

**STATEMENT OF  
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**BEFORE THE**

**SUBCOMMITTEE ON WORKFORCE PROTECTIONS  
COMMITTEE ON EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES**

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**Introduction**

Chairman Kiley, Ranking Member Adams, and Members of the Subcommittee, thank you for the opportunity to testify today to highlight the important work the Occupational Safety and Health Administration (OSHA) is doing to ensure our nation's workers have safe and healthy workplaces.

The vision of the Department of Labor is that all workers have access to good jobs. A good job means financial security, a voice on the job, returning home safely every day, and being free from discrimination. Yet, far too often, the dream of a good job is shattered when a worker is killed or suffers a life-altering workplace injury or illness. No worker should have to choose between a job and their safety or health. A good job is a safe job.

**Our Vision**

At OSHA, our vision for good, safe jobs is one in which every workplace in America embraces health and safety as a core value. Embracing health and safety as a core value means management provides safety leadership and demonstrates a sustained commitment to safety; puts comprehensive systems in place to find and fix hazards and address their root causes; and ensures that workers are active partners in workplace safety, not only to receive the appropriate training and equipment, but also to speak up about workplace hazards, so every worker on the job can go home safely to their families after each workday. It also means that, to make this vision a reality in every workplace, we must pay special attention to underserved and vulnerable workers who are often at increased risk.

**Enforcement**

OSHA's enforcement program contributes to this vision through strategic focus on high hazard industries, specific causes of frequent injuries and illnesses, and employers with recurring serious health and safety issues.

Our National Emphasis Programs (NEP) combine outreach, education, and enforcement to focus on specific workplace hazards and high-hazard industries. Last year, we launched an NEP focused on heat illness prevention. Since the start of the program OSHA has conducted over

4,000 heat-related inspections (as of August 27, 2023). In May, we launched an NEP focused on preventing injuries from falls, the leading cause of fatal workplace injuries other than traffic incidents. Under the NEP, OSHA will conduct proactive interventions in high-risk sectors such as residential roofing. OSHA launched its NEP to prevent workplace hazards in warehousing, distribution, and higher risk retail sectors in July. After the initial education and outreach phase concludes next month, OSHA will begin comprehensive safety inspections focused on forklift operations, material handling and storage, and fall and trip hazards, as well as screening work sites for heat and ergonomic hazards. OSHA also just announced an update to its NEP on silica, focusing outreach and enforcement efforts on the engineered stone fabrication and installation industries. Without protections in place, workers in these industries can be exposed to highly concentrated levels of silica that can lead to aggressive lung disease that is killing or permanently disabling workers in the prime of their lives. Our focus will be on protecting the most at-risk workers, often young immigrant workers who have not been told about the grave risk they are facing or the protections they are entitled to under law.

For employers with violation histories that demonstrate larger, systemic issues, our Severe Violator Enforcement Program allows OSHA to conduct inspections across a business enterprise until the company demonstrates compliance. Until recently, the program was limited only to businesses in industries with historically high rates of serious injuries. We recently expanded the program because we recognize that an employer in any industry can have a negative safety culture that puts workers at elevated risk of harm.

Through expanded use of corporate-wide settlements, OSHA is addressing business practices that conflict with good health and safety practices, incentivizing companies to address the root causes of recurring hazards. For example, we recently entered into a corporate-wide settlement with one of the nation's largest discount retail chains that will result in significant investments in workplace safety in stores nationwide.

OSHA's strongest enforcement tools are reserved for low-road employers that demonstrate a disregard for safety, putting workers in harm's way and gaining an unfair advantage over businesses that do the right thing. Last year, OSHA issued citations in more egregious cases – i.e., cases where an employer's willful disregard for the law results in our highest penalties – than it has in its history. We have given our field staff more discretion to cite multiple violations instead of consolidating them when stronger deterrence is needed. We have also made clear to the regulated community our expanded willingness to refer cases for criminal investigation where warranted, especially when workers die after being placed in obviously dangerous situations.

### **Worker Involvement**

A critical component of establishing safety and health as a core value is recognizing the central role of workers in their own health and safety. Unions play a critical role in representing workers in health and safety matters and have demonstrated time and again that workers who have a voice at work through effective representation have safer working conditions. We strongly

encourage employer and union partnership in addressing workplace hazards and building a mutual commitment to safety and health on the job.

