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Before the House Education and Workforce Committee Subcommittee on Workforce Protections US House of Representatives

"Reclaiming OSHA's Mission: Ensuring Safety Without Overreach"

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Good morning. My name is Jordan Barab. I served as Acting Assistant Secretary for OSHA in 2009, and Deputy Assistant Secretary from 2009 to the final day of the Obama Administration. I also ran the health and safety program for the American Federation of State, County and Municipal employees for 16 years, served for 4 years at the US Chemical Safety and Hazard Investigation Board and 4 years as a Senior Labor Policy Advisor on this committee from 2007 to 2009, and 2019 to 2021.

I am happy to be testifying before this Committee today, and I commend the title of this hearing: "**Reclaiming OSHA's Mission: Ensuring Safety Without Overreach**." Although, as I will explain, underreach is more a problem with OSHA than overreach.

The Occupational Safety and Health Act was passed more than 50 years ago. It was signed by President Richard Nixon after the bill passed with overwhelming bipartisan majorities in the House and Senate: It's difficult to comprehend in these days of extreme, mindless partisanship, but only three Senators and 58 Representatives voted against passage of the Occupational Safety and Health Act.

OSHA's mission, as laid out in the Occupational Safety and Health Act of 1970 was to "To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act."

Let me jump to the most obvious truth: OSHA safety and health standards save lives. Period. More than 712,000 workers now can say their lives have been saved since the passage of the OSH Act.[1]

[1] *Death on the Job 2025*, AFL-CIO, https://aflcio.org/dotj-2025

Far fewer workers are dying today of asbestos-related disease, or diseases caused by exposure to lead or formaldehyde because of OSHA standards. Cotton dust deaths were virtually eliminated following issuance of the cotton dust standard.

Comprehensive standards have significantly reduced deaths in confined spaces and deep trenches. Fewer workers fall to their deaths from buildings or get their limbs crushed in machinery.

Grain facilities may still occasionally explode, but the frequency of those disasters is significantly lower than before OSHA's grain handling standard was issued. Work-related hepatitis B deaths have been virtually eliminated since issuance of OSHA's bloodborne pathogens standard. And I could go on and on.

Unfortunately, despite the lives saved, the injuries and occupational diseases prevented – despite the years added to workers' lives, OSHA has failed to fully live up to the mission that OSHA's founders envisioned.

NIOSH and MSHA

While this hearing focuses on OSHA's mission, I cannot leave this room without commenting on this administration's evisceration of the National Institute for Occupational Safety and Health, or NIOSH, as well as actions by the Mine Safety and Health administration that endanger miners' lives.

This hearing is about "reclaiming" OSHA's mission, and NIOSH is a critical part of that mission.

NIOSH was established by Section 22 of the Occupational Safety and Health Act to conduct research, training and numerous other functions critical to protecting workers in this country. NIOSH is the only federal agency in the United States that conducts research on worker safety and health hazards methods to control those hazards.

No other agency has the expertise to do the work NIOSH does. When Congress passed the OSHAct they made clear that OSHA and NIOSH had distinct, different responsibilities. OSHA was directed to set and enforce legally binding safety and health standards. and enforce them. NIOSH was specifically established to conduct and fund evidence-based research, both through field studies, investigations and laboratory testing, to make recommendations for standards based on that research, and support training for safety and health professionals. The Mine Safety and Health of 1977 established the same responsibilities for MSHA and NIOSH for safety and health in the mining industry.

The agencies (NIOSH and OSHA, and NIOSH and MSHA) are directed to collaborate and coordinate, but NIOSH was created as a separate and independent agency to ensure that

the research and recommendations were based only on the science and not other political or policy considerations.

NIOSH staff are highly trained, scientific experts - medical doctors, epidemiologists, biologists, chemists, engineers, industrial hygienists, and statisticians - that have specialized expertise in respiratory diseases, toxicology, ergonomics, respiratory protection, other personal protection equipment, safety engineering, sampling and laboratory methods, and more. The work of these experts forms the scientific and technical backbone for worker safety and health protections in the United States. NIOSH's expert research and recommendations are relied on by many countries throughout the world.

OSHA and MSHA do not conduct research. They develop and enforce standards, standards largely based on the research that NIOSH conducts.

OSHA and MSHA do not conduct research – they are not authorized to do so. These agencies develop and enforce standards, standards largely based on the research that NIOSH conducts.

OSHA and MSHA staff are safety and health regulatory and enforcement specialists, not researchers. But without NIOSH's research, technical expertise and collaboration, OSHA and MSHA cannot do their jobs. Any suggestion that their missions are duplicative with NIOSH is incorrect.

In addition, through the Mine Safety and Health Act of 1969, Congress authorized NIOSH to provide medical screenings. The law entitles coal miners to transfer to work in a less dusty part of the mine if they develop early signs of the disease.

Yet today, 1 in 5 longtime coal miners in Central Appalachia have black lung, the highest level recorded in 25 years.[2] And many have a more severe form of black lung called Progressive Massive Fibrosis that hits younger miners much more quickly.[3] The cause is the increased amount of silica dust that miners are exposed to as a result of more drilling through silica-containing rock in narrower coal seams, longer working hours and the use of new mining equipment that generates more dust.

But due to massive DOGE-ordered “Reductions in Force” at NIOSH, the entire coal workers health program, as well as the mine safety research centers, have been eliminated

[2] CDC reinstates workers who screen coal miners for black lung disease, *Washington Post*, https://www.washingtonpost.com/climate-environment/2025/04/29/cdc-black-lung-screening-coal-miners/

[3] Pneumoconiosis among underground bituminous coal miners in the United States: is silicosis becoming more frequent?, *Occupational & Environmental Medicine*, https://oem.bmj.com/content/67/10/652

while jettisoning NIOSH engineers, staff, and other scientists conducting research to save the lives of this nation's coal miners.

NIOSH is no longer providing medical screenings or reviewing medical information to determine coal miners' rights for transfer to low-dust jobs. There are no epidemiologists left to analyze the data on the region's black lung epidemic. The IT staff that processes X-rays is gone. The agency doesn't even have mailroom employees to send letters to miners and their doctors. There is no procurement staff to renew expired contracts with radiologists.

The fatal impact these cuts are having on this nation's coal miners has fortunately received a great deal of publicity.

