



555 12th Street NW, Suite 1001
Washington, D.C. 20004

1-800-552-5342
NFIB.com

October 9, 2024

The Honorable Bernie Sanders
Committee on Health, Education, Labor &
Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Bill Cassidy
Committee on Health, Education, Labor &
Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Sanders and Ranking Member Cassidy,

On behalf of NFIB, the nation's leading small business advocacy organization, I write to express opposition to S. 5208 the *Warehouse Worker Protection Act*. This legislation would impose onerous mandates and increase regulatory burdens for small businesses.

In June 2024, NFIB sent a letter of opposition to the *Warehouse Worker Protection Act* following its introduction in the U.S. House of Representatives¹. The letter outlines NFIB's opposition to the legislation and NFIB's concerns to specific provisions included in the bill, such as a de facto ban on quotas and workplace performance standards.

Since the letter of opposition was sent, the *Warehouse Worker Protection Act* has been reintroduced in the U.S. Senate, with a few changes. One change is the definition of "covered employer" in Title I of the legislation, which now includes a limited exemption for small businesses who have less than 200 employees from certain provisions in the bill. This specific exemption applies to the recordkeeping mandates and enforcement regime included in Title I and the OSHA ergonomics standard and medical treatment rulemakings included in Title III².

Unfortunately, the small business exemption is limited and unsatisfactory, as the legislation would still have a negative impact on small businesses and the broader economy. Specifically, the small business exemption does not cover Title II of the legislation, which includes a de facto ban on quotas, workplace performance standards, and performance metrics. To do this, the legislation would expand the scope of the *National Labor Relations Act* to make the imposition of a quota an

¹ Dylan Rosnick, *NFIB Warns Warehouse Worker Protection Act Would be Harmful to Small Businesses*, June 2024, <https://strgnfibcom.blob.core.windows.net/nfibcom/FINAL-Letter-of-Opposition-Warehouse-Worker-Protection-Act-House-6.18.24.docx.pdf>.

² *A bill to establish protections for warehouse workers, and for other purposes*, Title I, Sec. 8(a)(5), Pages 8-9, <https://www.hawley.senate.gov/wp-content/uploads/2024/09/Hawley-Warehouse-Worker-Protection-Act.pdf>.

unfair labor practice. This provision is particularly concerning as it would not improve workplace health and safety but would create an unworkable mandate that would be detrimental to small businesses and workers alike.

While NFIB appreciates efforts to minimize the impact the *Warehouse Worker Protection Act* would have on small businesses, the bill still contains provisions that would harm small businesses. That's why NFIB opposes S. 5208 the *Warehouse Worker Protection Act* and urges Members of Congress to oppose this burdensome and unnecessary legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Dylan Rosnick", written in a cursive style.

Dylan Rosnick
Principal, Federal Government Relations
NFIB