



AMERICAN SOCIETY OF SAFETY ENGINEERS

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April 7, 2014

Senator John J. Cullerton
President
Illinois Senate
327 Capitol Building
Springfield, IL 62706
john@senatorcullerton.com

RE: ASSE Opposition to SB 3287

Dear Senate President Cullerton:

The American Society of Safety Engineers (ASSE) is the oldest, largest membership society of safety, health and environmental (SH&E) professionals. Founded in 1911 and headquartered in Des Plaines, Illinois, ASSE represents members in every state, across the globe and in every industry who work diligently to help employers make sure their workers can return safe and healthy to their families each day.

To make sure our nearly 1500 members in Illinois will be able to continue to help employers protect workers in our state, ASSE strongly urges you to oppose SB 3287, a bill that would strip independent safety consultants of the protection from law suits now given by the Illinois Workers' Compensation Act but continue to be given to companies and insurers for providing the very same safety services. The impact of SB 3287 on hundreds of hard working, small business people who are safety consultants in Illinois will be to increase their professional liability insurance and make it much more difficult for them to provide safety consulting services that help keep Illinois workers safe.

Unfairly limiting an independent business person's ability to make a living in favor of corporate entities is reason enough to oppose SB 3287. But SB 3287

also would make it much more difficult for many Illinois companies to obtain safety consulting services. Only a small percentage of Illinois employers, most of them large, are able to have safety and health professionals on staff. Also, fewer and fewer property and casualty insurance companies are offering their insureds safety services, our members report. The independent safety consultants SB 3287 targets for law suits are the professionals most medium and nearly all small employers rely on to help make their workplaces safe.

The well-founded public policy supporting protections from workers' compensation suits that the Illinois Legislature clearly gave all safety consultation services, not just safety services provided by a corporation or an insurance company, was best stated in the Illinois Appellate Court decision (<http://www.state.il.us/court/Opinions/AppellateCourt/2012/1stDistrict/1093189.pdf>) that gave rise to SB 3287:

Under the stringent rule adopted by the majority no insurer will hereafter dare offer to perform, or perform, limited inspection services for fear of incurring liability. Undoubtedly such services, though limited, have contributed to the safety of workers and prevented economic loss.

Like an insurer without liability protection, an independent safety consultant would not be likely to provide such services. Sound public policy dictates that safety services by any person or company should be encouraged rather than discouraged.

The hard-working, dedicated men and women who provide independent safety consulting services do not deserve to be singled out as a target for law suits. And the people of Illinois do not deserve to lose the services they provide. With fewer consultants able to provide these protections, the chance an Illinois worker will be injured or killed on the job will rise. Workers' compensation rates will rise. And even more Illinois jobs will be lost to the high cost of doing business in Illinois.

For the good of Illinois, we urge you to oppose SB 3287.

Sincerely,

Kathy A. Seabrook CSP, CMIOSH, EurOSHM
President

cc: Senator Kwame Y. Raoul
Chairperson, Judiciary Committee
kraoul@senatedem.ilga.gov