However, many workers face inequities that often leave them disproportionately impacted by workplace hazards. These inequities are often the result of disparities based on race or ethnicity, gender, or immigration status. Language, educational, cultural, and socioeconomic barriers affect both access to jobs and the ability to exercise their right to speak up about hazardous conditions. It is incumbent upon OSHA to listen and respond to the concerns of these workers and enable their meaningful participation in creating safe and healthy workplaces.

I have spoken to workers from across the country about how their experience of vulnerability tragically plays out in the workplace. They include immigrant women in construction who have not received required training or have not been provided proper protective equipment and are often assigned to job sites where sexual violence and sexual blackmail in exchange for work is a constant threat. Black workers from Mississippi told me of the practice of “job steering,” in which Black workers are not denied jobs, but are placed in jobs with the lowest pay and harshest conditions. In one case, a young Black man home from college for the summer was assigned to work alone on a conveyor belt system without training or supervision. Tragically, but perhaps unsurprisingly, his arm got caught in the equipment and was crushed. I recall a Latino worker in Philadelphia who dropped boiling water on his foot. He kept working because his employer threatened to fire him, threatened to call immigration, and refused him workers’ compensation benefits. As he pushed through the pain each day, his burn became infected, turned to gangrene, and spread. His employer terminated him after his leg had to be amputated above the knee.

While these workers have shared with us their challenges on the job, we also hear their determinations, hopes, and ideas on how OSHA can help build bridges between them and their employers to work together to improve workplace conditions. We know that worker engagement is essential to building a culture of safety and health in workplaces. For that reason, OSHA has entered into 40 national alliances and over 200 Regional and Area Office alliances to increase worker participation. We have reached employers and workers across a number of industries, including construction, landscaping, robotics, oil, and gas. We emphasize the needs of vulnerable workers, especially in areas such as waste management and recycling, and temporary staffing agencies. We appreciate the industry associations’ receptiveness to this message.

OSHA is increasing language access for workers and employers, translating outreach and informational materials, and making citations available in multiple languages. And we are ensuring our outreach and enforcement activities are reaching underserved and vulnerable populations.

OSHA is also enhancing its whistleblower protection program. The agency is responsible for administering the whistleblower provisions of more than 20 federal laws covering not only safety and health, but transportation, financial, environmental, and consumer protection laws. We are focused on improving efficiencies and over the last 7 months have reduced the average age of pending cases by 36% and decreased the program’s total inventory of pending cases from 2,355 to 1,935, or 18%, in fiscal year 2023. This year, OSHA implemented a whistleblower complaint

intake pilot program to increase efficiencies and focus investigator resources on merit cases. We are also working to make our complaint process more accessible and user friendly for workers.

### **Outreach and Engagement**

OSHA cannot make meaningful progress in establishing health and safety as a core workplace value without strong, productive relationships with employers and industry partners. We understand the importance of listening to employers, understanding their best practices, and engaging with them to support their efforts to build strong safety cultures. That is why OSHA has been engaged with employers, unions, and other stakeholders in group conversations across the country about health and safety as a core value. Hundreds of stakeholders have participated in these conversations.

Our Safe + Sound program encourages and helps employers develop safety and health management systems for a systematic approach to finding and fixing hazards. Such a system establishes and maintains a culture of safety that extends through an entire organization and involves management leadership and worker participation. These programs are key to preventing fatalities, injuries, and illnesses, and employers with strong programs see improvements in both their safety record and their bottom line. In the past year, we launched a toolkit that gives any employer the ability to build a safety management system tailored to their needs and resources.

As part of our year-round activities to promote and support safety and health management systems, OSHA held Safe + Sound week from August 7-13, 2023. This year, OSHA focused on the role of addressing mental health as part of a comprehensive approach to worker health. We saw over 36,000 businesses hold Safe + Sound Week events spanning 43 countries, 50 states and the District of Columbia, and 5 U.S. territories. We worked with 230 partners and our social media presence reached 10.7 million followers.

OSHA's Voluntary Protection Programs (VPP) recognizes and partners with businesses that exemplify a systematic approach to health and safety. Given the success of VPP, and its potential to save lives and prevent injury and illness, OSHA is in the process of a modernization effort to improve the program and leverage the lessons of VPP to expand adoption of health and safety management systems.

OSHA's On-Site Consultation and Outreach Training programs provide free, on-site services to give employers the knowledge and tools they need to comply with their obligations and protect workers. So far in fiscal year 2023, our consultation programs have conducted 14,652 visits, identified 65,000 hazards because of those visits, and eliminated hazardous exposures for more than 1.6 million workers.

