

putting "common carriers" back into the bill. I think if you really read that bill, it is probably a little...well, I don't know just what it does address in there as far as the safety hazards. In common carriers we are already under regulations and if you want to see a few of them, motor carrier regulations, right here. Here is the rest of them. There is a little book that all the drivers get that covers the parts that they have to be pertained to. So I think that we are covered far more than what they are trying to put into this bill. And I think that if you really look at it, we have to abide by these rules and if there is a complaint, like Senator Vickers says, and I am not denying that he has shown us black and white, there can be complaints filed because I know in the motor carrier industry there sure is. So I think in the rail industry on common carriers the same thing is there. They can lose their certificates. They can be fined. They are required by law to post their cars just like we are trucks. So with that, I would oppose adding the common carriers back in.

PRESIDENT: Senator Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. Senator Vickers does make a point when he suggests that there was at least some limited evidence that some common carriers had not or were not complying. There was also considerable evidence that others were. I must rise in opposition to the Vickers motion. It was not a unanimous decision on the part of the Business and Labor Committee to delete "common carriers", but it was a majority decision. A state's right to no law has traditionally, I believe, been governed by OSHA, under the Occupational Safety and Health Administration, the safety act, as it were. OSHA does prescribe certain standards to assure safety and health in the work place, but doesn't necessarily assume jurisdiction where other federal agencies do exercise legal authority. As a general matter, OSHA regulations don't apply to transportation operations who are under the jurisdiction, as I understand it, of the Department of Transportation, and such is the case here. Therefore, the transportation of hazardous materials, as I understand it, is fully controlled by the Federal Hazardous Materials Transportation Act and not by OSHA. I don't believe it is necessary to reinsert "common carrier" into the bill. I would, therefore, urge the body to vote no on the Vickers amendment. Thank you.