Less known are the vital services that other NIOSH programs provide.

- NIOSH develops technologies that protect workers. For example, NIOSH has developed technology that can measure silica exposure in real time at the mine site instead of submitting dust samples to outside laboratories and waiting weeks to determine whether miners are over-exposed. It benefits miners because they can make quick worksite changes to reduce exposures and it benefits mine operators because it is more cost-effective than using outside labs.

- NIOSH runs the nation's only program that certifies respirators –- ensuring that respirators actually protect worker and that ineffective counterfeit respirators don't infiltrate the system. The NIOSH respirator program is recognized world-wide as the gold standard and there is no replacement. Unless these experts are permanently restored, employers who rely on NIOSH certified respirators can no longer be sure their employees will have adequate respiratory protection, increasing risk of disease, workers compensation cases and litigation.

- NIOSH staff are this nation's health and safety detectives. NIOSH's Health Hazard Evaluations go into workplaces where workers are having health problems of unknown origin. They identify the cause of the problems and recommend measures to fix the problems.

- Agricultural, fishing and forestry workers experience the highest fatal injury rate of all industries, with more than 18.6 deaths occurring per 100,000 full-time workers in

2022.[4] NIOSH's work with the commercial fishing industry has reduced deaths by 80 percent.[5]

- NIOSH supports 12 regional Agricultural Safety and Health Centers.[6] Experts there help farmers retrofit decades-old tractors with rollover structures, help farmworkers prevent Lyme disease and Avian Flu and educate farmers about the dangers of heat exposure and other hazards fire emergencies, grain bins, farm machinery or confined spaces.

  The agricultural education program is particularly important because farms are one of the few hazardous workplaces where young children are allowed to work. In addition, due to Congressional language on OSHA appropriations bills, OSHA is not allowed to investigate or cite any injuries or deaths on small farms.

- Firefighters who run into danger to save the lives of our families have the riskiest jobs in the country. Aside from the obvious fire dangers, they also suffer higher rates of heart disease and cancer. NIOSH currently administers the National Firefighter Registry (NFR) for Cancer, a program that collects health and occupational information that can be used to assist in understanding cancer risk among firefighters.

- Today we may be on the verge of a human Avian Flu pandemic. We've seen how avian flu can be transmitted from birds to cattle, and from cattle to workers. It may only be luck that it hasn't yet spread from worker to worker and then across whole communities. And I think we can all agree that we don't think this nation should be depending on luck to protect us from the next pandemic.

  Yet NIOSH is the only agency out there studying how Avian Flu is transmitted from animals to humans and identifying ways to prevent that transmission.

  Because if Avian flu becomes transmittable from human to human, God help us. NIOSH may be our last defense against that catastrophe.

- NIOSH also administers the World Trade Center Health Program which addresses the diseases of workers who responded to and cleaned up the World Trade Center site after the devastating 9/11 attacks. The program provides medical evaluations

[4] Centers for Agricultural Safety and Health, NIOSH, https://www.cdc.gov/niosh/extramural-programs/php/about/ag-centers.html#:~:text=AgFF%20workers%20continue%20to%20experience%20the%20highest%20fatal%20injury%20rate%20of%20all%20industries.

[5] "NIOSH Letter of Support: Help Protect Commercial Fishing Safety," Alaska Maritime Safety Education Association.

[6] Centers for Agricultural Safety and Health, NIOSH, https://www.cdc.gov/niosh/extramural-programs/php/about/ag-centers.html

and medical services to workers who participated in rescue, recovery, or cleanup activities in the aftermath of the attacks and coordinates research into health conditions linked to the aftermath of the attacks.

- The NIOSH Western States Division runs its Oil and Gas Extraction Program which develops and communicates workplace solutions to protect workers in the highly hazardous oil and gas extraction industry. The division also conducts research and develops strategies to prevent work-related motor vehicle crashes, the leading cause of workplace death.

- NIOSH administers vital parts of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) which provides cash and medical benefits to persons with certain health conditions linked to their work in the atomic weapons, beryllium, or uranium mining and processing industries as well as certain Department of Energy (DOE) contractors.

  In order to determine whether and the level of compensation and benefits needed, NIOSH conducts radiation exposure assessments for workers with cancer who filed claims with the DOL arising from their employment in the Department of Energy's nuclear weapons complex. Secretary Kennedy issued RIF notices to nearly all of the NIOSH staff upon which the DOL relies to provide timely decisions for compensation under EEOICPA. Thanks to the DOGE chainsaw taken to NIOSH, claimants with life threatening illnesses can expect to wait up to 4 years to get a determination on their claim.

- NIOSH conducts research into safety and health issues in the mining industry and conducts mine safety and health research at laboratories in Pittsburgh, PA and Spokane, Washington.

Almost all of the employees working on these programs have been terminated as of next month, and the few programs that remain are too understaffed to operate.

The preventable illnesses and death caused by these cuts are not only tragic, but they're illegal as well. Almost all of these programs are mandated by law.[7]

But the Trump administration seems to be in denial. HHS Secretary Kennedy stated on Fox News recently:

[7] "National Institute for Occupational Safety and Health (NIOSH): Authorities and Activities," Congressional Research Service, April 9, 2025

> President Trump has not cut the 9/11 program. We took that program, and we took a lot of OSHA (sic), and there was also a lot of complaints that we ended OSHA (sic), but we've just consolidated that in a new sub-agency, the Administration for a Healthy America.
>
> All those programs were not terminated, as the media has reported, but they've simply been consolidated into a place that makes more sense. [8]

Clearly Secretary Kennedy doesn't understand what NIOSH is, nor the difference between OSHA and NIOSH. Nor does he apparently understand that there is nothing left in NIOSH to move into another sub-agency. There is no there there.

I don't know if the Secretary is lying, confused or misinformed, but the fact is that NIOSH, and the life-saving services it provides to this nation's workers, are gone. And as a result, OSHA will be less able to pursue its mission, and more workers will be injured, made sick and die on the job.

Meanwhile, MSHA has announced a four-month enforcement delay to its new silica standard – a standard that will prevent young miners from deadly lung disease and Progressive Massive Fibrosis.

Ending the so-called 'war on coal' by declaring war on the health and lives of this nation's miners is unacceptable and certainly not what was envisioned when the Mine Safety and Health Act was passed and signed into law by President Nixon.

