete plant. Gary, had been employed there only 3 months as a cement truck driver. He fell 25 feet to his death, from a cement tower, while shoveling gravel off the hopper to clean it. The company claimed Gary just wandered up there on his own at the end of his driving shift rather than being assigned this unpleasant task because he was the “new man”.**

**Our grief was compounded when this implausible story was passively accepted by OSHA. After admitting no wrong doing, the company paid a \$6000 fine for REPEAT violations for not posting danger signs at a confined space and not implementing measures to prevent unauthorized entry.**

**From the OSHA website, we learned that this company had multiple serious violations issued only months before my brother was killed. These were informally settled with reduced fines called “abatement” only a few weeks before his death. Our concerns were condescendingly dismissed by OSHA and over a year later we were told no further action could be taken anyway as OSHA requires that any citations or penalties must be issued within 6 months of an “alleged violation” as they euphemistically call the neglectful killing of a new inexperienced worker.**

**Gary’s case illustrates the vast discrepancies that exist between workers access to OSHA and that of corporations. Corporations routinely “negotiate” with OSHA to downgrade fines through this process called “abatement” This process combined with inadequate workers’ compensation laws make it impossible to hold negligent employers criminally and civilly liable.**

**OSHA fines are not issued as punishment and no amount of money can ever compensate for the loss of life. These were the tired clichéd excuses OSHA gave our family to justify the paltry slap on the wrist fine issued for my brother’s death. However the issuance of trivial fines and citations results in no accountability nor any acknowledgement of responsibility on the part of the offending company.**

**Consider these appalling facts:**

1. In the past 20 years, 170,000 workplace fatalities occurred but only about 1700 were considered by OSHA to be due to the “willful” violation of safety laws. Without a “willful” designation it is difficult for prosecutors to make a case that an employer was criminally liable and civil suits pursued by families are not likely to succeed.
2. The percentage of cases being downgraded from “willful” to less serious violations has been rising steadily. In 2001, the year my brother was killed, 60 percent of all cases were downgraded.
3. Of the mere 1700 “willful” cases out of 170,000 fatalities in the past 20 years, only 196 were referred to prosecutors. In these 20 years there were only 81 convictions and only 16 carried jail sentences.
4. It is a MISDEMEANOR to kill a worker by willfully violating safety laws. The maximum sentence is 6 months in jail.

I have come to realize that my brother’s death was not just an isolated case of “bad luck”. The statistics I just cited amount to something quite worse—a litany of employer indifference coupled with the inaction and timidity of OSHA.

Here is the scope of the problem—in 2002, 4.7 million workers were injured, 5500 were killed and an estimated 50,000 died from occupational diseases. On an average day, 150 workers lose their lives as a result of workplace injuries and diseases and another 12,00 are injured.

OSHA does not have the funding or staff to adequately oversee the safety of the 100 million workers under its jurisdiction. OSHA’s current budget of \$475 million amounts to about \$4 dollars per worker. Federal OSHA has only about 900 safety inspectors and can only inspect workplaces on average once every 100 years.

The Bush administration has done nothing to correct this situation. It has overturned or blocked dozens of workplace protections and weakened job safety programs with such actions as repealing the ergonomics standards. These standards would have led to a significant reduction in the number one safety hazard in the US- the occurrence of disabling repetitive motion illnesses and injuries. It has killed dozens of worker protection measures including rules on cancer causing substances, reactive chemicals and infectious diseases like TB. The Bush administration has even refused to issue a rule requiring employers to pay for personal protective equipment, particularly important for immigrant and low wage workers.

While trying to dismantle worker safety and health training programs, the Bush administration has increased funding for outreach to employers. It favors employer voluntary programs over enforcement and excludes workers and unions.

Senator John Kerry is well known for his support of issues of importance to workers. Throughout his 20 year career as a U. S. senator he has voted correctly on

**all of the workplace safety and health legislation that has been brought before the U. S. Senate.**

**In 2000 and 2001 Senator Kerry voted against the efforts led by the Bush Administration to kill the ergonomics standards. In 2001, Senator Kerry voted in favor of legislation to prohibit unsafe trucks and buses from entering the U. S. from Mexico. Citing provisions of NAFTA, the Bush administration had proposed to open US highways to Mexican trucks which were not required to meet the same safety standards as American trucks.**

**Both Senator Kerry and Senator Edwards support legislation to initiate stronger OSHA penalties against employers who willfully violate safety laws and allow workers to be exposed to hazards that resulted in serious injury or death.**

**I think of my brother every day and will do so especially on Election Day 2004 as I cast my vote. I can never forget the terrible circumstances surrounding his death nor the insulting story told by the company about how he just “wandered up there on his own”. But what stands out most painfully, is the inadequacy of the regulatory system designed to protect workers and the injustices of the current system. In the words of Dr. Martin Luther King: “in the end we will remember not the words of our enemies but the silence of our friends.”**

**Election Day 2004 is the day we call for an end to the “silence” of the very agencies assigned to protect workers from these injustices. We must fight to make workplaces safer. We must toughen laws that make the willful killing of workers a felony not a misdemeanor. The downgrading and abatement of violations until they amount to little more than a meaningless “slap on the wrist” must be stopped. Our country cannot become a low wage economy where safety is ignored and dead workers are an accepted cost of doing business.**

**In memory of my brother, I plan to support Kerry-Edwards in 2004.**

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