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February 13, 2025

Vince Micone
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Acting Secretary Micone:

We write to express concerns about possible destruction of documents at the Department of Labor (DOL) and efforts by DOL to hide valuable information from the public.

As we compare the DOL website with archived versions of it, we are alarmed to find that at least one DOL agency, the Occupational Safety and Health Administration (OSHA), has removed several documents from public view. The now-missing documents include guidance related to protecting workers from toxic chemical exposures;¹ preventing workplace violence in health care facilities;² identifying ergonomic hazards and preventing crippling musculoskeletal disorders in nursing

¹ OCC. SAFETY & HEALTH ADMIN., OSHA 3370-11, OSHA BEST PRACTICES FOR PROTECTING EMS RESPONDERS DURING TREATMENT AND TRANSPORT OF VICTIMS OF SUBSTANCE RELEASES (2009), <https://web.archive.org/web/20241128074409/https://www.osha.gov/sites/default/files/publications/OSHA3370-protecting-EMS-respondersSM.pdf> [hereinafter First Responder Toxic Release Guidance]; OCC. SAFETY & HEALTH ADMIN., OSHA 3249-08N, OSHA'S BEST PRACTICES FOR HOSPITAL-BASED FIRST RECEIVERS OF VICTIMS OF MASS CASUALTY INCIDENTS INVOLVING THE RELEASE OF HAZARDOUS SUBSTANCES (2005), <https://web.archive.org/web/20241007113337/https://www.osha.gov/sites/default/files/publications/osha3249.pdf> [hereinafter Hospital Toxic Release Guidance].

² OCC. SAFETY & HEALTH ADMIN., OSHA 3827, CARING FOR OUR CAREGIVERS: WORKPLACE VIOLENCE: A ROAD MAP FOR HEALTHCARE FACILITIES (2015), <https://web.archive.org/web/20241007045623/https://www.osha.gov/sites/default/files/OSHA3827.pdf> [hereinafter Workplace Violence Guidance].

homes,³ shipyards,⁴ and retail grocery stores;⁵ and helping employers comply with OSHA rules and standards.⁶

These documents cover miscellaneous subject matters. The only common thread seems to be that they use words such as *diverse*, *diversity*, and *gender*.

If erasing these documents relates to President Trump’s executive orders on so-called “gender ideology”⁷ and “diversity, equity, and inclusion,”⁸ DOL appears to be implementing the orders as though there is a list of banned words, without any regard for the context in which words are used:

- For example, the workplace violence guidance describes one health care facility’s creative approaches as including an effort by managers to assemble “a diverse group of trainers— bedside nurses, team leaders, nursing supervisors, human resources staff, critical care personnel, medical/surgical staff, and security workers—with the aim of providing mentors, coaches, and ‘champions’ throughout the hospital.”⁹
- Guidance for emergency medical services (EMS) responders treating and transporting victims of toxic emergencies refers to “diverse conditions under which EMS responders would work,”¹⁰ the “numerous and diverse local programs” regulating EMS responders,¹¹ and the “diversity of roles and risks” in EMS work that “must be taken into consideration when identifying best practices.”¹²
- The missing ergonomics guidelines all advise employers that gender can be a factor, along with age and length of service, in a worker’s risk of musculoskeletal injury.¹³

³ OCC. SAFETY & HEALTH ADMIN., OSHA 3182-3R, GUIDELINES FOR NURSING HOMES: ERGONOMICS FOR THE PREVENTION OF MUSCULOSKELETAL DISORDERS (2009), https://web.archive.org/web/20241222215951/https://www.osha.gov/sites/default/files/publications/final_nh_guidelines.pdf [hereinafter Nursing Home Ergo Guidance].

⁴ OCC. SAFETY & HEALTH ADMIN., OSHA 3341-03N, GUIDELINES FOR SHIPYARDS: ERGONOMICS FOR THE PREVENTION OF MUSCULOSKELETAL DISORDERS (2008), <https://web.archive.org/web/20220127131357/https://www.osha.gov/sites/default/files/publications/OSHA3341shipyard.pdf> [hereinafter Shipyard Ergo Guidance].

⁵ OCC. SAFETY & HEALTH ADMIN., OSHA 3192-05N, GUIDELINES FOR RETAIL GROCERY STORES: ERGONOMICS FOR THE PREVENTION OF MUSCULOSKELETAL DISORDERS (2004), <https://web.archive.org/web/20250108213854/https://www.osha.gov/sites/default/files/publications/osha3192.pdf> [hereinafter Grocery Ergo Guidance].

⁶ OCC. SAFETY & HEALTH ADMIN., OSHA 3384-09, SMALL ENTITY COMPLIANCE FOR THE RESPIRATORY PROTECTION STANDARD (2011), <https://labor.hawaii.gov/hiosh/files/2020/02/OSHA-3384-small-entity-for-respiratory-protection-standard.pdf>; OCC. SAFETY & HEALTH ADMIN., OSHA 3352-02, ASSIGNED PROTECTION FACTORS GUIDE FOR THE REVISED RESPIRATORY PROTECTION STANDARD (2009), <https://web.archive.org/web/20241217064100/https://www.osha.gov/sites/default/files/publications/3352-APF-respirators.pdf> [hereinafter 2009 Respiratory Protection Guidance].