OSHA Enforcement

OSHA has a tiny budget and is severely understaffed

The agency has an enormous mission: to ensure worker safety in 11.8 million workplaces -- covering 161 million workers -- under the Occupational Safety and Health Act's jurisdiction. And in FY 2024, the agency had only 1800 inspectors to accomplish that mission.

And while OSHA's enforcement resources shrink, the number of workplaces continues to grow.

What that means is that if OSHA inspectors were to inspect every workplace in the country just once, it would take 185 years – almost two centuries. OSHA has only one inspector for every 84,937 workers in this country.

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[8] "'DATA CHAOS': Secretary Kennedy defends database on 'existential disease'", *Fox News*, May 5, 2025, https://www.foxnews.com/video/6372390809112

This is not what the Congressional founders of OSHA envisioned when creating the agency and establishing OSHA's mission.

A crucial reason that Congress passed the OSHAct was to support American business. In Section 2(a) of the OSHAct, Congress found that

> Personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

Liberty Mutual Insurance, estimated in 2024 that the cost of the most disabling workplace injuries to employers at more than $58 billion a year—more than $1 billion per week.[9]

And that's only direct costs such as medical and lost-wage payments. If indirect costs (such as overtime, training and lost productivity) are factored in, the overall costs are much higher: between $174 billion and $348 billion annually in direct and indirect costs.

Contrast this with OSHA's current budget: a paltry $632 million a year, which amounts to $3.92 available to protect each worker.

This problem has only increased during this administration as the agency has lost around 10 percent of its staff due to early retirement. DOGE has also announced the closing of 11 OSHA offices which means inspectors will take longer to reach worksites – hardly an action that will increase government efficiency.

And we haven't seen what RIFs or budget cuts this administration or Congress may be considering.

OSHA Standards

Second, and most importantly, there is no question that a major part of OSHA's mission, according to Congress, is to issue occupational safety and health standards to protect workers from hazards that pose a significant risk of harm.

The very first line of the law charges OSHA "To assure safe and healthful working conditions for working men and women; *by authorizing enforcement of the standards developed under the Act"* [emphasis added]

And despite the frequent complaints, OSHA standards do not harm businesses. There is extensive evidence that OSHA standards are effective in preventing injuries and illnesses

[9] 2024 Liberty Mutual Workplace Safety Index. Available at https://business.libertymutual.com/insights/2024-workplace-safety-index.

and that OSHA inspections lead to decreases in injuries for several years after a workplace is inspected.

As my colleague Dr. David Michaels used to say, “OSHA standards don’t kill jobs. They stop jobs from killing workers.”

I’ll cut to the chase: OSHA standards take far too long to issue. OSHA’s silica, beryllium and walking & working surfaces standards took 20 years to finalize. Other standards can take a decade.

Again, I think we can all agree this is not what the original founders of OSHA envisioned.

Congress declared the purpose of the Occupational Safety and Health Act “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human *resources by providing for the development and promulgation of occupational safety and health standards;”*

Congress further specified that those standards “require conditions, or the adoption or use of one or more practices, means, methods, operations, or processes*, reasonably necessary or appropriate* to provide safe or healthful employment.”

Health standards must assure, “to the extent feasible, on the basis of the best available evidence, that *no employee* will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.”

Congress also specified what health standards should include. Health standards “shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations.

And furthermore, standards must be science-based. “Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws.”

As evidenced by the fact that almost all OSHA health and safety standards have been upheld after industry legal challenges shows that OSHA has assiduously complied with the requirements of the law.

OSHA standards not only save lives, but they also benefit employers who are committed to protecting their employees. While some may claim that the General Duty Clause, which requires employers to provide a safe workplace, is adequate for worker protection, a standard tells employers exactly what they must do to protect their workers. Employers often prefer standards over the use of the General Duty Clause because unlike a standard, the General Duty Clause doesn't lay out exactly what an employer must do to be in compliance with the law.

OSHA's Regulatory Process

OSHA's regulatory process – the steps it needs to take to issue a standard – is long, but it provides a more robust public input process than any other governmental agency. Not only does OSHA generally issue a Request for Information in order to begin gathering evidence needed to issue a standard, but the Small Business Regulatory Enforcement and Fairness Act requires the agency to collect information from small businesses on the impact of a planned standard.

After a proposal is issued, OSHA provides time – often months – for written comments, followed by public hearings which, for larger standards, can last for weeks. Anyone can testify at those hearings, and witnesses at those regulatory hearings can also question any other witnesses, as well as OSHA's experts.

The hearings are followed by another lengthy period of public comments and submission of briefs. All of those comments must be considered before finalizing the standard, and OSHA must justify why it accepted or rejected every comment.

For example, before issuing the OSHA standard to protect workers exposed to silica from silicosis and lung cancer, we held fourteen days of hearings and kept the comment period open for almost a year. Before the rule was completed, OSHA had received more than 2,000 comments for a total of 34,000 pages of materials.

I can say from long experience that although OSHA's robust public comment period is lengthy, it provides valuable information to the agency about how a standard will not only protect workers, but also the best way the protections can be implemented to benefit workers and employers.

It does no one any good – OSHA, workers or employers – to issue standards that are unworkable. Happily, although new standards are always controversial and aways result in lawsuits from regulated industries, once implemented, they successfully protect workers with no significant burden on employers or business profitability.

OSHA's Regulatory History

During its first three decades of its existence, OSHA issued groundbreaking standards on hazards such as asbestos, lead, benzene, hazard communication and chemical process safety. These standards required employers to implement measures to reduce exposures to chemicals and other hazards, and to provide training, medical surveillance and protective equipment to workers. Numerous studies have documented that these rules have been very effective, significantly reducing injuries, disease and fatalities, often at costs much lower than anticipated.

A 1995 study[10] of the regulatory analysis conducted on several OSHA regulations, conducted by the Office of Technology Assessment (OTA), evaluated several OSHA standards that had been in effect for a number of years to determine the accuracy of cost and benefit estimates conducted by OSHA and the regulated industries. The study showed that not only did industry grossly overestimate expected costs, but even OSHA routinely overestimated the costs and underestimated the benefits of standards. OTA found that part of the reason that OSHA overestimates costs is that the agency fails to take into account the ingenuity of American industry. American businesses have been particularly good at developing new technologies that are much more cost effective and efficient than OSHA had predicted.

