

U.S. Sen. Baldwin, colleagues: Call for Inspector General audit of OSHA's inadequate enforcement amid growing worker illnesses and deaths during COVID-19 pandemic

Posted on Thursday, May 28, 2020

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

WASHINGTON, D.C. – U.S. Senator Tammy Baldwin today joined Senators Elizabeth Warren (D-MA), Tim Kaine (D-VA), Bernie Sanders (I-VT), Robert P. Casey, Jr. (D-PA) and Tammy Duckworth (D-IL) to write to the Department of Labor's (DOL) Office of Inspector General requesting an audit of the Occupational Safety and Health Administration's (OSHA) handling of inspections and citations during the coronavirus disease 2019 (COVID-19) pandemic, and the DOL's failure to issue an OSHA Emergency Temporary Standard (ETS) to address the heightened risks for frontline workers during the pandemic.

"We are writing to seek an audit of OSHA's response to the pandemic, including an explanation for why citation and inspection numbers have dropped so dramatically during this national emergency, and whether DOL's refusal to issue an ETS is not in compliance with the law," **the senators wrote.** "It is beyond dispute that coronavirus constitutes a new hazard which poses grave danger to employees, and that current safety standards are inadequate to protect workers from this hazard."

Since President Trump's March 13, 2020 [declaration](#) of a national emergency, the number of OSHA-issued citations has dropped by nearly 70%, and the inspection rate has also [dropped](#) dramatically. During this same period, thousands of essential workers have become sick, and many have died after being exposed to coronavirus at their workplaces.

Despite the growing numbers of sick and deceased essential workers, DOL has refused to issue an ETS to create enforceable workplace safety standards during the pandemic, and OSHA has largely abdicated its investigation and enforcement responsibilities even for *existing* standards. As of May 18, OSHA has only opened 310 COVID-19-related inspections, despite the agency [receiving](#) more than 3,990 COVID-19-related complaints. Furthermore, OSHA inspections dropped from on average 217 a day to 60 a day after the national emergency declaration, and the number of OSHA citations has decreased by nearly 70% compared with the prior two years.

The senators requested that the DOL Inspector General conduct an audit of OSHA's investigations and citations during the coronavirus public health emergency, and whether OSHA's failure to issue an ETS is out of compliance with its statutory duty under the [Occupational Safety and Health Act](#). The Senators noted that DOL declined to issue an ETS under the rationale that it provided no added benefit for workers, and was only necessary if employers were not following minimum levels of workplace safety needed to protect workers. "OSHA's rationale is plainly faulty," **the senators wrote**. "There is no evidence that employers are sufficiently protecting workers-in fact, there is an abundance of evidence to the contrary. State and local governments have had to close essential businesses after they have failed to prevent and mitigate coronavirus outbreaks among employees."

"Due to our grave concerns that OSHA is failing to meet its core mission of protecting worker health and safety during the COVID-19 pandemic, and failing to meet legal requirements to adopt an ETS to prevent additional, unnecessary worker illnesses and deaths, we ask that you open an audit of OSHA's actions and decisions during the pandemic expeditiously," **the senators continued**.

In April, Baldwin and Duckworth [introduced the COVID-19 Every Worker Protection Act](#) which would require the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard that establishes a legal obligation for all workplaces, including meat processing plants, to implement comprehensive infectious disease exposure control plans to keep frontline workers safe during the COVID-19 pandemic.

The full letter is available [here](#).