



STATEMENT FOR THE RECORD

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
PROVIDED TO THE**

**HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE
SUBCOMMITTEE ON WORKFORCE PROTECTIONS**

Hearing On:

**“Examining the Policies and Priorities of the Occupational Safety and Health
Administration”**

September 27, 2023

Chairman Kiley, Ranking Member Adams, and Members of the Subcommittee:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents over 750,000 federal and District of Columbia employees, including Occupational Safety and Health Administration (OSHA) employees, we thank the Subcommittee for holding this hearing examining OSHA policies and priorities. AFGE represents OSHA employees who assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education, and assistance.

During a government shutdown, OSHA will be forced to operate with a skeleton crew at regional offices across the country with only one compliance officer on duty who works without pay. This one compliance officer will be tasked with inspections of work sites that have catastrophic events or have imminent dangers. All other inspections are halted. Because there is only one compliance officer, they are forced to choose which urgent situation to respond to in which order, leaving many employees at risk. Generally, an effective response to a catastrophic event requires a large team of OSHA officers, not a single individual. In some cases, response time can be stretched out over days and weeks depending on how many emergencies the one compliance officer is can investigate. Even when fully staffed, legal constraints limit OSHA's ability to halt operations at sites with "imminent dangers." From a practical standpoint, there may be little that a single compliance officer can do to address imminent hazards that could kill or sicken workers, since the law requires OSHA to seek a federal injunction for enforcement.

A government shutdown would put working people across the country at significant risk. The lack of compliance officers able to respond to workplace violations could leave workers injured, sick, and in the worst case, at risk of death. OSHA already struggles to perform its mission even when fully staffed, because it simply lacks the personnel to conduct routine health and safety inspections at workplaces. It would take many decades for compliance officers to inspect each regulated facility just once for safety and health hazards.

A government shutdown would also create a huge backlog on an already overworked compliance staff. There has been a substantial drop in institutional knowledge after many compliance officers left during COVID due to burnout. OSHA could be impacted for 6-7 months to address the backlog of cases. It may take even longer to recover as new compliance officers are still learning the job. While the last shutdown impacted the work, many were seasoned employees who understood the job well. There is also a six-month statute of limitations to resolve issues at OSHA which causes some cases to not be resolved if the backlog is too great. An extended shutdown may mean that some companies with serious hazards will not be cited and workers' lives will be jeopardized.

In other cases, the workplace violation would need to be examined in such a short time span that it may go unaddressed given the high number of cases and the lack of compliance officers on duty. For example, construction sites that have temporary hazards may go unaddressed because the compliance officer working without pay is forced to respond only to emergencies or cases of imminent danger. As a result of the shutdown, employers could potentially get away with unsafe working conditions or employees could be injured because OSHA inspectors cannot respond due to being furloughed.

AFGE urges the Committee to prioritize passing a clean Continuing Resolution for Fiscal Year (FY) 2023 by September 30th to ensure OSHA employees can perform the mission of the agency and keep American workers healthy and safe. Congress must act now to avoid a shutdown and ensure the ability of agencies like OSHA to continue keeping American workers safe. Congress must move quickly and in a bipartisan manner to enact a full-year funding measure to keep our government running, protect our country and prevent Americans from being denied essential services. Thank you for the opportunity to share how a government shutdown would impact OSHA employees. For additional information, please contact Fiona Kohrman, fiona.kohrman@afge.org.