For example, when OSHA reduced the vinyl chloride exposure limit from 500 ppm to 1 ppm to prevent additional cases of hepatic angiosarcoma, industry spokespersons issued dire predictions of job loss and plant closures. However, in less than two 2 years virtually all U.S. manufacturing plants were able to meet the new standard while still maintaining rapid growth of sales volume. This was accomplished largely through better containment of unpolymerized vinyl chloride monomer and improved exposure monitoring. The OTA reported that actual costs to industry were only 25% of OSHA's projected costs for implementing the standard.

OSHA's Regulatory Process is Too Slow

Unfortunately, over the years, the standard setting process has become more difficult and lengthier. There are several reasons for this.

First, in addition to the strict criteria for OSHA standards spelled out by the Occupational Safety and Health Act, court decisions, executive orders and legislation over the past 50 years have imposed layers of new regulatory analysis and review requirements. Industry

[10] http://govinfo.library.unt.edu/ota/Ota_1/DATA/1995/9531.PDF

opposition and lawsuits have also increased, adding to the length of time it takes to finalize a standard.

A significant part of the regulatory stagnation problem is that OSHA's budget for standards and guidance has been starved. In FY 2017, that budget stood at a paltry $20 million. This level had largely remained stagnant for several years and was far too low for OSHA to move forward on more than a few standards at one time

The Trump administration then cut that small budget by 10%. OSHA's Standards and Guidance line item only reached the $20 million level again last year. That line item currently stands at only $21 million compared with $19.5 million in FY 2010, 15 years ago.

This means that OSHA must carefully triage what standards it will work on, prioritizing those that will protect the most workers, and focusing on exposed workers with the least existing protections.

Furthermore, since the Reagan and George H.W. Bush administrations, Republican administrations have almost never issued major new OSHA health standards unless ordered to do so by the courts.

The problem is particularly acute for toxic chemicals. Over the entire 54-year history of OSHA, the agency has issued comprehensive health standards for only 31 substances. Most of these standards were set in the first two decades of the Act.

Over the last 25 years, OSHA has issued only three chemical standards — hexavalent chromium in 2006 (under court order), silica in 2016 and beryllium in 2017. Each of the last two took almost 20 years from start to completion. And for both chemicals, it was known for many decades before that the OSHA standards were not protective and that thousands of workers died during the lengthy rulemaking period from exposures that were finally regulated by OSHA.

For approximately 400 additional chemicals, there are permissible exposure limits (PELs) in place that govern exposure to these substances. However, for these substances, there are no requirements for monitoring, medical exams or other measures that are included in more recent, comprehensive OSHA standards.

These PELs were adopted in 1971 under a provision of the Act that allowed OSHA to adopt existing government and industry consensus standards so a body of regulation could be in place while new standards were being developed. Much of the scientific evidence behind these PELs, which codified the ACGIH Threshold Limit Values from 1968, dates from the 1940s and 1950s. Many chemicals now recognized as hazardous were not covered by the 1968 limits.

In 1989, OSHA attempted to update those limits, but the revised rule was overturned by the courts because the agency failed to make the necessary risk and feasibility determinations for all of the chemicals covered by the rule.

To issue a new chemical standard, OSHA is required to make extensive findings for *every single individual chemical*, one chemical at a time. That is an onerous and resource intensive task, making it impossible for OSHA to regulate more than a few of the enormous number of chemicals currently used in workplaces and new chemicals being produced.

The result is that many serious chemical hazards are not regulated at all by federal OSHA or subject to weak and out-of-date requirements. Some states, including California and Washington, have done a better job updating exposure limits, and as a result workers in those states have much better protection against exposure to toxic substances.

Similarly, in its first years, OSHA adopted dozens of manufacturing and construction standards based on industry consensus standards. Although those consensus standards have been regularly updated by the consensus standard organizations every three to five years, many of the 50-year-old versions remain on OSHA's books.

Like chemical standards, OSHA doesn't have the resources available to update more than a small fraction of those standards.

OSHA's inaction and the slow pace of standard setting not only means that many workplace standards are out of date and that workers go without protection from hazards. It means that more workers will suffer death, illness and injury from preventable hazards.

For workers, delay equals injury, illness and death. The AFL-CIO has estimated the impact on workers' lives from delays in recent OSHA standards. Twelve-thousand lives were lost from exposure to silica in the 19 years it took for OSHA to issue the silica standard, and over 1700 workers died needlessly of beryllium related disease in the time it took for OSHA to issue its beryllium standard.[11]

The General Duty Clause

Where there is no OSHA standard, the agency can cite under OSHA's General Duty Clause (GDC). The GDC is section 5(a)(1) of the law which simply requires the employer to provide a safe and healthful workplace.

If employees are exposed to a serious, recognized hazard and there are feasible means of abatement, OSHA can issue a GDC violation.

[11]AFL-CIO, 2024 Death on the Job, Page 79 https://aflcio.org/sites/default/files/2024-04/2411%20DOTJ%202024%20DIG%20NB%20REV.pdf 44

Some have said that OSHA doesn't really need to issue any new standards because it can just depend on using the General Duty Clause.

Duty violations, however, are not a replacement for OSHA standards. For OSHA, they are extremely labor intensive and not conducive to swift correction of preventable hazards.

And, as I described above, relying on GDC violations also disadvantages employers who may find it difficult to determine what they are required to do to protect their employees, as opposed to a standard that clearly lays out elements that employers must comply with.

In addition, the General Duty Clause is generally reactive; it is almost always used only *after* a worker has been injured or killed.

OSHA's use of the General Duty Clause has often come under sharp criticism from business associations and the attorneys that represent them. The agency is often accused of "overuse" in such issues as ergonomics, workplace violence and heat.

