

October 8, 2024

Dear Senators Sanders and Cassidy:

Recently, a new version of the Warehouse Worker Protection Act was introduced and referred to the Senate Health, Education, Labor, and Pensions Committee for consideration. As responsible employers, protecting those who work for us is a priority for our member companies. The Warehouse Worker Protection Act, however, would impede our ability to meet that commitment. The Coalition for Workplace Safety<sup>1</sup> (CWS) and the 45 undersigned organizations restate our opposition to this legislation, which would impose wholly unworkable and burdensome regulations on warehouse distribution centers nationwide, as well as other workplaces.

The new version of the legislation purports to exempt small businesses from the bill's myriad of onerous mandates. However, the exemption language is insufficient as many businesses considered small by the Small Business Administration's standards would still be covered by all the provisions in the bill. Further, the exemption language in the legislation does not apply to the provision of the bill that expands the National Labor Relations Act to make the imposition of a quota an unfair labor practice.

The bill, as presently crafted, would curtail employers' due process rights when challenging citations from the Occupational Safety and Health Administration (OSHA), expand the authority of the Federal Trade Commission, and establish a new bureaucratic system to micromanage the warehousing and distribution industry.

Further, the Warehouse Worker Protection Act would resurrect OSHA's long-discarded and discredited ergonomics standard. When this regulation was first promulgated a quarter century ago, it was found to be so unworkable that a strong bipartisan majority of Congress invalidated it in the first-ever use of the Congressional Review Act. Congress was right then and should not revisit this issue now. In addition, the bill would force employers to implement costly remedial measures even before OSHA has proven any violation.

Despite its narrow sounding title, the legislation would impact workplaces in nearly every industry sector nationwide and undermine the efficiency of American supply chains. Protecting workers is a priority for all employers, but this bill would only impede efficient operations without improving workplace safety. The wide variety of employers and industries reflected in the list below reiterate our opposition to the legislation and our concerns about the serious consequences it would have on the economy.

We urge the Committee to reject this bill.

<sup>&</sup>lt;sup>1</sup> 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.



## Sincerely,

Coalition for Workplace Safety

Alliance for Chemical Distribution

American Bakers Association

American Pyrotechnics Association

American Supply Association

**American Trucking Associations** 

Associated Builders and Contractors

**Associated Equipment Distributors** 

Ceramic Tile Distributors Association

Convenience Distribution Association

FMI – The Food Industry Association

Foodservice Equipment Distributors Association

Gases and Welding Distributors Association

Global Cold Chain Alliance

Heating, Air-conditioning, & Refrigeration Distributors International

HR Policy Association

**Independent Electrical Contractors** 

Institute of Makers of Explosives

International Foodservice Distributors Association

International Warehouse Logistics Association (IWLA)

Kansas Cotton Association

Litter Workplace Policy Institute

Manufacturer & Business Association

MHEDA - Material Handling Equipment Distributors Association

National Association of Manufacturers

National Association of Sporting Goods Wholesalers

National Association of Wholesaler-Distributors

National Cotton Ginners Association

National Federation of Independent Business

National Grocers Association

National Lumber & Building Material Dealers Association

National Marine Distributors Association

National Ready Mixed Concrete Association

National Retail Federation

National Roofing Contractors Association

Non-Ferrous Founders' Society

Outdoor Power Equipment and Engine Service Association

Pennsylvania Food Merchants Association (PFMA)

PRINTING United Alliance

Small Business & Entrepreneurship Council

Southeastern Cotton Ginners Association

Southern Cotton Ginners Association



Technology & Manufacturing Association Texas Cotton Ginner's Association Tile Roofing Industry Alliance U.S. Chamber of Commerce