



May 17, 2024

Dear Members of the House of Representatives:

The Coalition for Workplace Safety (CWS) and the 58 undersigned organizations urge your support for Representative Mary Miller’s Congressional Review Act (CRA) resolution to nullify the Occupational Safety and Health Administration’s (OSHA) Final Rule, “Worker Walkaround Representative Designation Process,” published in the Federal Register on April 1, 2024, which would allow third parties looking to harm employers to accompany OSHA safety and health officers during facility inspections. The resolution would nullify this inappropriate rulemaking and prevent the agency from issuing a substantially similar rule in the future. Passing the resolution is critical to safeguarding OSHA’s mission of providing safe and healthy workplaces across the country, preventing OSHA officers from being put in the middle of labor disputes between employers and unions, defending employers’ property rights, and defending workers’ right to choose representation through the appropriate process.

CWS is comprised of associations and employers who believe in improving workplace safety through cooperation, assistance, transparency, clarity, and accountability. The CWS believes that workplace safety is everyone’s concern. Improving safety can only happen when all parties – employers, employees, and OSHA – have a strong working relationship.

OSHA’s Final Rule authorizes OSHA Compliance Safety and Health Officers (CSHO) to allow union organizers, community activists, or other third parties to accompany them on an inspection of a workplace if employees request they do so. While OSHA’s regulations have long permitted an employee to accompany CSHOs on inspections, third parties have only been allowed to participate when the individual “is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace.” This policy enabled OSHA to balance the need for outside expertise when necessary and employer property rights.

OSHA’s Final Rule, however, abandons this balance with no justification and no explanation as to how the change would increase workplace safety. It contradicts the plain language of OSHA’s governing regulations, longstanding agency guidance, and past interpretations of the Occupational Safety and Health (OSH) Act and could very likely result in unmanageable OSHA inspections with many different third-party representatives whose goals are to harm the employer.

In fact, there is reason to believe the Final Rule will actually hurt efforts to ensure workplace safety. If implemented, OSHA inspections would no longer be solely focused on upholding federal workplace health and safety standards but instead would become opportunities for individuals with grievances against the employer to further their own agenda – whether that be unionizing the facility, pursuing public pressure campaigns against the company, attempting to obtain or exploit employers’ proprietary information, or seeking to target the workers themselves for any number of reasons. CSHOs would be put in the middle of labor disputes between employers and unions or other third parties and would have the added responsibility of policing these third-party individuals’ behavior during inspections, should they attempt to disrupt the workplace or interfere



with the inspection. This would pull CSHOs' attention away from their mission of finding and rectifying hazards in the workplace.

Furthermore, the Final Rule does not limit the number of different third-party representatives that may be present for a single inspection, and it provides no guidance on how a CSHO should prioritize, approve, or manage these requests.

It also bypasses federal labor law procedures for establishing union representation, which require unions demonstrate that a *majority of the employees* support representation before an employer can recognize the union as the employees' representative. Instead, under the Final Rule, as few as two employees can designate an outside entity as the representative *for the entire workplace* during an OSHA inspection. This violates the other workers' right to choose their workplace representative in a free and fair election, as required by federal labor law.

The resolution is vital to safeguarding the mission of workplace health and safety inspections. Without this legislation OSHA CSHOs will be forced into an impossible position of policing labor disputes, for which they are simply unequipped. It would protect employers against individuals looking to further their own agendas and safeguard their property rights. It would also protect workers' right to have their voice heard when determining workplace representation.

CWS and the undersigned organizations urge your support for the resolution to nullify OSHA's Worker Walkaround Final Rule.

Sincerely,

Coalition for Workplace Safety  
Air Conditioning Contractors of America  
Alliance for Chemical Distribution  
American Bakers Association  
American Coke and Coal Chemicals Institute  
American Composites Manufacturers Association  
American Foundry Society  
American Fuel & Petrochemical Manufacturers  
American Pipeline Contractors Association  
American Road & Transportation Builders Association  
American Supply Association  
American Trucking Associations  
Associated Builders and Contractors  
Associated Equipment Distributors  
Associated General Contractors of America  
Associated Wire Rope Fabricators  
Construction Industry Round Table  
Distribution Contractors Association  
Global Cold Chain Alliance



HR Policy Association  
Independent Lubricant Manufacturers Association  
Industrial Fasteners Institute  
Institute of Makers of Explosives  
International Foodservice Distributors Association  
International Warehouse Logistics Association (IWLA)  
Manufactured Housing Institute  
Manufacturer & Business Association  
National Association of Electrical Distributors  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Club Association  
National Cotton Ginners Association  
National Council of Chain Restaurants  
National Federation of Independent Business  
National Grain and Feed Association  
National Grocers Association  
National Lumber & Building Material Dealers Association  
National Ready Mixed Concrete Association  
National Retail Federation  
National Roofing Contractors Association  
National Stone, Sand & Gravel Association  
National Tooling and Machining Association  
National Utility Contractors Association  
Non-Ferrous Founders' Society  
Pennsylvania Utility Contractors Association  
Plastics Pipe Institute  
Power & Communication Contractors Association  
Precision Machined Products Association  
Precision Metalforming Association  
PRINTING United Alliance  
Small Business & Entrepreneurship Council  
Technology & Manufacturing Association  
Texas Cotton Ginners' Association  
Tile Roofing Industry Alliance  
TRSA – The Linen, Uniform and Facility Services Industry  
Truck Renting and Leasing Association  
U.S. Chamber of Commerce  
Water and Sewer Distributors of America (WASDA)  
Window & Door Manufacturers Association