

**STATEMENT OF
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U.S. DEPARTMENT OF LABOR**

**SUBCOMMITTEE ON WORKFORCE PROTECTIONS
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U.S. HOUSE OF REPRESENTATIVES
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Introduction

Chairman Scott and Chairwoman Adams, Ranking Members Foxx and Keller, 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 protect the health, safety, and dignity of our nation's workers.

OSHA is determined to proactively address the needs of a constantly changing and diverse 21st century workforce and support the Secretary of Labor's vision of ensuring that workers have good jobs that are safe and healthy and that every worker returns home safe and sound each day to their families. OSHA is actively engaging with both worker representatives and the business community to realize this vision. We are also working to make sure our most vulnerable workers, including immigrants and workers of color, are fully included in this vision.

Since OSHA's creation, the agency has made great strides in protecting America's workers. However, there is still much work to be done. Even with all our progress, approximately 5,000 people still die from work-related injuries each year,¹ and many more have their lives cut short by work-related illness. We can and must do better and the Agency is actively working to do so.

Agency Vision

If you ask people what they value most in their life, what they really care about, most will say it is their health, and the health and safety of their loved ones. We hold our families' health and safety as a fundamental, core value. And yet, far too often, we do not live by this value when it comes to how we design, supervise, and perform work.

Our goal at OSHA is to align this most basic and fundamental shared value – our health and safety and that of our families – with the core values of every workplace in America, and to ensure we are equitable and inclusive and reaching and protecting all workers in our efforts.

Resources and Staffing

¹ Bureau of Labor Statistics: Census of Fatal Occupational Injuries Summary, 2020.
<https://www.bls.gov/news.release/cfoi.nr0.htm>

To achieve this vision, OSHA must be prepared to meet both current workplace safety and health challenges and have the capacity and tools to see over the horizon to take on emerging threats to workers. I want to thank members of the Education and Labor Committee for providing more than \$100 million in supplemental funding through the American Rescue Plan to support and strengthen OSHA's enforcement and regulatory efforts and additional resources for our Susan Harwood Training Grant Program.

We are working to rebuild the agency's workforce from record low staffing levels and to attract staff that reflect the diversity of the employers and employees we serve. OSHA has made more than 270 hires since August 2021, including 156 inspectors and 32 whistleblower investigators.

We are also working to expand and diversify our staff through recruitment and workforce development. We are preparing to pilot an apprenticeship program to develop safety technicians into future inspectors. And we have launched intensive leadership training to ensure OSHA has a pipeline of future senior managers equipped to make OSHA a more resilient, innovative, and effective agency.

COVID-19 AND INFECTIOUS DISEASE

COVID-19 has been the occupational health issue of our time. With the help of funding through the American Rescue Plan Act, OSHA has responded, and continues to respond, to the COVID-19 pandemic, working to ensure readiness in case of future workplace outbreaks.

In health care, OSHA is working to finalize a permanent COVID-19 standard to ensure health care workers are protected as long as COVID-19 is a threat. But we are not waiting to finalize that standard to act. Since January 20, 2021, OSHA has conducted 1,826 COVID-19 related inspections in health care facilities, with an additional 701 inspections conducted by State Plans. In March 2022, we launched a COVID-19 enforcement initiative focusing on evaluating and ensuring the readiness of hospitals and skilled nursing care facilities to protect workers in the event of surges in COVID-19 patients.

OSHA continues to inspect other high-risk industries under our National Emphasis Program, respond to worker complaints and fatalities, and investigate COVID-related whistleblower complaints.

OSHA has also engaged in significant outreach and education to help employers and employees, including through our COVID-19 guidance and by using expanded funding, using ARP funds, to provide training on COVID-19 and other infectious diseases to at-risk and vulnerable workers through the Susan Harwood Training Grant Program.

While COVID-19 remains a priority, we are also looking ahead to ensure workers in the highest-risk workplaces are protected against future infectious disease outbreaks and pandemics. Those efforts include developing an infectious disease standard to ensure health care workers are protected in future pandemics and developing infectious disease preparedness training so all workplaces can be more prepared.

