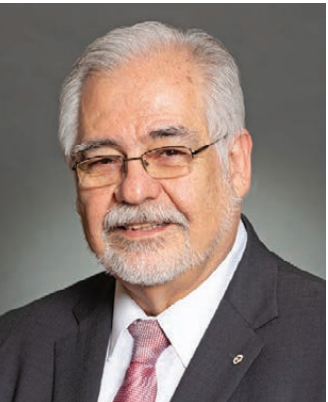


It hit the fan



Manuel L. Peralta Jr.

In its first three weeks, the current presidential administration has issued a flurry of executive orders that will wreak havoc on the rules and regulations that protect you as well as the process by which those rules are created. We are bound to lose some rules/regulations that have protected us through the years. We will also be faced with not gaining ground on safety, as there is almost always “\$Cost” associated with adoption of new safety rules.

Corporate America looks at the cost of safety as a burden it does not want to shoulder. When an employee dies, those in charge look only at the statistics, making

clear to us that the life lost is not worthy of their attention. When rules are proposed to prevent such a death or serious injury, corporate America shows up, pounds the table and claims the rule to be an unreasonable burden. It’s too costly to prevent another death or serious injury.

Unions, on the other hand, look at the value of safety and have the expectation that every employee should come home at the end of a day’s work without suffering any injury. We pray for the dead and fight like hell for the living, as was said by Mother Jones more than 100 years ago.

Heat safety

As an example, USPS management recognizes the need for Heat Illness Prevention Program (HIPP) training, based on what we have learned through the years following the deaths of John Watzlawick (July 2012), Daniel Rosenbach (June 2018), Peggy Frank (July 2019), Rosalyn Westfall (June 2019), Dalvir Bassi (June 2021) and Eugene Gates Jr. (June 2023), as well as the thousands of letter carriers who suffered heat illness injuries as reported to USPS, some of which required a period of hospitalization.

Executive Order 14192, issued on Jan. 31, Unleashing Prosperity Through Deregulation identifies its purpose as:

...The ever-expanding morass of complicated Federal regulation imposes massive costs on the lives of millions of Americans...To that end, it is important that for each new regulation issued, at least 10 prior regulations be identified for elimination. This practice is to ensure that the cost of planned regulations is responsibly managed and controlled through a rigorous regulatory budgeting process...

The “goal” of eliminating at least 10 rules in exchange for the creation of one rule is an outrageous and arbitrary edict that will cost workers both life and limb.

For the last 12 years, the NALC has been aggressively lobbying for an Occupational Safety and Health administration (OSHA) rule to protect our workforce from injury and death caused by working in the heat.

Our National Agreement, in Article 14, requires that the employer develop a safe working force. The USPS, as a result of the above-referenced letter carrier deaths, has acquired and issued a HIPP, which comes with an annual requirement that each and every city letter carrier and their supervisors be trained by April 1.

In the summer of 2019, Rep. Judy Chu (CA-28) submitted H.R. 3668, a bill designed to have OSHA issue an occupational safety and health standard to protect workers from heat-related injuries and illnesses. That bill did not receive a vote.

On Sept. 20, 2021, the White House issued the following message:

Today, President Biden is launching a coordinated, inter-agency effort to respond to extreme heat that threatens the lives and livelihoods of Americans, especially workers, children, and seniors...During the June 2021 heat wave in the Pacific Northwest, states reported hundreds of excess deaths and thousands of emergency room visits for heat-related illness...The Department of Labor’s Occupational Safety and Health Administration (OSHA) is responsible for setting and enforcing standards to ensure safe, healthy working conditions. Heat is a growing workplace hazard, with the climate crisis making extreme heat more frequent and severe...OSHA is announcing today the issuance of an Advance Notice of Proposed Rulemaking (ANPRM) on heat illness prevention in outdoor and indoor work settings. This is a significant step toward a federal heat standard to ensure protections in workplaces across the country.

That proposed rule-making process has not made it to the finish line as of this writing.

Sadly, OSHA presently only has the General Duty Clause as its tool to issue a citation to an employer for injuries cause by the heat. Further, I have recently been notified that two OSHA citations on heat safety, which were scheduled for trial before the Occupational Safety and Health Review Commission, have been postponed so that the new administration can review and decide whether or not to go forward and defend the citations as issued.

Make sure that your supervisors conduct the required annual HIPP training and that it is documented honestly. Keep an eye on each other.