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COMMITTEE ON
EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

May 11, 2020

Loren Sweatt
Principal Deputy Assistant Secretary
Occupational Safety and Health Administration
200 Constitution Ave. NW
Washington DC 20210

Dear Ms. Sweatt:

I am writing as a follow-up to a series of questions regarding worker safety and COVID-19 at the Friday, May 8, 2020 HHS-DOL Telebriefing. As you will recall, you agreed to provide written responses to the questions I had posed.

1. You and Secretary Scalia have said that OSHA doesn't need to issue an enforceable Emergency Temporary Standard because you already have all the tools you need -- with the General Duty Clause, PPE and respirator standards -- to enforce workplace safety during the COVID-19 pandemic. If that's the case and you have all the tools you need, can you tell me:
 - A. How many COVID-related citations has OSHA issued under the General Duty Clause and in what industries?
 - B. How many COVID-related citations has OSHA issued under any other standards (e.g. PPE or Respirators)? In what industries?
 - C. How many on-site COVID inspections has OSHA initiated? In what industries?
 - D. Of the complaints you have "closed," how many of them were closed through on-site inspections and how many through "Rapid Response" or "Phone and Fax?"
2. What percentage of COVID-related OSHA inspections are in response to deaths or illnesses, and what percentage are pro-active -- conducted before a worker gets sick or dies? In other words, is OSHA conducting any Programmed COVID-related inspections?
3. We understand that OSHA has issued a lot of voluntary guidance, but why do you think voluntary guidelines more effectively protect workers than mandatory standards -- especially when we've seen so

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many employers don't volunteer to implement the voluntary guidance and workers are getting sick as a result?

4. OSHA has said that, with two small exceptions, OSHA will not cite employers outside of health care for failure to determine whether COVID-19 infections or fatalities are work-related. As you know, if an illness is not determined to be work-related, it does not have to be recorded on the OSHA 300 or 301 logs.
 - A. What effect does this change have on an employer's ability to identify problem areas in the workplace and how does it help OSHA to know where to focus its inspections?
 - B. Do you think that many work-related COVID-19 cases will not be recorded due to this change in OSHA policy?
5. There have been scores of cases of health care workers fired for insisting on proper PPE or even bringing in their own N-95 respirators from home. Others were fired for talking to the press or using social media to describe unsafe conditions in their facilities.
 - A. Has OSHA required any health care employers to reinstate nurses or others who have spoken up about their hospital's policies? If so, how many?

Please provide the Committee with OSHA's written response by Thursday, May 14, 2020.

Thank you for your attention to this matter. Please contact Jordan Barab with the House Committee on Education and Labor at jordan.barab@mail.house.gov with any questions. Please send all official correspondence relating to this request to tylease.alli@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman

CC:

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
House of Representatives