

**SERIOUS SAFETY AND HEALTH HAZARDS FOR STAR-KIST WORKMEN IN AMERICAN SAMOA**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my serious concerns about the health and safety of American workers.

Mr. Speaker, the Occupational Safety and Health Act of 1970 sets forth safety and health standards for businesses which affect interstate commerce. The law was an attempt to correct several inadequacies in the workplace, including an attempt to level the economic playing field between businesses who provided safer and healthier working environments and those companies which did not. This was a bipartisan law, passed by a Democratically-controlled Congress and signed by a Republican President, Richard M. Nixon.

The Occupational Safety and Health Act, together with its regulations, is today applicable to the 50 States, the District of Columbia, and the U.S. territories. American Samoa is one of those territories.

Mr. Speaker, last year the Occupational Safety and Health Administration, or OSHA, began what ended up being a 5-month investigation of one of the two largest private employers in American Samoa, Star-Kist Samoa, Inc. Star-Kist Samoa is a subsidiary of Star-Kist Foods, which is a subsidiary of the \$11 billion conglomerate, the H.J. Heinz Food Co. This investigation concluded last month with the signing of a settlement agreement of approximately 100 citations which were issued for violations of Federal law and regulations. The violations included 42 willful, 35 serious, 12 repeat, and 4 failure to abate violations. The violations were for:

Failure to provide adequate machine guards for dangerous points of operation resulting in 11 amputations—5 total finger amputations, 1 total leg amputation, and 5 amputations of at least 1 finger joint;

Failure to provide 1,900 employees the use of puncture resistant gloves to protect their hand from sharp fish bones, knives, and wire racks, resulting in numerous injuries requiring sutures;

Failure to provide basic employee hearing conservation measures, though Star-Kist Samoa was aware that 19 employees had developed significant shifts in their hearing;

Failure to inform employees of the results of noise surveys;

Failure to perform baseline audiograms for over 600 employees;

Failure to conduct annual audiograms for over 1,500 employees;

Failure to evaluate audiograms that had been conducted;

Failure to develop and require the application of lockout-tagout procedures for employees engaged in such tasks as cleaning and unjamming machinery;

Failure to enforce the use of confined space permits;

Failure to keep adequate records of worker injuries and illnesses; and

Failure to comply with OSHA regulations on respirators, chemical exposures, eye washes, and bloodborne diseases, resulting in 100 employees being admitted to the LBJ Tropical Medical Center for treatment after being exposed to lethal gas.

Based on these violations, Star-Kist Co. agreed to pay \$1.8 million in penalties. This is a substantial penalty and was based on the severity of the violations, the period of time over which the violations occurred, prior knowledge by company officials of the violations, and the number of employees subjected to the unsafe or unhealthy conditions. Based on the formula OSHA uses to determine appropriate penalties, OSHA officials determined that a penalty in the range of \$4 to \$5 million was supportable. It was determined, however, that based on Star-Kist's willingness to correct the violations, a somewhat lower penalty was acceptable.

Mr. Speaker, the unsafe and unhealthy conditions found at the Star-Kist plant in American Samoa would not have been tolerated in any of the 50 States of the United States. That 42 of the violations were willful, in other words they were violations of Federal laws which Star-Kist management was aware of but purposely chose not to correct, is an indication to me that the management of Star-Kist Foods and H.J. Heinz here in the United States wanted to get away with as much as they could, regardless of the risk to the Samoan employees.

I have heard attacks made recently to the effect that a government which governs best is a government which governs least. In an effort to reduce the number of Federal regulations and make the climate in America more conducive to business, some are talking of doing away with the Occupational Safety and Health Administration.

Mr. Speaker, I believe that would be a grave mistake, and I use the example of what has happened to the Star-Kist employees in Samoa as an example of what would happen to employees in the United States if we do not maintain regulations to protect the safety and health of our workers, and provide sufficient funding to enforce these regulations. I have not heard one complaint, not even from Star-Kist, that OSHA acted improperly or impartially during the course of this investigation. OSHA did an excellent job in enforcing Federal law and regulations during this inspection, and I wish to publicly commend them for their outstanding performance.

Mr. Speaker, I have much more to say on this matter, and I will take the opportunity to do so later in the week.

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**CRIMINAL ALIEN TRANSFER AND BORDER ENFORCEMENT ACT OF 1995**

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today, I am introducing, on behalf of myself, as author, and the gentleman from Indiana [Mr. BURTON], the gentleman from California [Mr. BEILENSON], the gentleman from California [Mr. CONDIT], and the gentleman from Michigan [Mr. KNOLLENBERG], as coauthors of the Criminal Transfer and Border Enforcement Act of 1995, H.R. 552.

This bill suggests that an integrated approach to border management is needed. This legislation includes the improvement of drug interdiction, controlling illegal immigration and stopping other illegal cross-border activities in California and elsewhere.

The recent election in California made one issue very clear: Taxpayers are fed up with paying for the enormous costs associated with illegal immigration. It is especially disconcerting that the incarceration of criminal aliens is running up a nationwide tab of approximately \$1.2 billion annually.

The Federal Bureau of Prisons reports that noncitizens make up approximately 24 percent of the 91,000 total Federal prison population.

The average cost per inmate in the Federal prisons is \$20,803 per year. In California, the Governor estimates that we spend over \$350 million a year incarcerating aliens in our State prisons.

According to the Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California, as I said, is several hundred million dollars.

The Criminal Alien Transfer and Border Enforcement Act urges the President to renegotiate, within 90 days of enactment, the existing bilateral prisoner transfer treaties with Mexico and other source countries, which have sizable numbers of illegal criminal aliens in our prisons.

In 1976, almost two decades ago, the United States established a prisoner transfer treaty with Mexico. This treaty is outdated, and it is time for a change of course.

Alien prisoners come from more than 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of the alien inmate population is of Mexican origin. The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually.