

U.S. Sen. Baldwin: Urges labor secretary Scalia to ‘Do his job and protect workers before reopening the economy’

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WASHINGTON, D.C. – U.S. Senator Tammy Baldwin, Ranking Member of the Senate Subcommittee on Employment and Workforce Safety, as well as Senator Patty Murray (D-WA), Ranking Member of the Senate Committee on Health, Education, Labor and Pensions (HELP), and Senator Martin Heinrich (D-NM), the top Senate Democrat on the Joint Economic Committee, led 26 of their Democratic colleagues in [demanding](#) that Labor Secretary Eugene Scalia direct the Occupational Safety and Health Administration (OSHA) to put in place worker health and safety standards, guidance, outreach, and enforcement prior to reopening the economy.

In their letter, the senators stressed that worker protections are not only life-or-death for the workers themselves, but are also crucial to ensuring that workplaces are not hotbeds of infection that can endanger customers, entire communities, and our economy.

“In advance of states reopening, you have a responsibility to direct OSHA to take steps to ensure workers are protected, which will further protect public health. Employers need clear guidance on what they should do to ensure safe workplaces—and workers across the country have been waiting for your leadership,” wrote the senators in a [letter](#) to Secretary Scalia.

As President Trump continues to ignore warnings from public health experts and encourage states to reopen businesses, the Department of Labor and OSHA have so far failed to protect the nation’s workers. In advance of reopening the economy, the

senators demanded that OSHA:

Issue an Emergency Temporary Standard (ETS) for infectious disease. After months of delays despite pleas from workers and [multiple requests](#) from Democratic lawmakers, OSHA must establish a legal obligation for workplaces to implement comprehensive infectious disease exposure control plans to keep workers safe.

Issue additional interpretations of existing OSHA standards. OSHA must issue additional interpretation of existing standards to increase enforceable protections for workers.

Develop comprehensive guidance for employers and notify them that it will be enforced. OSHA must issue guidance regarding what all employers must do to protect their workers and notify employers that it will enforce key portions of guidance under the Occupational Safety and Health Act.

Withdraw harmful guidance already issued. OSHA must withdraw recently issued counterproductive guidance, including guidance that does not require employers to record COVID-19 cases amongst workers and an enforcement policy that does not include on-site workplace inspections of most worker complaints regarding COVID-19.

“This crisis has revealed the full extent to which this country, our economy, and every business depends on workers—from health care workers and first-responders to agricultural and grocery store workers to warehouse and transportation workers, and so many others. Protecting our country’s workers is essential to their safety and health, to the lives and wellbeing of customers and patrons, to our collective public health, and to the health of our economy,” **the senators added.**

In addition to Senators Baldwin, Murray, and Heinrich, the letter was signed by Senators Sherrod Brown (D-OH), Richard Blumenthal (D-CT), Ed Markey (D-MA), Chris Van Hollen (D-MD), Dick Durbin (D-IL), Tina Smith (D-MN), Sheldon Whitehouse (D-RI), Ron Wyden (D-OR), Angus King (I-ME), Tim Kaine (D-VA), Jack Reed (D-RI), Bob Menendez (D-NJ), Kirsten Gillibrand (D-NY), Tammy Duckworth (D-IL), Elizabeth Warren (D-MA), Maggie Hassan (D-NH), Bob Casey (D-PA), Bernie Sanders (I-VT), Tom Udall (D-NM), Mazie Hirono (D-HI), Kamala Harris (D-CA), Dianne Feinstein (D-CA), Amy Klobuchar (D-MN), Cory Booker (D-NJ), Jeanne Shaheen (D-NH), and Ben Cardin (D-MD).

Read the full letter below and [here](#). An online version of this release is available.

Dear Secretary Scalia:

We write to request you fulfill your duty as Secretary of Labor and ensure our nation's workers are meaningfully protected from COVID-19 in advance of the Trump Administration and a growing number of governors easing social distancing guidelines in an effort to reopen the economy. To this end, we request you to direct the Occupational Safety and Health Administration (OSHA) to put in place the standards, guidance, outreach, and enforcement necessary to ensure employers are providing workers with essential protections. Such protections are a matter of life-and-death for the workers themselves but are also vital to ensuring workplaces are not hotbeds of infection endangering workers, customers, and their families and communities.

Decisions about reopening our economy and returning to some semblance of normal life must be driven by science and guided by our top priority of protecting public health. The data clearly indicate the worst thing we could do at this critical moment is to call off the fight early, lose the progress our workers, families, businesses, and communities have fought and sacrificed for, and worsen and extend this crisis across our country. It is more important than ever that we listen to the public health experts about the steps we must take to keep families safe as this crisis continues to develop. The experts have said time and again that we need to dramatically ramp up testing and fortify our public health infrastructure to meet this unprecedented moment and assure people they can return to public life without risking their health. As President Trump encourages states to reopen businesses, despite warnings from public health experts that the country is not prepared to do so safely, we call on you to be a voice for workers and for opening the economy only when it is safe to do so and in keeping with the best available public health guidance.

Additionally, in advance of states reopening, you have a responsibility to direct OSHA to take steps to ensure workers are protected, which will further protect public health. Employers need clear guidance on what they should do to ensure safe workplaces—and workers across the country have been waiting for your leadership. As far back as March 6, the AFL-CIO petitioned OSHA to use its existing authority to issue an Emergency Temporary Standard (ETS) for infectious disease, which has yet to be responded to. The former head lawyer for occupational safety and health at the Department of Labor, who served both Democratic and Republican

Administrations, recently made clear that OSHA could do even more with its existing authority, such as issuing interpretations of current standards that would effectively increase protections. The former head of OSHA during the George W. Bush Administration has said he wished OSHA was more involved and called for additional guidance from the agency, while the former head of OSHA during the Obama Administration has said OSHA “is missing in action.” The head of the United Food and Commercial Workers union (UFCW) has said some employers have been trying to take proactive steps, but “they don’t have a central notice about what they should do from OSHA.” The Administration has not only failed to protect workers across the country—but it has also shown a blatant disregard for protecting its own workers, preparing federal employees to return to their offices before this crisis is contained. This is not good for workers, and it is not good for public health.

Therefore, we call on you to direct OSHA to (1) immediately issue an ETS for infectious disease; (2) issue additional interpretations regarding existing standards to increase enforceable protections; (3) develop comprehensive guidance regarding what all employers must do to protect their workers and notify employers of your intent to enforce key portions of existing CDC and OSHA guidance under the “general duty clause” of the Occupational Safety and Health Act; and (4) withdraw harmful guidance recently issued, including the guidance allowing most employers not to record COVID-19 cases amongst workers and OSHA’s recent enforcement policy not to perform on-site workplace inspections of most worker complaints regarding COVID-19.

This crisis has revealed the full extent to which this country, our economy, and every business depends on workers—from health care workers and first-responders to agricultural and grocery store workers to warehouse and transportation workers, and so many others. Protecting our country’s workers is essential to their safety and health, to the lives and wellbeing of customers and patrons, to our collective public health, and to the health of our economy. Not only do you have an obligation to protect our workers, you have the statutory authority to do it; we respectfully request you do so with urgency.