Through our Susan Harwood Training Grants, OSHA supports training our nation's workers. Earlier this month, we announced more than \$12.7 million in funding to help train workers and employers in small businesses; industries with high injury, illness, and fatality rates; and underserved workers who have limited English proficiency or are temporary workers.

In addition to protecting against the traditional safety and health hazards faced in workplaces, OSHA is also working to assist employers to address employee mental health issues, which are

taking a devastating toll on the Nation's workers. A construction worker in the United States is 5 times more likely to die from suicide than from a workplace injury. Through the Department's Mental Health at Work Initiative, our agency is working to bring awareness to mental health issues and provide employers with the tools to talk about and deal with workplace stress, mental health, and substance use.

Last year, OSHA developed a workplace stress toolkit for employers with guidance, training, real-world solutions, and outreach materials to help improve employee mental health and well-being. Just last month, I traveled to Boston to participate in a safety standdown and roundtable discussion on substance abuse, mental health, and suicide in the construction industry. It was heartbreaking to hear from these workers about their struggles and the co-workers they have lost, but also inspiring to hear how the Massachusetts building trade unions, employers, and their jointly administered benefit plans are banding together to get workers the treatment they need and to help them rebuild their lives. The unions are also doing tremendous work destigmatizing mental health and substance use disorder challenges, and sponsoring programs that provide wraparound support services to workers in their time of need. It is a tremendous example of a community responding to a crisis and creating a model for positive change. I look forward to seeing how OSHA can amplify these efforts so they can be replicated throughout the country.

### **Rulemaking**

OSHA continues its important rulemaking efforts, both responding to unregulated hazards that are harming workers and working to update and modernize our existing standards. Our goal is to develop rules that are highly protective of workers, are workable for employers, and provide predictability and clarity for both. Public input is critical to the rulemaking process, and we strongly encourage our stakeholders to engage with us as we develop health and safety rules. An inclusive process that respects all voices is essential to creating rules which are both practical and protect workers.

A top regulatory priority is the development of a proposed rule on prevention of heat illness. OSHA is currently in the Small Business Regulatory Enforcement Fairness Act process, seeking input from small business on a range of options for the rule. From the earliest stages of the process, OSHA has gone to great lengths to solicit public feedback in multiple settings on a heat injury and illness standard and is committed to a process that will result in a rule that is workable for employers and highly protective of employees.

This summer, OSHA issued its final rule to Improve Tracking of Workplace Injuries and Illnesses that will become effective in January and require reporting on calendar year 2023. Making injury data that employers already collect and record electronically available to OSHA and the public is an example of good government. With the new requirements of the rule, OSHA expects to receive injury-specific data from approximately 52,000 establishments on approximately 766,000 injury and illness cases – impacting approximately 22 million workers. Having this information will provide OSHA with a better understanding of safety issues across industries and employers, sharpen our ability to educate and inform workers and employers, and provide workers, researchers, and stakeholders a trove of important data about safety and health trends.

OSHA also published two Notices of Proposed Rulemaking this summer. The first seeks to clarify the personal protective equipment (PPE) standard for the construction industry by explicitly stating that PPE must fit each employee properly to protect them from occupational hazards. This change would align the PPE standard in construction with the PPE standards in general industry and maritime. Improperly fitting PPE is poor protection and can often be hazardous to workers using it. All workers, regardless of their body type or size, should be protected on the job. Access to properly fitting PPE has been a long-standing problem for women working in construction, and we are proud to be addressing the issue.

The second is a proposed rule on the Worker Walkaround Representative Process. While the Occupational Safety and Health Act (OSH Act) provides that employees have the right to authorize a representative to participate in workplace inspections, OSHA's implementing regulation has been interpreted as limiting participation to "employees of the employer," though no such limitation appears in the OSH Act. The proposed rule would clarify that employees may authorize an employee, as they may now do, or within certain parameters authorize a non-employee, to participate in the inspection to help ensure it is effective and thorough. Congress considered worker participation a key element of workplace safety and health when it passed the OSH Act in 1970. This proposal aims to make inspections more effective and ultimately make workplaces safer by increasing opportunities for employees to be represented in the inspection process.

OSHA has a robust regulatory agenda, and we also continue to prioritize rulemaking efforts on infectious disease, workplace violence in healthcare and social assistance, and tree care, among others. As always, we encourage public comment and feedback on all these proposals.

### **Closing**

Thank you for your time and commitment to keeping our country's workers healthy and safe. OSHA appreciates your continued interest and support in making sure that workers have the safety and health protections they need and deserve. I am happy to answer any questions from the subcommittee.