

U.S. Rep. Grothman: Digs for OSHA solutions

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Contact: Timothy Svoboda, (202) 225-2476

(Washington, D.C.) – Congressman Glenn Grothman (R-Glenbeulah) today questioned business leaders about their experiences with the Occupational Safety and Health Administration (OSHA) during a House Education and the Workforce Subcommittee on Workforce Protections hearing.

Witnesses in this hearing included Mr. Peter Gerstenberger, Senior Advisor for Safety, Standards and Compliance for the Tree Care Industry Association, Mr. J. Gary Hill of J. Gary Hill, LLC, Mr. Eric Hobbs, Shareholder at the law firm of Ogletree, Deakins and Dr. David Michaels, Professor of Environmental and Occupational Health at George Washington University.

Excerpts of Grothman's questioning

Grothman: "I have a question for Mr. Hobbs, we had an incident in my district where somebody found out that they were going to be subject to fines through the media. In other words, the local media was notified that a fine was going to be levied before the business, which I can only assume is grandstanding on the part of OSHA and of course the business didn't even feel that they should be fined, so that seems a little inappropriate. But, is that something you have ever had happened and what is the process that they are supposed to be going through?"

Mr. Hobbs: "Thank you Congressman. Yes, we have had that happen, I should say clients have had that happen to them. When OSHA, at least under the prior administration, issued a citation it made those citations or that citation available to the media, and the media watched closely. In part I think this is the medias fault

and not all OSHA's fault, but the press releases which accompanied those citations which I addressed in my submission and in my comments today, stated as fact what simply was alleged in the citations so that an uninformed public reading an article on the citation would immediately infer that the employer was guilty. This is like any complaint or charge filed in a civil or criminal matter, it's an allegation only until it is proven."

Grothman: "How do you get your reputation back if OSHA alleges something which may not be true, decides to put it in the press, and then perhaps later is shown not to be right?"

Hobbs: "You put your finger on it, Congressman. The press releases that OSHA issued during the prior administration were never even modified, never mind withdrawn, if at the end of the process is a result of settlement or is the result of litigation. The allegations were shown not to have been truthful in fact."

Grothman: "Do you think there should be some legislation requiring a waiting period after a business is notified that they are being fined? Before OSHA can grandstand or try to get their name in the local newspaper?"

Hobbs: "To be fair I haven't thought it through that far, Congressman."

Grothman: "Ok. Another instance here, employers should have 24 hours to notify OSHA that an employee has been hospitalized. Now there may be cases in which you do not even know an employee has been hospitalized. You know, you could have a situation where somebody was at work on Friday, goes home, decides to go to the hospital. Employer doesn't hear about it for 72 hours or whatever. I guess I ask Mr. Hobbs because he is from Wisconsin so I automatically assume he's got the right answer, but anyways, anyone can respond. Is this a problem, or do you have any suggestions with how to deal with it?"

Hobbs: "It is a problem, the timing is a problem, but the bigger problem is that it is very difficult for employers to get information from health care providers about what in fact is going on with an employee once that employee is gone from the work place. Health care providers are very, very sensitive to the confidentiality of that information, so we may not know for a very long time whether an individual has been in-patient, overnight, and for treatment, which are the two keys to that reporting requirement and it is problematic."

Background

OSHA is a federal agency that was founded to protect workers' rights and prevent workplace injuries. As OSHA ages and additional rules are put into place, more and more business owners feel that the new rules are harming their business more than helping.

The goal of today's hearing was to listen to the concerns of business leaders on why they feel OSHA is overstepping its bounds. The goal of OSHA, and any federal agency, should be to institute policies that achieve the goals of the organization while not serving as a hindrance to the businesses affected.