

OFFICE OF MANAGEMENT AND BUDGET**Legislative Reference Division
Labor-Welfare-Personnel Branch**Telecopler Transmittal Sheet

LABOR
file HR 2009
FLSA amendment

FROM: Anna Brlatico

395-7887

DATE: 9/11/96

TIME: _____

Pages sent (including transmittal sheet): 3**COMMENTS:**

Attached is the marked up
version of the Labor
letter. Please
let me know
if o.k.
ASAP.

TO: Jennifer O'Connor
(Stacia)*fine***PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.**

HHS Comments

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

The Honorable Cass Ballenger
Chairman
Subcommittee on Workforce Protections
Committee on Economic and Educational
Opportunities
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Ballenger:

I am writing to provide you with the views of the Department of Labor on H.R. 2089.

The Department of Labor is committed to helping this nation's youth find meaningful and productive employment; however, their safety and health must not be placed at risk by such employment. H.R. 2089 would ~~substantially weaken existing~~ restrictions on the employment of 16- and 17-year olds in jobs that require driving. It will increase the on-the-job driving time of young workers, and increase the likelihood that more people will be injured or killed in traffic accidents. The Department cannot support legislation that raises the risk of ~~injury and death to young workers or the public.~~ ^{is concerned} that this legislation will raise the risk of injury and death to young workers or the public.

The existing rules governing occupational driving for young workers, set forth in Hazardous Occupation Order No. 2, prohibit anyone under the age of 18 from being employed to drive -- with limited exception for "incidental and occasional" driving of automobiles (and trucks weighing 6,000 pounds or less) under certain circumstances. H.R. 2089 would greatly expand the exemption to allow minors age 16 and 17 to operate such vehicles unless the operation is the primary duty of the minor's job. This proposed legislation would mean that teenagers -- many of whom will have just been licensed to drive -- would be permitted to spend almost half of their working hours behind the wheel on public roads and highways under the pressures associated with any employment situation. Sixteen and 17-year old youths could be employed to deliver pizzas or ^{to} shuttle passengers to and from automobile dealerships, for example, as long as it is not their "primary" duty.

The need to protect young workers in an increasingly fast-paced, highly-competitive workplace is as real as when the child labor laws were first enacted. According to a National Institute for Occupational Safety and Health (NIOSH) study, automobile crashes were the single largest cause of occupational deaths for 16- and 17-year-olds during the 1980s and remain a leading cause of fatalities. And, despite the fact that most occupational

at least / driving occupational
driving is prohibited for this age group. A third of all crashes involving young workers occurred while they were working. Newly licensed drivers are especially at risk, with higher crash rates than any other age group. The American Automobile Association, the National Safety Council and the Insurance Institute for Highway Safety have all added to the growing statistical basis for continuing restrictions on occupational driving by youth. Our own record, as well, is replete with examples of 16- and 17-year-olds who have been injured or killed while driving.

The Department is examining aspects of the child labor regulations, including this Hazardous Occupation Order, to determine whether the rules should be updated to accommodate the modern American workplace, but that effort is grounded in the basic assumption that responsible public policy dictates that work not be detrimental to young people's health and well-being or interfere with their schooling. The Department ~~strongly opposes legislative changes to these regulations, such as those proposed in H.R. 2089, that increase the chance that young drivers will suffer occupational injury or death.~~

Sincerely,

Robert B. Reich

Insert:

believes that an issue with significant safety ramifications, such as the legislative changes proposed in H.R. 2089, should be dealt with through the rulemaking process.