



July 10, 2013

The Honorable Barbara Mikulski  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Richard Shelby  
Ranking Member  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chairwoman Mikulski, and Ranking Member Shelby:

The Coalition for Workplace Safety is comprised of associations and employers who believe in improving workplace safety through cooperation, assistance, transparency, clarity, and accountability. Our members are committed to working with OSHA and Congress to find ways to make the agency more effective in promoting the benefits of maintaining a safe workplace and helping employers achieve better workplace safety outcomes.

On February 21, 2013 OSHA issued a Letter of Interpretation addressed to Mr. Steve Sallman of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (LOI) that explicitly endorsed union representatives and other non-employee third parties accompanying OSHA inspectors on walk-around inspections at non-union workplaces. This letter contradicts and substantively changes current OSHA regulations and policies, and was issued without any input from those affected by it. Nor did OSHA provide any justification for this substantive change.

The overwhelming consensus among CWS members and others is that the LOI will change the focus of OSHA inspections from safety issues to opportunities for unions or other parties with agendas contrary to the employer to use these inspections to further their agendas, or even glean proprietary information. The LOI will place OSHA in the middle of organizing drives or labor contract negotiations and will put the Compliance Safety and Health Officer (CSHO) in an untenable position: either he/she rejects the employee's request to have a union representative on the walk-around, contrary to this letter of interpretation, or he/she permits it, which would make OSHA appear to be taking sides in an organizing campaign or labor dispute contrary to the Field Operations Manual.

The Coalition for Workplace Safety sent the attached letter to OSHA expressing our strong concerns and explaining in detail why we believe this letter of interpretation contradicts current regulations and OSHA policy and should be withdrawn. We are currently awaiting a response from OSHA and the Department of Labor. At the time the letter was sent to OSHA it had 56 signatories. Several more have since signed on.

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Consistent with our objections to this OSHA Letter of Interpretation, the CWS strongly supports an amendment expected to be offered by Senator Alexander that would prohibit OSHA from using any funds to implement this LOI or any similar policy.

Sincerely,

Marc Freedman  
U.S. Chamber of Commerce

Josh Ulman  
Ulman Public Policy

Sean Thurman  
Associated Builders and Contractors

Amanda Wood  
National Association of Manufacturers