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May 24, 2024

The Honorable Mary Miller
United States House of Representatives
1740 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Miller,

On behalf of NFIB, the nation's leading small business advocacy organization, I write in support of H.J.Res. 147, *providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Occupational Safety and Health Administration relating to "Worker Walkaround Representative Designation Process."* This resolution would repeal the Occupational Safety and Health Administration's (OSHA) Walkaround Rule that would allow partial union representatives to accompany OSHA inspectors during worksite investigations, even if the businesses are non-unionized.

In a recent NFIB member ballot, 86% of NFIB members believe that employers should not be required to allow union officials to accompany OSHA inspectors during routine health and safety inspections.¹ Unfortunately, OSHA's Walkaround Rule would permit unions to initiate and participate in inspections of workplaces.

The burdensome OSHA rule does nothing to increase worker safety, but rather would provide unions a foot in the door to non-unionized businesses, which could tip the scales in the union's favor. If implemented, the Walkaround Rule would detract from OSHA's mission, take OSHA inspector's focus away from upholding federal workplace safety standards, and instead shift their focus to policing accompanying third parties' activity during inspections.

Additionally, the Walkaround Rule disregards the standards outlined in the Occupational Safety and Health Act and longstanding agency precedent, all to facilitate the intimidation of small businesses that unions are trying to infiltrate. The rule provides biased third parties an opportunity, under the

¹ *Mandate, vol. 568*, NFIB Member Ballot, February 2016, *Should employers be required to allow union officials to accompany the DOL's Occupational Safety and Health OSHA Inspections Administration (OSHA) inspectors during routine health and safety inspections?* (Yes: 5% No: 86% Undecided: 9%).

guise of workplace safety, to pursue their own objectives rather than ensure workplaces are safe and healthy. OSHA's Walkaround Rule strips small business owners of their property rights and increases compliance burdens on small businesses.

NFIB supports H.J.Res. 147 to repeal OSHA's ill-conceived Walkaround Rule and urges Congress to promptly enact this resolution. Small businesses appreciate your continued leadership to provide relief from burdensome regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Dylan Rosnick". The signature is fluid and cursive, with the first name "Dylan" and last name "Rosnick" clearly distinguishable.

Dylan Rosnick
Principal, Federal Government Relations
NFIB