

TO: White House Press Corps
FROM: Revolving Door Project
Re: Clarity Concerning Delay in OSHA COVID-19 Guidance Due March 15th
Date: 4/22/21

We write to you to express our concern about the state of the Occupational Safety and Health Administration. If it was in a slow-moving, decades long decline prior to the Covid-19 health crisis, it is now underwater. An [Inspector General report](#) found that while safety complaints were up 15% in 2020, the agency was conducting fewer than half as many inspections between February and October compared to the year prior. OSHA's failure to guarantee American workers' right to a safe workplace has led directly to the deaths of black and brown frontline workers. Nonetheless, OSHA continues to languish without the proper staffing despite an unprecedented workplace safety crisis. Democrats have long been the party standing for safety at work, but the specter that Seth Harris is the President's top advisor for labor and the economy makes workers' rights advocates ask: is he the reason why OSHA missed its [March 15th deadline](#) to declare a binding Covid-19 safety standard yet? If that is the case, then National Economic Council Director Brian Deese must ensure a public accounting for any sway Harris, or any corporate-backed White House official, has had in OSHA's deliberation process.

Considering Harris' checkered record on labor rights, his senior advisory role and his position on the National Economic Council gives us pause. Harris constructed the intellectual arguments for California's Prop 22, a law that allows companies like Uber and Lyft to avoid compliance with basic worker protections. Prop 22 was so unpopular that both President Biden and Vice President Kamala Harris publicly condemned it. Harris also represented big business at the noted corporate defense and lobbying firm, Dentons. [Vice](#) reported that, "his firm helped Walmart fight union and NLRB disputes, a restaurant association kill a tipped worker minimum-wage law, and executives fight accusations of white collar crime." Given the White House's silence on the nomination process, Harris' presence worries good governance groups and worker advocates like the Revolving Door Project who want to see President Biden deliver on his promise to "[fight like the devil](#)" for working people.

On the second day of his administration, President Biden instructed OSHA to create national Covid-19 workplace safety standards. Despite Biden's executive order, OSHA has yet to release any new COVID-19 safety rules over a month past its deadline. This delay has left management free to endanger their employees absent binding federal safety standards and nearly no enforcement of existing rules. This danger has fallen unevenly on migrant and marginalized frontline workers in meatpacking plants, grocery stores, retail establishments, and hospitals, where large workplace outbreaks are not uncommon.

Corporate political interference from the White House may have compounded any delay from OSHA, an agency already beleaguered by intentional understaffing. Since 1990, OSHA staff has shrunk by 25% while the American working population, whose safety it ensures, has grown by 30%. There are now a staggering 180,000 workers per OSHA inspector. OSHA conducts 27% fewer inspections overall compared to 30 years ago. The ongoing collapse of OSHA as an effective workplace safety enforcer has been pushed along by Republicans, and merely paused by Democrats. Biden must upend this trend by making it a negotiating priority to ensure OSHA the budget to create and enforce emergency safety standards on the job and respond to the novel workplace safety crisis of Covid-19.

Keeping workers safe on the job used to be a pillar of the Democratic Party's promise to working people. Covid-19 has given Biden a chance to revitalize it. Creating strong ventilation standards to prevent the spread of disease could redound to improve the conditions of construction, auto, and aerospace workers, and every occupation where exposure to toxic fumes is commonplace. While obviously not directly transferable, steps taken by schools right now to improve their ventilation systems should serve as a wakeup call to industries that have put the lives of their employees on the line for far too long. OSHA

could codify new workplace ventilation standards to turn a pandemic palliative into a permanent safety win.

The administration has already made several promising steps proving its commitment to a just recovery from the blows of the pandemic. It fired the notoriously anti-union NLRB General Counsel, Peter Robb, who had been working to quash workplace organizing efforts since he took office. Biden has nominated fierce regulators like Gary Gensler to lead the SEC's crackdown on white collar financial crimes. And the American Rescue Plan, which not only included an historic expansion of the American welfare state that will improve the lives of tens of millions of families in the US, gave \$100 million to re-fund OSHA. While these will create a strong macroeconomic recovery on paper, the threat of Covid-19 variants and a looming wave still presents an imminent danger to marginalized workers on the job everyday. Despite the significant strides made to build back better, too many workers are being forced to choose between risking their lives in workplaces that flagrantly violate Covid-19 precautions and putting food on the table. The continued delay in binding Covid-19 safety standards must come swiftly and without political interference by pro-management elements in the White House.

The nomination of Doug Parker to head OSHA and his experience developing California's emergency safety standards is heartening. Nonetheless, Harris' ill-defined influence over labor policy creates the appearance that past corporate clients of Harris' old firm like Walmart, which has been [cited by OSHA](#), may be responsible for the lack of Covid-19 standards. That acting OSHA head Jim Frederick, a United Steelworkers veteran who admirably fought for the health and safety of union members, has been unable to publish binding safety rules does not bode well for Parker's chances to do so, either. That is why we are calling for an investigation into the role Harris plays in setting White House labor policy and, specifically, any influence he or his past corporate clients have in OSHA rulemaking.

Workers and their representatives deserve to know who is holding up policy that is, legitimately, life or death. Uber's [recent lobbying hire](#) of Labor Secretary Marty Walsh's former aide has shown the lengths employers are willing to go to bend rules in their favor. Working people should have confidence the rulemaking process is not subjected to the corporate pressure to cut corners at the expense of workplace safety. The only way this can be achieved is with complete transparency and a public accounting of Harris' or others potential role delaying OSHA's Covid-19 safety standards.

Biden has already made important steps to deliver for working people and signalled he understood the importance of the oft-forgotten bread and butter workplace politics of the Democratic Party. However, Biden must avoid making the mistakes of the Trump administration by allowing corporate elements in his administration to [politicize OSHA](#). Deese should prohibit even the appearance of undue interference in the agency by committing to an open government that publicly explains Harris' role in the White House and exposes his or others' corporate ties. And if Biden wants to govern as the "[most pro-union president](#)," he must empower incoming OSHA Director Parker to swiftly create new binding workplace safety standards with officials like Harris safely recused from the process.

Signed,

Revolving Door Project