In a 2015 workplace violence case before the Occupational Safety and Health Review Commission, the U.S. Chamber of Commerce, argued in an *amicus* brief[12] that OSHA was misusing the General Duty Clause. The Chamber wrote that the GDC "serves the limited purpose of insuring 'the protection of employees who are working under special circumstances' that are inappropriate for specific standards." The Chamber then complained that OSHA "has declined for years to promulgate any such [workplace violence] standard" even though "the Secretary has never made any showing that workplace violence issues are 'inappropriate for specific standards,'"

The Chamber made a forceful legal argument in favor of standards and against reliance on the General Duty Clause:

> Courts have long admonished the Secretary that "specific standards are intended to be the primary method of achieving the policies of the Act" and that "they should be used instead of the general duty clause whenever possible." Usery v. Marquette Cement Mfg. Co., 568 F .2d 902, 905 n.5 (2d Cir. 1977)

I therefore find it amusing and somewhat confusing that some business associations – and their attorneys – now argue that OSHA doesn't need a heat standard because it can just rely on the GDC.

For example, after OSHA's heat proposal was issued, Marc Freedman, Vice President of Workplace Policy, stated that instead of a heat standard, "the 'general duty clause' is

[12] Brief Of Amicus Curiae Chamber Of Commerce Of The United States of America In Support Of Respondent Integra Health Management, Inc.,., (OSHRC Docket 13-1124), October 28, 2015.

actually the perfect avenue for OSHA to use because the clause works to 'put employers on notice that there are some hazards without standards that they still need to protect employees from.'"[13]

What Mr. Freedman failed to mention is that OSHA's attempts to use the general duty clause to protect workers from heat have been strenuously contested by employers cited by OSHA for GDC heat violations, making it more difficult for OSHA to effectively use this enforcement authority to protect workers from excessive heat.

It's almost as if the business community hates the General Duty Clause – until OSHA tries to issue a standard. Then they love it.

On the other hand, they *love* the General Duty Clause – until OSHA actually uses it. Then they hate it.

As I said, it's confusing. It's almost as if they don't want OSHA to its job.

OSHA's Regulatory Priorities

There are numerous workplace hazards that are not regulated by OSHA. Some hazards are old and well known, such as heat and workplace violence. Some are new, such as wildfire smoke and newly detected infectious diseases like COVID-19 and Ebola.

In addition, as mentioned above, there are numerous chemical, manufacturing and construction hazards that are significantly outdated.

Because of severe budgetary restrictions, however, OSHA can actively prioritize only a few standards at a time even under an Administration that supports legal safeguards. The current administration, however, has cut OSHA's budget and declared that every new regulation or standard must be offset by the repeal of ten other regulations.
Again, this is an obvious conflict with OSHA's mission.

OSHA's current top priorities are heat, infectious diseases, workplace violence, tree care and emergency response.

All are serious hazards to workers and the standards, when issued, will protect workers' health and lives.

[13] https://www.eenews.net/articles/biden-in-hot-seat-to-protect-workers-from-warming/

Heat

There is no doubt that heat is a life-threatening hazard, and more specifically a workplace hazard. Climate change is making it worse. Last year was the hottest year on record since global temperatures began being documented in 1850.

Heat is the leading cause of weather-related deaths in the United States, killing more than 200 people last year.[14]

According to OSHA, excessive heat killed 121 workers between 2017 and 2022. There were an average of 34 heat-related workplace deaths each year between 1992 and 2022, according to the Bureau of Labor Statistics.[15] In 2022 alone, there were 43 such fatalities. In 2022, there were 43 heat-related deaths, up from 36 the year before.

We also know that these numbers are significant undercounts because heat-related illnesses often mimic other illnesses and frequently manifest themselves after work hours.

Climate change may be making the heat hazard worse, but heat-related illness is not new. The sun was created on the 4th day of creation and soon thereafter, death by sunstroke was documented in the Bible. Heat plagued the builders of the great pyramids and slowed the Roman legions.

The U.S Army developed strict work-rest rules in the 1950s to protect American soldiers. (If fact, at OSHA's urging, BP successfully enforced the US Army's work/rest requirements, shaded rest areas, hydration liquids, and onsite heat monitoring to ensure that no workers suffered serious heat-related illness during the 2012 Deepwater Horizon cleanup when tens of thousands of unconditioned workers were deployed to the stifling and humid coast to clean up the oil spill dressed in protective clothing.)[16]

Heat was recognized as a preventable workplace hazard in the legislative history of the OSH Act as a preventable industrial disease. The text noted at that time that "existing legislation in this area does not begin to meet the problems.

The National Institute for Occupational Safety and Health (NIOSH) issued its original Criteria Document on Heat in 1972. That document recommended an OSHA heat standard.

In response to the NIOSH recommendations, in 1973 OSHA appointed a Standards Advisory Committee on Heat Stress which presented recommendations for a standard

[14] https://www.weather.gov/hazstat/
[15] https://www.osha.gov/sites/default/files/Heat-NPRM-Final-Background-to-Sum-Ex.pdf
[16] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3957409/

for work in hot environments in 1974. Now, fifty years later, OSHA is finally taking action to issue a standard to protect workers from this widespread serious workplace hazard.

Heat affects everyone, but workers are on the front lines - 32 million people in the US work outdoors. Construction workers are just 6 percent of the American workforce while accounting for 36 percent of all occupational heat-related deaths. Farmworkers are 35 times more likely to die from heat than other workers.[17]

And although heat hazards impact workers in many industries, workers of color have a higher likelihood of working in jobs with hazardous heat exposure.

Almost every day we hear tragic stories of workers dying from preventable heat illness on the job. Last summer, Baltimore Department of Public Works employee Ron Silver II, age 36, died from heat stroke after hauling trash all day where the heat index reached 103 degrees Fahrenheit. Silver was the father of five children, ranging in ages from 10 to 16 and had been working for the DPW for less than a year. Residents in the area where Silver died said he had knocked on a door, asking for help before he collapsed. Neighbors gave him water, performed CPR and called 911. Silver had been showing signs of heat illness earlier in the day, but his co-workers were apparently not aware of the signs, nor did they know how to respond.[18]

Last year, we also witnessed the heat stroke death of postal worker Wendy Johnson who died in North Carolina. She was at least the second postal worker to die recently of heat stroke after the death in Texas the previous year of Eugene Gates who died from heat stroke while delivering mail on his route in Lakewood, Texas, during a sweltering summer heatwave that saw the temperature reach 98 degrees. The heat index — factoring in humidity — climbed to over 113 degrees that day.

