

The House convenes a hearing



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On May 28, the Workforce Protections Subcommittee of the Committee on Education and Labor held a hearing to explore the performance of the federal government in protecting worker safety during the COVID-19 pandemic.

In her opening statement, Chairwoman Alma Adams (D-NC) expressed her concern that the decision-making of the federal agencies was being driven by politics rather than science, and emphasized that:

The COVID 19 pandemic has resulted in the worst worker safety crisis in [the Occupational Safety and Health Administration. (OSHA's)] 50 year history. Nothing compares.

In the past 4 months, more than 62,000 health care workers, who we have asked to risk their lives without protective equipment, have been diagnosed with COVID 19 and at least 291 have died. And this is an underestimate. According to CDC, these shocking numbers are a mere fraction of the true toll due to the absence of reporting by as many as 27 states, New York City and the District of Columbia.

Think of the magnitude of this simple statement. In April, fewer than half of the states were reporting all employees diagnosed with COVID-19. As of mid-June, the Johns Hopkins COVID-19 Dashboard shows 115,747 deaths in the United States.

Adams continued:

But as we will discuss today, we actually don't really know the toll to workers because this nation has no system for collecting data on COVID 19 infections in the workplace. And employers are not obligated to publicly report these infections. Some government agencies refuse to make this information public due to employer concerns about adverse publicity, leaving workers and the public unaware of what risks they are facing.

We cannot lose sight of the fact that this is largely a tragedy inflicted on our nation's essential workers. People who don't have a choice on whether they have to go to work. Many of those on the frontlines are low income workers and disproportionately people of color who don't have the luxury of teleworking from home.

COVID 19 is largely a workplace disease and a community tragedy...

No one has more respect for the dedicated staff of OSHA and the hard work they do every day than this Committee, as

evidenced by our advocacy for the agency's budget and opposition to the torrent of rollbacks to worker safety protections. The failure to competently address the life threatening hazards that working Americans are facing from COVID 19 is not the fault of OSHA professional staff, but rather due to the unfortunate decisions of OSHA's political leadership.

The first witness who testified was OSHA Principal Deputy Assistant Secretary Loren Sweatt, who was appointed in August of 2017 by the administration. Her written opening statement was brief, and she added a comment that OSHA recently had been sued by the AFL-CIO for not having issued an emergency temporary standard (ETS) to protect working people from occupational exposure to infectious diseases, including COVID-19. Her statement goes on to say:

While extensive guidance is important as the rapidly changing dynamic of this pandemic continues, it is important to recognize OSHA also has existing standards that serve as the basis for its COVID 19 enforcement. Those standards include rules regarding respiratory protection, personal protective equipment (PPE), eye and face protection, sanitation, and hazard communication...

That sounds like no additional standards are necessary; however, during questioning by the panel, she was asked how many citations had been issued by OSHA to employers for their COVID-19 behavior. The answer—only one. And that citation was explained as a record-keeping violation.

Not a single OSHA citation was issued for any employer's failure to comply with OSHA's General Duty clause (obligation to maintain a work environment free of known hazards that can cause serious injury or death).

Sweatt also was asked if COVID-19 poses a grave danger to working men and women. She refused to answer that question.

Why is that question of any import? The AFL-CIO had petitioned the Department of Labor to issue an ETS relating to infectious diseases. In a response dated May 29, the day after this hearing, Sweatt wrote the following to the AFL-CIO:

...Section 6(c) of the Occupational Safety and Health (OSH) Act authorizes OSHA to issue an ETS only if the Secretary of Labor determines (1) that employees are exposed to a grave danger from exposure to substances or agents determined to be toxic or physically harmful, and (2) that issuance of an ETS is necessary to protect employees from danger.

I am certain that if an emergency standard was necessary for a company (employer), it would have been issued by now. However, how many working men and women must contract COVID-19 or die from COVID-19 before this administration and its appointees consider this to be a grave danger?

Elections have consequences. Keep an eye on each other.