⁷ Exec. Order No. 14,168, 90 Fed. Reg. 8,615 (Jan. 30, 2025).

⁸ Exec. Order No. 14,151, 90 Fed. Reg. 8,339 (Jan. 29, 2025).

⁹ Workplace Violence Guidance, *supra* note 2, at 29.

¹⁰ First Responder Toxic Release Guidance, *supra* note 1, at 92.

¹¹ *Id.* at 93.

¹² *Id.* at 94.

¹³ Nursing Home Ergo Guidance, *supra* note 3, at 8; Shipyard Ergo Guidance, *supra* note 4, at 4; Grocery Ergo Guidance, *supra* note 5, at 6.

- Guidance for testing the fit of respiratory protection explains that a particular testing protocol has a “built-in capability to [adapt for] unique work rate, mask, and gender situations that might apply in a specific workplace.”¹⁴

It is difficult to imagine how the ergonomic guidance documents in particular—which were developed by OSHA during the administration of President George W. Bush, as an offering by then-Secretary of Labor Elaine Chao to address the threat of disabling musculoskeletal disorders in lieu of a promised standard that never, ultimately, materialized¹⁵—could ever be deemed guilty of “gender ideology.”

Finally, it is our understanding that DOL is instructing staff not simply to erase these documents from the Internet but, worse, to destroy any physical copies. OSHA’s staff should be focused on making workplaces safer, not erasing valuable information for arbitrary reasons. If you are destroying documents, we demand that you cease doing so and refocus on DOL’s mission to protect workers’ lives and livelihoods.

We request your responses by no later than February 28, 2025, to the following:

1. Provide a chart of all documents that have been pulled from DOL’s websites, including the title, the original URL of the document, and a detailed explanation of the reason for its deletion from the website.
2. Provide all documents and communications between January 21, 2025, and the date of this letter regarding implementation of Executive Orders 14,151 and 14,168, review of documents for any keywords, elimination of documents from the DOL website, physical destruction or recycling of documents, and whether to continue or end distribution of documents.

We fully intend to monitor this development closely, as we conduct rigorous oversight of the Trump-Vance Administration’s interventions in DOL’s operations. In the aftermath of President Trump’s firing of the DOL Inspector General, there is now a void of oversight for DOL as a very young and inexperienced team¹⁶ and their leader, the world’s richest man, who operates with “autonomy ‘almost no one can control,’”¹⁷ gain dangerously broad powers to infiltrate DOL’s internal systems.¹⁸ At stake are the integrity of investigations into workplace health, mine safety,

¹⁴ 2009 Respiratory Protection Guidance, *supra* note 6, at 34.

¹⁵ See, e.g., *One Year Later: Inadequate Progress on America’s Leading Cause of Workplace Injury: Hearing Before the S. Comm. on Health, Educ., Lab. & Pensions*, 117th Cong. 10-12 (statement of the Hon. Elaine Chao).

¹⁶ Vittoria Elliott *et al.*, *A 25-Year-Old With Elon Musk Ties Has Direct Access to the Federal Payment System*, WIRED (Feb. 4, 2025), <https://www.wired.com/story/elon-musk-associate-bfs-federal-payment-system/>; Vittoria Elliott, *The Young, Inexperienced Engineers Aiding Elon Musk’s Government Takeover*, WIRED (Feb. 2, 2025), <https://www.wired.com/story/elon-musk-government-young-engineers/>.

¹⁷ Katie Hawkinson, *Musk Has Autonomy ‘Almost No One Can Control’ as He Oversees Unprecedented Overhaul of Federal Workforce*, THE INDEPENDENT (Feb. 4, 2025), <https://www.the-independent.com/news/world/americas/us-politics/elon-musk-doge-trump-government-overhaul-b2692074.html>.

¹⁸ Sam Sutton & Victoria Guida, *DOGE Is at DOL: Here’s Why That Matters for the U.S. Economy*, POLITICO (Feb. 12, 2025), <https://www.politico.com/news/2025/02/12/elon-musk-doge-labor-department-data-00203655>; Eyal Press, *What Will DOGE’s Moves on Government Agencies Mean for OSHA?*, NEW YORKER (Feb. 10, 2025), <https://www.newyorker.com/news/the-lede/what-will-doges-moves-on-government-agencies-mean-for-osh>.

Acting Secretary Vince Micone

February 13, 2025

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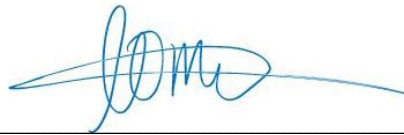
and child labor violations, including the identity of witnesses and workers who file complaints; the personal privacy of workers and families who receive medical and financial support from the black lung program and other workers' compensation programs; the confidentiality of whistleblowers under dozens of whistleblower protection laws; the trustworthiness of market-moving Bureau of Labor Statistics data; and confidential business information of countless companies, exposure of which could upend the nation's economy. We expect a prompt, thorough, and accurate response to this request and future inquiries.

Should you have any questions about this request, please contact the Democratic staff of the House Committee on Education and Workforce.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



ILHAN OMAR
Ranking Member
Subcommittee on Workforce Protections