E&E News reported on a farm worker, Gabriel Infante, who started showing signs of heat stroke on the job. His employer thought he was on drugs and by the time they realized he needed help; it was too late. Gabriel died a few hours later after five days on the job. His body temperature was 109.8 degrees. He was 24.[19]

If OSHA's heat standard had been in place, Ron Silver, Wendy Johnson, Eugene Gates and Gabriel Infante would likely be alive today. They would have been supplied with water and rest. If they had still gotten sick, their employers and co-workers would have recognized the signs and had an emergency response plan in place.

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[17] https://onlinelibrary.wiley.com/doi/10.1002/ajim.22381

[18] "Gov. Moore calls for 'full investigation' after Baltimore sanitation worker's heat death," *The Baltimore Banner,* https://www.thebaltimorebanner.com/politics-power/local-government/dpw-death-ronald-silver-XAPWOOWV2JA7JO4AQ7KDVRFF5Q/

[19] https://www.eenews.net/articles/inside-bidens-push-to-stop-heat-deaths-after-decades-of-delay/

Heat is also a burden for the states. For example, heat accounted for nearly 50% of all injury claims filed with the Nevada Occupational Safety & Health Administration from 2020 to 2024. Employee injury claims related to extreme heat also accounted for the largest share of compensation claims awarded by Nevada OSHA at 30%.[20]

Finally, failure to address the hazards of workplace heat is a problem for employers and the economy. The *New York Times* recently reported[21] that

- In 2021, more than 2.5 billion hours of labor in the U.S. agriculture, construction, manufacturing, and service sectors were lost to heat exposure, according to data compiled by The Lancet.[22]
- Another report found that in 2020, the loss of labor as a result of heat exposure cost the economy about $100 billion, a figure projected to grow to $500 billion annually by 2050.[23]
- Other research found that as the mercury reaches 90 degrees Fahrenheit, productivity slumps by about 25 percent and when it goes past 100 degrees, productivity drops off by 70 percent.[24]

Ironically, Texas, the state that recently passed a law prohibiting localities from protecting construction workers from heat-related illness, leads all states in terms of lost productivity linked to heat, according to an analysis of federal data conducted by Vivid Economics.[25]

Given these facts, I'm surprised there is any opposition to a strong OSHA heat standard. In fact, I'm astounded that 90% of Congressional representatives aren't racing to co-sponsor the Ascuncion Valdivia Heat Illness and Fatality Prevention Act[26] that would enable OSHA to issue an Interim Final Standard to protect workers in a matter of months, instead of the years it will take OSHA to finalize its much-needed standard.

Some states – such as California, Washington, Oregon, Maryland, Nevada and others have issued statewide heat standard. But a national standard is needed. Businesses would benefit from complying with one national standard, rather than dozens of

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[20] https://nevadacurrent.com/2024/07/11/despite-some-progress-nevada-workers-still-arent-protected-from-extreme-heat/
[21] https://www.nytimes.com/2023/07/31/climate/heat-labor-productivity-climate.html
[22] https://www.vox.com/23844420/extreme-heat-work-labor-osha-climate-change
[23] https://onebillionresilient.org/extreme-heat-the-economic-and-social-consequences-for-the-united-states/#:~:text=Among%20the%20report's%20key%20findings,afflicting%20Black%20and%20Hispanic%20workers.
[24] https://link.springer.com/article/10.1007/s00484-021-02105-0
[25] https://www.atlanticcouncil.org/wp-content/uploads/2021/08/Extreme-Heat-Report-2021.pdf
[26] https://www.congress.gov/bill/118th-congress/house-bill/4897?q=%7B%22search%22%3A%22valdivia%22%7D&s=2&r=2

different state standards. And there is no reason that workers in San Diego should be protected from heat, while another worker across the border in Phoenix are left to fend for themselves under unsafe heat conditions.

I commend this administration for conducting hearings on OSHA's heat standard next month. It is vitally important that a strong standard be issued as quickly as possible. This standard must include heat thresholds so that employers know when the requirements of the standard are triggered.

There must be strong requirements for the provision of water, rest and shade. The rest periods must be mandatory, and workers must not lose compensation for those rest breaks. If rest breaks are voluntary and unpaid, workers will not take advantage of them. Emergency response plans and annual training are essential. And the standard also needs mandatory provision for providing acclimatization periods for workers newly exposed to heat.

All of these measures are scientifically based and proven to protect workers. Without these basic provisions, workers will continue to die needlessly from preventable heat-related illness.

The heat standard (like every single OSHA standard) has been criticized for being inflexible and "one size fits all." But that's not accurate. If employees are not exposed to high heat, the employer is not required to implement the standard.

Should employers in Montana be subjected to the same rules as employers in Florida? Of course! Are Montana workers any less susceptible to heat hazards on a 95 degree day than workers in Florida?

Infectious Diseases

One of OSHA's main regulatory priorities is an infectious disease standard. Currently that standard focuses on health care workers, rather than the general workforce.

The only regulatory protections workers have from infectious diseases is the Bloodborne Pathogens standard, which was issued in 1991 to protect healthcare workers from serious diseases like hepatitis B and C, and HIV/AIDS. CDC Guidance is just that: guidance. It is not enforceable.

That standard, issuance of which was fiercely opposed by the healthcare industry, has been a resounding success, changing the way health care is practiced and all but eliminated occupationally acquired hepatitis B.

Some of you may be too young to remember, but prior to the issuance of the bloodborne pathogens standard, doctors, dentists and nurses rarely wore masks or gloves. Common practice was to manually recap syringes, leading to numerous needles sticks and disease.

Needle boxes, where they existed at all, often leaked and overflowed. Infectious waste was with regular uncontaminated garbage. Healthcare workers had to pay exorbitant fees out of their paychecks for hepatitis B vaccinations.

Today, we are seeing more "new" diseases affecting this nation's citizens and its front-line healthcare workers. Just 50 years ago, when the OSHAct was passed, HIV/AIDS didn't exist, nor did Ebola, COVID-19 or the Avian flu. And research has shown that climate change is ushering in more new diseases.[27,28,29]

Yet this nation's frontline caregivers – those we depend on to keep us alive when we get sick – have no enforceable protections, except for OSHA's Bloodborne Pathogen Standard, against these diseases.

