

United States Senate

WASHINGTON, DC 20510

July 10, 2017

R. Alexander Acosta
Secretary of Labor
United States Department of Labor
200 Constitution Avenue, NW
Room S-2018
Washington, DC 20210

Secretary Acosta,

We write to you regarding a recent report entitled “Death on the Job: The Toll of Neglect, 2017” and the startling statistics that it revealed. Using data from 2015, the most recent year available, the report disclosed that 4,386 workers were killed on the job in the United States. While every workplace death is unfortunate, we are particularly concerned that there were 903 Latino workplace deaths in 2015, the highest number of Latino deaths in 10 years. That means there are nearly 2.5 Latino workplace deaths a day. Furthermore, there were 125,360 cases of Latino workers spending days away from work because of injury or illness. This represents 13.9% percent of the total injury and illness cases that year, and the highest it has been for Latino workers in 20 years. We want to know what you plan to do to reduce the number of workplace deaths, in particular Latino deaths and start reversing this worrying workplace trend.

According to this report, which uses statistics from the Department of Labor (DOL), Latino and immigrant workers are at a higher risk of injury, and have an 18% higher chance of dying at work than the average U.S. worker. The fatality rate for a Latino worker is 4 per 100,000 workers, which is higher than the national fatality rate of 3.4 per 100,000 workers and has also been increasing. Equally concerning is the fact that 67% percent of Latino workers killed on the job were immigrant workers, who may be reluctant to report injury or illness due to their legal status. Whether one looks at the number or the rate of Latino and immigrant workplace deaths, both are rising and demonstrating a disturbing upward trend that merits aggressive action to halt.

Against this backdrop, two Congressional Review Act (CRA) resolutions have passed Congress, which will further threaten workplace health. The first CRA resolution relates to the DOL and Federal Acquisition Regulatory Council rule on President Obama’s Fair Pay and Safe Workplaces Executive Order, which would have required prospective federal contractors to disclose labor law violations. This rule would have helped prevent unsafe contractors from securing taxpayer dollars when working on federal projects, such as in construction projects. The second CRA relates to a recently issued DOL rule titled “Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of Each

Recordable Injury and Illness.” As the title makes clear, the rule would have clarified that an employer has an obligation to make and maintain an accurate record of each recordable injury and illness for a full five-year period. The passage of these CRA resolutions has weakened workplace safety, especially in some of our country’s most dangerous work sectors, such as meatpacking, construction and agriculture, where Latino and immigrant workers are numerous.

Additionally, the Administration has proposed cutting the DOL budget by \$2.5 billion from Fiscal Year 2016’s enacted \$12.2 billion, which would have been a 21% funding cut. Combined these proposed cuts and the effects of the CRA resolutions will jeopardize the lives of all working Americans and will likely lead to a sharper increase in Latino and immigrant workplace injuries and deaths.

We have several questions that we would like answered regarding what steps you plan on taking to mitigate the number of Latino and immigrant workplace deaths in our country. Please respond to the questions below as soon as possible.

- In 2015, nearly 3.7 million work-related injuries and illnesses were reported. Yet it is believed that this number is grossly underestimated due to the widespread underreporting of injuries. What steps will DOL take to ensure a more accurate accounting of all work-related injury or illnesses and to reduce the underreporting of workplace injuries and illnesses by employers?
- As was stated before, 67% percent of Latino workplace deaths come from the immigrant worker population. Immigrants, who are more likely to work in occupations with a higher risk of injury or death, are especially vulnerable to employer intimidation and less likely to report work related injury or illness. What steps will DOL and OSHA take to ensure that immigrant workers, regardless of legal status, are protected from employer retaliation when reporting work related injury or illnesses?
- Does the Department of Labor have any systems in place to investigate and mitigate the increase in Latino and immigrant workplace deaths?
 - If so, please describe the systems and mitigation tools.
 - If not, will you commit to investigating the increase in these workplace deaths and using all tools at your disposal to reverse this trend?
- The construction, transportation and agricultural industries were especially deadly with a combined death toll of 2,272 in 2015 alone. These industries are also more likely to hire Latino and immigrant employees, and in the case of the construction and transportation were the leading industries in Latino and immigrant worker fatalities. What specific steps will the DOL and OSHA take under your leadership to improve the safety record in these industries?

We appreciate your serious attention to this matter. We look forward to your answers to our questions and learning how you and the Department of Labor plan to reduce the number and rate of Latino and immigrant workplace deaths.

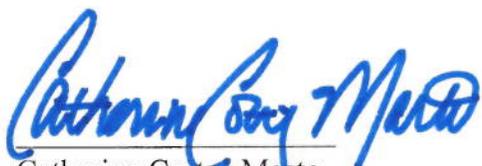
Sincerely,



Robert Menendez
United States Senator



Sherrod Brown
United States Senator



Catherine Cortez Masto
United States Senator



Kirsten Gillibrand
United States Senator



Cory A. Booker
United States Senator



Al Franken
United States Senator