

US federal safety inspections plummeted 50 percent in 2020 as pandemic raged

Shannon Jones
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As COVID-19 outbreaks ravaged workplaces, schools and communities last year, the number of federal workplace safety inspections declined sharply, according to a recent US Labor Department Office of the Inspector General (OIG) report.

The Occupational Safety and Health Administration (OSHA), which monitors US workplace safety, carried out 50 percent fewer on-site inspections last year, despite a 15 percent increase in the number of complaints spurred by concerns over COVID-19.

The OIG reported that between February 1, 2020, and October 26, 2020, OSHA received 23,447 complaints, compared to 20,391 during the same period in 2019. However, OSHA performed just over 13,000 inspections during that same timeframe, compared to 26,174 over the same period the previous year.

In understated, bureaucratic language, the report noted, “Given the increase in complaints, OSHA’s reduction in total inspections, and its significant reduction in onsite inspections, there is an increased risk that OSHA has not been providing the level of protection that workers need at various job sites.”

The precipitous drop in inspections underscores the fraud of OSHA’s purported role as a neutral overseer and guarantor of workplace safety. At a time when tens of thousands of meatpacking workers, health care workers, autoworkers, Amazon workers and others were being infected with COVID-19 through transmission in their workplaces, OSHA sharply reduced its already notoriously lax enforcement.

The response of OSHA to the findings by the OIG expressed the venal character of this agency. Brushing aside the mass death which took place over the past year, OSHA complacently declared, “Since the beginning of the pandemic, OSHA has employed all inspection protocols available to support the mission of protecting worker safety and health.”

The drop-off in inspections corresponded to a decline in citations and fines. During the same February to October period, OSHA issued less than 300 violations related to COVID-19. At the same time, state workplace safety agencies, operating under federal mandate in 21 states and Puerto Rico, issued about five times as many citations.

During the pandemic the “oversight” exercised by OSHA showed criminal indifference to the fate of workers. For example, it issued its “COVID-19 Guidance for the Package Delivery Workforce,” which contained “tips [to] help reduce the risk of exposure.” This included such insight as suggestions to “Allow workers to wear masks over their nose and mouth to prevent them from spreading the virus” and “Discourage workers from using other workers’ tools and equipment.”

Even where OSHA issues citations, the impact is negligible. The largest fine levied by OSHA so far during the pandemic was \$13,494 against Smithfield Foods in Sioux Falls, South Dakota, even after 1,300 workers at the meatpacking plant had tested positive for the virus and four died.

In the face of this atrocious record, which should surprise no one familiar with the enormous indulgence toward employers manifested by government oversight agencies, the Biden administration has made a token show of concern over worker safety.

On his second day in office, President Biden issued an executive order directing OSHA to produce updated safety guidelines for COVID-19. About a week later, OSHA issued new guidance on COVID-19 mitigation in the workplace. The new rules were in fact merely suggestions and do not carry the force of law. In any event, they differed little from what was in place under the Trump administration.

Biden also authorized OSHA to issue new emergency temporary standards (ETS) on COVID-19 if it feels these are needed, setting a March 15 deadline for such an order.

Unlike the COVID-19 guidelines, an ETS has the force of law. But Biden merely suggested that an ETS might include such minimal and largely cosmetic rules such as a mask mandate.

It virtually goes without saying that a shutdown of in-person education and non-essential industries, critical to contain the spread of the virus under conditions of new deadly and contagious variants, will not be considered.

Even if OSHA issues an ETS, its impact will likely be minimal. The last successful ETS was issued in 1978. The courts invalidated an ETS issued in 1984 relating to asbestos exposure.

Predictably, the OIG findings concerning OSHA elicited a hypocritical response from various union officials, including Marc Perrone, international president of the United Food and Commercial Workers union, who said, “OSHA was asleep at the switch.”

In fact, the role of the unions during the COVID-19 pandemic has been no less criminal than that of OSHA. Not just “asleep at the switch,” the UFCW and other unions such as the American Federation of Teachers (AFT) and United Auto Workers have sought to downplay the risks to workers on the job in the name of enforcing the back-to-work policy of the government and big business. This treachery includes the support by AFT President Randi Weingarten for the forced return to classrooms by teachers, despite massive opposition on the part of educators and parents and clear evidence that this will lead to a resurgence of cases.

For its part, the UFCW has not criticized the failure of the Biden administration to rescind the designation of the meatpacking industry as “critical infrastructure” by the Trump administration. The designation was used to force workers to continue in unsafe conditions as infections and deaths spread in food processing plants. According to the Food and Environmental Reporting Network, there have been at least 270 deaths in meatpacking plants, and over 56,000 meatpacking workers have so far tested positive for COVID-19.

OSHA was established in 1971 as a reformist gesture in the face of a rising tide of workers struggles. Never adequately funded, the agency has been under continuous attack since the Reagan years, as big business increasingly viewed workplace safety standards as an intolerable drain on profits.

According to the National Employment Law Project, there were just 862 federal OSHA inspectors as of January 1, 2020, compared with 1,006 in 2012. (About 25 states have OSHA-approved safety agencies that are

staffed separately.) With this level of staffing, it would take OSHA 167 years to visit every worksite under its jurisdiction.

While nominally required to report all workplace-related deaths and injuries to OSHA within 24 hours, employers have universally sought to declare COVID-19 cases among workers unrelated to their jobs, claiming virtually all cases have been contracted off site. Companies have persisted in this even in the midst of well-documented and blatant workplace outbreaks.

In a further brutal manifestation of employer hostility to workers’ health, companies have been vigorously opposing workers’ compensation claims related to COVID-19.

Chicago attorney Jose Rivero filed more than 30 workers’ compensation claims on behalf of workers who say they contracted COVID-19 on the job, according to a report in the *Wall Street Journal*. This included 10 cases where workers died, including one involving an employee at a meatpacking plant. All were rejected.

National data on workers’ comp claims are not available, but in Texas, according to the *Journal*, 45 percent of workers’ comp claims in which workers had a positive COVID-19 test result were denied through December 6, 2020. In California, which has a less stringent burden of proof, there were 93,470 claims related to workplace COVID-19 infection through the end of December, but 26 percent were denied.

Workers can place absolutely no confidence in OSHA, the Biden administration or the pro-company unions to protect their lives. The indifference to health and human life manifested at all levels of the government-corporate establishment underscores the importance of the initiative taken by workers with the support of the Socialist Equality Party and the *World Socialist Web Site* to build rank-and-file safety committees at their workplaces. We encourage workers interested in joining or finding out more to contact us today.



To contact the WSWs and the
Socialist Equality Party visit:

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