Tree Care

Almost no week goes by where a worker is not killed in a tree-trimming incident. There is no doubt that a Tree Care standard is needed. For that reason, the Tree Care standard is one of OSHA's top priorities.

I commend the Tree Care Industry Association, who testified before this committee last summer, for pushing for a strong standard.

OSHA has, over the last several years, enforced tree care safety using a variety of existing standards. In 2015, the agency determined that tree are workers could better be protected though issuance of a vertical tree care standard. Unfortunately, the Trump administration shelved the rule on the "long term agenda" in 2017 and then moved it back to the active agenda the following year. Little progress was made until the current administration.

The sad fact is that OSHA's serious budget shortfall, as I discussed above, is keeping this, and other important rules from moving forward as fast as everyone would like. The good news is that there are existing OSHA standards protecting tree workers, including standards that address vehicle-mounted elevating and rotating work platforms; personal protective equipment, portable power tools; machine guarding; and electrical safety.

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[27] Jones, K., Patel, N., Levy, M. *et al.* Global trends in emerging infectious diseases. *Nature* **451**, 990–993 (2008). https://doi.org/10.1038/nature06536

[28] Schulte, P. A., Bhattacharya, A., Butler, C. R., Chun, H. K., Jacklitsch, B., Jacobs, T., … Wagner, G. R. (2016). Advancing the framework for considering the effects of climate change on worker safety and health. Journal of Occupational and Environmental Hygiene, 13(11), 847–865. https://doi.org/10.1080/15459624.2016.1179388

29 Schulte, Paul, Chun, Heekyoung, Climate Change and Occupational Safety and Health: Establishing a Preliminary Framework, *Journal of occupational and environmental hygiene*, 6(9):542-54

But the problem is that OSHA's standards staff has been decimated. It was already inadequate to fulfill the mission of the agency, and they have reportedly lost an additional third of their staff due to recent early retirements.

If the TCIA and concerned members of this committee are sincerely interested in moving this standard forward as quickly as possible, the best way to do that is to significantly increase OSHA's budget for standards and guidance.

Emergency Response

I will never forget one evening in April 2013 when my wife called me from the TV to say she had just seen something about a huge explosion in Texas. That was the West Texas ammonium nitrate fertilizer explosion that killed 15 people and destroyed a good part of the city of West.

Twelve of the 15 deaths in that explosion were emergency responders. They bravely rushed in to fight the fire, with no information about what was burning, and even less information about how to handle a fire that involved ammonium nitrate. Nor did they know that the ammonium nitrate had been improperly stored at the facility. They were heroes who should not have died that night.

Emergency responders save lives put at risk from chemical plant disasters, train wrecks, hurricanes, tornadoes, floods and fires. They deserve the best protection we can provide. OSHA estimates that more than 80 emergency responders die every year who would be covered by this standard.

OSHA's current emergency response rules are antiquated and spread across several different OSHA standards. The equipment described in OSHA's currently applicable standards would fit much better into a mid-20th century Noman Rockwell painting than a 21st century firehouse. They are in dire need of updating.

This emergency response standard is moving forward. A proposal has been issued, hearings have been held, and we are currently in a post-comment period.

I understand that legitimate concern has been raised about whether it is feasible for low-budget volunteer fire departments to comply with the proposed standard.

But a proposal is just a proposal. OSHA has collected information, including extensive consultation with professional and volunteer fire organizations and other experts. Based on that input, OSHA experts and solicitors developed a draft standard and opened it to the public for comment.

To encourage discussion, OSHA has published a separate 8-page list of questions[30] it needs answers to so that people don't have to read the regulatory text and the 200 pages of preamble.

It is in no one's interest – and certainly not in OSHA's interest – for any volunteer fire or rescue organizations to be put out of business by this standard. Which is why OSHA is soliciting information, data and other evidence about the feasibility of this standard. If OSHA is presented with convincing evidence that the standard is not feasible for volunteer fire departments, I have no doubt that they will exempt them. That is how the system is supposed to work.

But there must be strong evidence, not just rhetoric. For every standard that OSHA has proposed over the last 50 plus years, the regulated industry has claimed that the new standard would put them out of business and kill jobs. Most of those claims were simple fearmongering. The perennial accusation that an OSHA standard would throw entire industries or large numbers of businesses into bankruptcy is a myth.

Business owners are smart. The good ones figure out how to ensure their workers' safety, comply with OSHA standards and still make a profit.

And OSHA is responsive to public comment. Because it is the law, and because no one at OSHA has any interest in issuing any standard that employers cannot comply with.

Workplace Violence

Workplace violence plagues many of this country's most valuable workers – particularly employees who work in health care institutions. And the problem is growing.

The President and CEO of the Massachusetts Health and Hospital Association Steve Walsh, estimated recently that a healthcare worker is assaulted every 36 minutes in Massachusetts.[31]

Workplace violence has been on OSHA's regulatory agenda only since 2016, although it's a far older problem. I've been working to prevent assaults in healthcare and social service occupations since the early 1980s, long before OSHA even recognized it as a hazard over which OSHA had authority.

Health care and social service workers are at high risk of assault by patients, clients, and members of the public. Peer reviewed studies and Bureau of Labor Statistics (BLS) data show high injury rates from workplace violence for these workers. BLS statistics indicate public employees are at even higher risk, but they are not covered by Federal or state OSHA in 23 states. Furthermore, assaults on health care and social service workers are underreported because reporting practices are burdensome; many health care and social

[30] https://www.osha.gov/sites/default/files/ER_NPRM_Questions_and_Issues.pdf
[31] "Hospital chief: Massachusetts health care workers assaulted every 36 minutes," *Fall River Reporter*, https://fallriverreporter.com/hospital-chief-massachusetts-health-care-workers-assaulted-every-36-minutes/

service workers perceive such violence as part of their job; and, they are often disciplined for reporting assaults.

OSHA has had well-respected guidance to prevent workplace violence in health care and social service workplace since the late 1990s and has issued numerous citations under the General Duty Clause.

The House of Representatives have twice passed bipartisan legislation that would have required OSHA to issue a workplace violence standard within a far shorter period of time than OSHA is able to do under current conditions. I want to urge this committee to reconsider that legislation.

Employee Walkaround Representatives on OSHA Inspections

While OSHA's revised walkaround regulation is not a health and safety standard, and therefore subject to different criteria than standards, I would like to make a few observations.