Standards

In addition to COVID-19 and infectious disease, we are actively working on a range of important rulemaking efforts. The dangers of extreme heat are getting progressively worse due to the impact of climate change, making the need to protect workers from heat hazards both critically important and urgent. In October, OSHA began rulemaking to develop a heat illness prevention standard and obtained input early in the process to help craft a protective and workable rule.

Given the urgency, we are not waiting for a heat rule to engage with stakeholders and protect workers. Our national advisory committee has formed a heat subcommittee and we held a major stakeholder listening session on OSHA's heat illness prevention strategy. And we launched a National Emphasis Program to both educate employers and, for the first time, proactively inspect workplaces for heat hazards.

Heat illness and infectious disease are not our only priorities. OSHA is also advancing a standard to protect health care workers from the epidemic of workplace violence. In the meantime, we have successfully prosecuted several important workplace violence cases under the Occupational Safety and Health (OSH) Act's General Duty Clause to ensure health care facilities implement controls and procedures to address workplace violence hazards.

We also are addressing the problem of gender and body type disparity in the availability of properly fitted personal protective equipment (PPE) in the construction industry. OSHA expects to propose a rule this year that would ensure PPE actually fits and protects the person wearing it. Other rulemaking work includes revisions to injury and illness reporting requirements, hazard communications, powered industrial truck design, and emergency response, among others.

Enforcement

Enforcement remains a key component of the agency's work to ensure employer compliance with OSHA regulations and address ongoing and emerging hazards. OSHA is increasing its inspection and enforcement activity from recent lows. We are bringing more cases with enhanced penalties where it is warranted by employer conduct. And we will continue to evaluate how we can use all the tools available to us, including criminal and other enhanced judicial relief, for those employers who disregard safety and put workers at risk.

In light of increased infrastructure activity and investment spurred by passage of the Bipartisan Infrastructure Law, OSHA is continuing to focus on construction sites. Since the beginning of the Biden Administration, OSHA has conducted approximately 17,000 construction inspections and issued approximately \$138 million in penalties. We are also revitalizing our temporary worker enforcement initiative to help protect vulnerable temporary workers from common industrial hazards. Since January 2021, OSHA has also worked closely with its 28 State Plan partners as they successfully performed over 39,000 safety and health inspections in states that cover almost 60 million workers.

We are also growing our whistleblower program with additional staff to help make sure that workers who suffer retaliation or discrimination for speaking out about health and safety, or exercising any of the other rights OSHA enforces under the Nation's whistleblower laws, receive the justice they deserve. This includes hiring a permanent Director of Whistleblower Protection Programs, after that position was allowed to languish for nearly two years under the prior Administration.

Compliance Assistance and Training

Compliance assistance and training are a vital tool for employers that want to protect their members and employees but need a little help in doing so. We always welcome the opportunity to cooperatively help employers build a strong health and safety culture before there is a tragic injury or illness.

The agency is dedicated to increasing opportunities for small- and medium-sized businesses to take advantage of the On-Site Consultation program, which provides free, on-site assistance in establishing a safety and health management program. From fiscal year (FY) 2021 to the present, OSHA has conducted 27,035 visits (including 2,371 virtual visits) resulting in the abatement of 116,537 safety and health hazards, protecting more than 2.7 million workers from these hazards.

OSHA also supports training our Nation's workforce to understand and prevent workplace hazards. In FY 2021, OSHA trained over 1.1 million workers through the Outreach Training Institute, our Education Centers, and the Susan Harwood Training Grant Program. OSHA also reached 150,000 youth workers through its "Teen Tuesday" social media campaign to raise awareness of workplace rights for teens and conducted more than 800 outreach activities targeting teens and people working with teens.

We are also committed to engaging with stakeholders on emerging threats and workplace hazards that have historically been overlooked. For example, OSHA has been a leader in incorporating mental health awareness, particularly as it relates to suicide prevention and substance abuse disorders, into the occupational health setting, destigmatizing this issue, and educating stakeholders on available resources and ways to better engage employees on these issues.

Closing

Thank you for your time and your 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. We owe this to every worker and family in America. I am happy to answer any questions the Subcommittee might have.