

April 24, 2020

U.S. Rep. Jamie Raskin  
412 Cannon House Office Building  
Washington, DC 20515

U.S. Rep. Sheila Jackson Lee  
U.S. Rep. Veronica Escobar  
U.S. Rep. Sylvia Garcia  
U.S. Rep. Colin Allred  
U.S. Rep. Lizzie Fletcher

**Re: Strengthening OSHA to Ensure Safe Work Sites during COVID-19; “Reopen America Act of 2020”**

Dear Rep. Raskin and Texas Co-Sponsors of the RAA:

Thank you for your leadership during this moment of crisis, including your sponsorship of the Reopen America Act of 2020. The Act is critically important to working Texans, who are not only facing a state administration that wants to “re-open” the state before we even hit the peak of COVID-19 cases, but also because this state has deemed all construction activities to be “essential,” which has put building trades workers in a perilous situation.

We would like for you to consider a friendly amendment to the RAA that would provide for an expansion of the Occupational Safety and Health Administration and its inspection programs to ensure that workplaces are safe. Below is some context and recommendations for the legislation. We look forward to working with you to protect American workers at this critical time.

**Context in Texas**

Texas Governor Greg Abbott signed a disaster declaration on March 13 and issued a state-wide stay-at-home order effective April 2, 2020, in response to the novel coronavirus. The state-wide order adopted the Department of Homeland Security’s Guidelines on the Essential Critical Infrastructure Workforce, which allows for a broad array of economic sectors to continue, ranging from private construction workers to city and county workers across many departments. The Governor’s stay-at-home order mandates social distancing but does not provide for clear rules for keeping all workers

safe let alone enforcement of safe workplaces. Some municipalities and counties have adopted more stringent regulations. For example, the City of Austin adopted a supplemental stay-at-home order that requires face coverings for workers at essential businesses. However, local code departments are not equipped to enforce the requirements, and workers across Texas continue to be vulnerable to unsafe working conditions.

**Thus, in this moment, countless workers at “essential” businesses are faced with a terrible choice: attend work and risk exposure to COVID-19 or lose your job and necessary income.** At this moment, there seems to be little to no recourse if an essential business fails to allow for social distancing or facial coverings.

The Occupational Safety and Health Administration (OSHA) is likely the agency that is best positioned to protect workers, now and in the future as American “re-opens.” For many workers in Texas, however, OSHA is not seen as an agency with the capacity to inspect work sites and hold employers accountable. OSHA has issued Guidance on Preparing Workplaces for COVID-19, but takes pains to state that this guidance is not binding in any fashion.

### **Opportunity for OSHA Legislation as Part of Response to COVID-19**

To ensure that workplaces are safe when Texas “re-opens,” we urge you to amend the proposed RAA to include additional safeguards to address COVID-19.

In particular, we propose the following:

1. Require all employers subject to OSHA to certify compliance with [CDC Guidance](#) on COVID-19 safety best practices, including social distancing and personal protective equipment (PPE) recommendations, in order to continue or restart operations during the pandemic.
2. Create a statutory infectious disease standard for OSHA. The standard should cover all workers, including workers in states that have not opted in to OSHA coverage.
3. Establish a national COVID-19 workplace safety hotline.

4. Increase funding for OSHA inspections, through existing programs or a new COVID-19 specific inspection program, to allow for follow-up to complaints of unsafe working conditions.
5. Require that jobsite bulletin boards be updated daily to include workplace complaints, results from OSHA investigations, and the number of COVID-19 cases of workers onsite.

We look forward to working with you to ensure workplace safety during the COVID-19 crisis.

Sincerely yours,

American Federation of State, County and Municipal Employees (AFSCME), Local 1624  
American Federation of Teachers (AFT), Local 2415  
Austin Central Labor Council, AFL-CIO  
Central Texas Building and Construction Trades Council  
Communication Workers of America (CWA), Local 6132  
Harris County Labor Assembly, AFL-CIO  
International Alliance of Theatrical Stage Employees (IATSE), Local 205  
International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 482  
International Association of Fire Fighters (IAFF), Local 341  
International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), Local 67  
International Brotherhood of Electrical Workers (IBEW), Locals 520 and 716  
Laborers International Union of North America (LIUNA), Local 1095  
Texas Building Trades Association  
Texas Gulf Coast Area Labor Federation, AFL-CIO  
United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (UA), Southwest Pipe Trades Association  
Mike Siegel, Democratic Candidate for Congress, Texas 10th