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May 30, 2025

Jordan Barab  
6509 Westmoreland Ave.  
Takoma Park, MD 20912

Dear Mr. Barab:

Thank you again for testifying at the May 15, 2025, Committee on Education and Workforce Subcommittee on Workforce Protections hearing titled "Reclaiming OSHA's Mission: Ensuring Safety Without Overreach." Enclosed are additional questions submitted by Committee members following the hearing. Please provide a written response no later than June 13, 2025, for inclusion in the hearing record. Responses should be sent to Daniel Nadel ([daniel.nadel@mail.house.gov](mailto:daniel.nadel@mail.house.gov), (202) 226-3873) of the Committee staff. We appreciate your contribution to the work of the Subcommittee.

Sincerely,

A handwritten signature in black ink that reads "Ryan Mackenzie".

Ryan Mackenzie  
Chairman  
Subcommittee on Workforce Protection

**Questions for the Record from  
REPRESENTATIVE ROBERT C. “BOBBY” SCOTT**

**Committee on Education and Workforce  
Workforce Protections Subcommittee hearing entitled “*Reclaiming OSHA’s Mission:  
Ensuring Safety Without Overreach*”**

**Thursday, May 15, 2025  
10:15 A.M.**

**Representative Robert C. “Bobby” Scott (D-VA)  
Question(s) for Witness Jordan Barab**

1. Over the last several months, Elon Musk’s so-called Department of Government Efficiency (DOGE) has listed dozens of Department of Labor (DOL) offices whose leases will be terminated. As far as we know, the offices themselves will be closed.
  - a. Why do DOL agencies such as the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA) need to have offices around the country in the first place?
  - b. What are the consequences for workers if Elon Musk and DOGE shut down OSHA and MSHA offices?
2. In this hearing, we heard criticism of OSHA’s proposed rule on heat stress as a “one-size-fits-all” rule.
  - a. Would you say that a heat rule is needed?
  - b. Why?
  - c. Can you tell us how this proposed rule would work, and whether it truly is a “one-size-fits-all” rule?
  - d. Other witnesses appeared to believe that a better version of the standard would be performance-oriented.
    - i. What are the types of standards (performance, specification, etc.) that OSHA can adopt?
    - ii. What considerations inform the choice of type?
    - iii. How do you respond to the suggestion of other witnesses in the hearing that a performance standard would be effective and preferable for preventing heat stress?
3. Last year, OSHA finalized a rule that would simply clarify that workers, under the *Occupational Safety and Health Act of 1970*, have the opportunity, just like their employers, to authorize a representative to accompany an OSHA inspector during physical workplace inspections, or “walkarounds.”
  - a. What are the benefits of allowing both worker and employer representatives to accompany walkarounds?
  - b. The final rule also clarifies who workers can authorize as their representatives, which includes other workers or a person with relevant language skills. How would this clarification help workers contribute to improving their workplace?

- c. One of the objections to the walkaround rule is that this will be exploited for union organizing.
    - i. Can you describe for us what actually happens during a walkaround?
    - ii. Would a union representative be able to have one-on-one organizing conversations during these walkarounds?
4. The Trump Administration's Project 2025 agenda would eliminate rules that keep children out of hazardous jobs. What are some of the health and safety risks to which children would be exposed in these jobs, which include handling radioactive substances, roofing, and logging.
5. Over the last two and a half decades, black lung disease among working and former coal miners is returning with vengeance. One of the reasons for this rise is that miners are increasingly breathing in silica dust, which is about 20 times more toxic than coal dust and speeds up the destruction of miners' lungs.
  - a. During your time at OSHA, which regulates workplaces other than mines, you helped to develop a silica standard. Why was it so important to reduce exposure to silica dust?
  - b. Last year, the Biden Administration published a silica standard for the nation's mines. Do the reasons you explained for regulating silica in other workplaces also apply to the nation's mines?
  - c. Just last month, MSHA announced a four-month delay in enforcement because of the staff firings at the National Institute for Occupational Safety and Health (NIOSH), which implements elements of the MSHA silica standard. What are the consequences of delayed enforcement?
6. One of the witnesses raised concerns about the length of time that OSHA has spent without producing a vertical standard on tree care.
  - a. What does it mean to have a vertical standard for an industry or occupation?
  - b. Do you agree that a vertical standard is needed for the tree care industry? Why or why not?
  - c. How long does it take OSHA to produce such a standard?
  - d. What factors influence that timing?
7. Please explain OSHA's policy regarding assessing instance-by-instance penalties.
8. One of the witnesses sketched a hypothetical scenario in which the instance-by-instance penalty approach might be applied if the proposed heat standard were a final rule. In its essential details, the hypothetical involved a small employer required to provide water under the rule. An OSHA inspector arrives, finds that the supplied water is no longer available at a sufficient amount to meet the workers' needs, and is told by the employer that nobody informed him. The water that remains is also not sufficiently cool.<sup>1</sup> In the witness's scenario, the employer with 10 employees would be assessed 20 times the amount of the civil monetary penalty for running out of water, despite not being told of the insufficiency of the supply, and not having sufficiently cool water. How do you respond to this hypothetical?
9. To follow up on your colloquy with Rep. Grothman during the hearing, please address the following:

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<sup>1</sup> The witness actually described a scenario in which the water had run out *and* was not cool enough, but the witness did not explain how the OSHA inspector would have measured the temperature of the non-existent water. This summary is an attempt to add coherence that was missing during the hearing itself.

- a. How would you characterize the safety and health risks faced by farmworkers?
  - b. What recourse do farmworkers have if they encounter safety and health hazards on the job but OSHA is forbidden by an appropriations rider from even so much as setting foot on the farm?
10. Rep. Kiley referred to a Biden-era rulemaking as a “vaccine mandate.” Did the Biden Administration’s OSHA issue any “vaccine mandate”?