This regulation has been the subject of scurrilous misconceptions: that it is allegedly a stalking horse for union organizing, that it will result in the theft of trade secrets, that it will cause chaos and disruption in the workplace and that walkaround representatives will get themselves killed in dangerous machinery. None of these allegations are true.

The revised walkaround regulation is not about union organizing; it is about making OSHA inspections more effective and saving workers' lives.

OSHA has always allowed third-party walkaround representatives for employees with no problem. While the previous version of the regulation suggested industrial hygienists and safety experts as *examples* of third-party walkaround representatives, that list was not exclusive.

In fact, when I worked for a union, I was often the workers' walkaround representative – even in workplaces we did not officially represent. The employers never accused me of disrupting the workplace, stealing business information, organizing workers or doing anything except ensuring that the workers were provided with a safe workplace.

Congress determined when it passed the Occupational Safety and Health Act in 1970 that among workers' most important rights was the ability to walk around with OSHA inspectors when they were conducting an inspection. Those walk-around representatives were mostly – although certainly not exclusively – utilized in union workplaces. But in fact, there is nothing in the Act or previous regulations that restrict walkaround representatives to employees of the employer.

The alternative was for OSHA inspectors to consult with a reasonable number of workers. But that process was never as effective as worker authorized walkaround representatives. The comments submitted to OSHA about this rule were replete with reports of retaliation against workers that are seen talking to OSHA inspectors. Non-English-speaking workers

are often more comfortable with their own translators than the employers. And the walkaround representatives of workers are often more familiar with unique work processes than OSHA inspectors.

Furthermore, the Mine Safety and Health Act permits union third party walkaround representatives – and courts have upheld that policy – without incident. It has not resulted in increased organizing activity, the theft of trade secrets, injuries of walkaround reps, nor has it disrupted the MSHA inspection process.

Today we have far fewer unionized workplaces than we had in 1970, but the importance for workers – all workers – to be able to choose their walkaround representatives has never been greater. This country now has many more vehicles for worker representative than existed in 1970 – worker and immigrant rights organizations, COSH and faith-based groups and others that non-union workers need to assist and represent them in a variety of areas where they need help to resolve workplace problems.

And OSHA inspectors are well equipped and trained to exclude any third-party walkaround representative from the workplace if they are causing problems or doing anything except helping to ensure safe working conditions.

Conclusion

In conclusion, there are a few things we should all agree with.

First, I think we can all agree that the safety and health of workers in this country should continue to be a major priority, and that reasonable standards and tough enforcement of those standards play an indispensable role in protecting workers. Protecting workers by enforcing OSHA standards, is, in fact, the mission of the Occupational Safety and Health Administration.

Second, no one approves of overreach – in government agencies, in Congress, or in the White House. But I think I've made clear in my testimony that overreach is not the problem that OSHA is dealing with. OSHA's problem is underreach – the lack of resources – and, at times, political will, to fulfill its mission.

Finally, I have a few recommendations for the Committee's consideration that will ensure that OSHA is better able to achieve its mission.

1. OSHA's enforcement staff needs to grow significantly, not shrink. It is inconceivable that it would take almost two centuries to reach every workplace in the country just once.
2. The regulatory process needs to be strengthened, not weakened. Changes need to be made that will grow OSHA's regulatory staff and speed up the process of issuing strong OSHA health and safety protections so that workers don't have to wait decades to receive the safeguards they need.

3. The Committee should examine the standards and standard setting practices in California and Washington under their state OSHA programs. Those programs are more effective and far speedier than federal OSHA's.
4. Given the backlog in protections at the federal level, Congress should pass legislation that would permit OSHA to easily update permissible exposure limits for toxic substances and other antiquated consensus standards. This is not a new idea. A similar procedure that was utilized to establish an initial body of regulation under section 6(a) of the OSHAct in 1971.
5. Where there are urgent new hazards that need to be addressed to expeditiously provide workers with needed protections, Congress should pass legislation exempting the agency from some procedural requirements under section 6(b) of the OSH Act or the Administrative Procedure Act or pass legislation authorizing OSHA to issue interim final standards.
6. There are many other problems with OSHA: low penalties, weak whistleblower protections, state plans that are not at least as effective as the federal program, and the lack of coverage for public employees in over half the states. Most of these problems are addressed in the Protecting America's Workers Act, H.R. 3036,[32] introduced by Mr. Courtney this past Workers Memorial Day. I strongly encourage the committee to act on this legislation. It is the best route available to reclaim OSHA's mission.

Finally, this hearing is about OSHA's mission. This nation and this Congress cannot forget that a safe workplace is a legal right for almost all workers in this country and it is OSHA's mission – assigned by you, the House of Representatives and the Senate – to ensure that mission is fulfilled.

The evidence is clear that unsafe conditions cause injuries and deaths and the evidence shows clearly that OSHA standards, and enforcement of those standards, save lives. Workers cannot depend on workers comp, insurance companies or individual state actions to protect their health and save their lives. Workers in almost all cases cannot sue their employer if they are injured on the job, even in cases of negligence. And workers can't sue to enforce their OSHA rights. All workers have is OSHA standards, inspections and enforcement.

I think we can all agree that the Representatives and Senators of both parties who voted to pass the Occupational Safety and Health Act in 1970 would have been aghast if they knew

[32] The Protecting America's Workers Act, H.R. 3036, https://www.congress.gov/bill/119th-congress/house-bill/3036?q=%7B%22search%22%3A%22protecting+americas+workers+act%22%7D&s=1&r=1

that 50 years down the road it would take decades to issue a single OSHA standard or centuries to inspect every workplace in the country.

In other words, because of paltry budgets and lack of political support, OSHA is failing to accomplish its mission – the mission that an overwhelming bipartisan majority of Congress gave the agency 54 years ago.

Happily, it is within your power to change that.

If you are sincerely interested in reclaiming OSHA's mission, there is a clear path ahead starting with a significant *increase* in OSHA's budget and actions to clear away the obstacles to issuing faster regulatory safeguards.

I urge you to pay attention to the lessons learned over the past fifty years and join efforts to strengthen instead of to weaken our commitment to assuring safe and healthful working conditions for working men and women of this country

Thank you for inviting me to testify today, and I would be happy to answer your questions.