



## COMMITTEE STATEMENT

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**Opening Statement of Rep. Fred Keller (R-PA), Republican Leader  
Subcommittee on Workforce Protections Hearing:  
“Clearing the Air: Science-Based Strategies to Protect Workers from COVID-19  
Infections”  
March 11, 2021**

(As prepared for delivery)

"Thank you, Madam Chair. I am disappointed that today's hearing is being held in a completely virtual format. The Committee's hearing room that I am currently sitting in can comfortably accommodate the 16 members of the subcommittee.

This hearing should be in a hybrid format, so Members who want to participate in person can do so safely.

After all, the subject of today's hearing is "Science-Based Strategies to Protect Workers" and Members of this subcommittee should have the opportunity to set a positive example by conducting this hearing in person while adhering to the most current workplace safety guidelines.

Over the last year, the pandemic has created unprecedented challenges for all Americans, especially workers and job creators. The top priority for employers throughout this crisis has been, and will continue to be, preventing the spread of COVID-19 in the workplace to ensure the health and safety of workers and customers.

Thankfully, a year to the date after the World Health Organization declared COVID-19 a pandemic, America is now equipped with much greater and thorough scientific knowledge of the virus, and innovative employers have developed effective procedures and policies to keep workplaces as safe as possible.

Over the past year, business owners have worked around the clock to operate safely under evolving state and local mandates, CDC and OSHA guidelines, and industry-recognized best practices to protect their workers. The vast majority of businesses, regardless of size and location, have invested significant resources to implement comprehensive and effective safety precautions specific to their workplaces.

And now, thanks to the successful efforts of Operation Warp Speed, essential workers have been prioritized for vaccination, and President Biden has stated that the U.S. should have enough vaccine doses for every eligible adult in the United States by the end of May.

We are not out of the woods yet, but America is on the path to recovery, both in terms of the health of our citizens and our economy.

Under the Trump administration, the federal government collaborated with businesses across the country, updating them as new information arose on the newest guidelines and procedures to keep workers and customers safe. This dialogue allowed businesses the flexibility to create health and safety plans that fit their specific workplace, creating an efficient path forward for businesses.

But my Democrat colleagues have said almost from day one of the pandemic that it is necessary for OSHA to issue an Emergency Temporary Standard, or ETS—a rigid, one-size-fits-all regulation specific to COVID-19 that would apply to every workplace throughout the country.

Not one ETS has been issued since 1983 because of legal challenges and a lack of due process for affected stakeholders. In 2021, an ETS will do far more harm than good for workers, employers, and the American economy by denying businesses the opportunity to respond quickly to new scientific findings and industry-specific needs. Not all workplaces are the same, yet Democrats are eager to impose rigid and inflexible mandates on businesses. This inflexible, lagging method to keep workers 'safe' will only hinder our economic recovery and make it more difficult for employers to ensure safety in their respective workplaces.

If OSHA enacted an ETS a year ago, as Committee Democrats demanded, it would be woefully inadequate in protecting workers today. Issuing an ETS is not a science-based approach and is instead yet another example of overbearing

government policy that will do nothing but constrict employers from safely running their businesses.

Four states across the country have adopted state-wide emergency temporary COVID-19 regulations. In California, we're already seeing its negative effects. Since issued in November, the regulations have conflicted at various points with CDC guidance for workplaces, causing massive confusion for employers. Additionally, the California emergency rule places many new and significant burdens on employers related to workplace testing, paid leave, and required reporting to public health authorities. This is no way to help an already suffering economy.

More mandates from Washington, including an OSHA ETS, will only add burdensome regulations on employers that stifle creativity and, ultimately, hold them back.

Instead, the federal government should be focused on ensuring adequate vaccine supply and distribution to vaccinate essential workers and providing timely public health guidance to our employers as this nation works toward economic prosperity. I'd like to thank all our witnesses for joining us today and I look forward to hearing your testimony."

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