

Michael Taylor ([00:38](#)):

Hello everybody. This is Michael Taylor and Adam Roseman of the global law firm Greenberg Traurig. Welcome to the next episode of the Workplace Safety Review Podcast. I am the chair of the GT OSHA practice group and am based out of our Washington DC and Northern Virginia offices. My colleague Adam is a member of the GT OSHA practice group as well. He is a co-host and he is based out of our Philadelphia office. To learn more about me, Adam, or OSHA practice group please feel free to go to www.gtlaw.com where you'll find the information you're looking for.

Adam Roseman ([01:22](#)):

Today's guest is Doug Parker, the assistant secretary of labor for Occupational Safety and Health. Doug previously served in the Obama administration as deputy assistant secretary for policy in the Department of Labor's Mine Safety and Health Administration, and was a member of the Biden, Harris transition team focused on worker health and safety issues. He also held positions as a senior policy advisor and special assistant at the Department of Labor. Doug, most recently served as chief of California's division of Occupational Safety and Health, which he held since 2009.

Adam Roseman ([01:59](#)):

Before serving in the Obama administration, Mr. Parker was a partner at a law firm in Washington, DC, and Doug also worked in the private sector as a sales and marketing director in communications for the Democratic National Committee and was a staff assistant for the late Senator Paul Wellstone. He earned his law degree from the University of Virginia School of Law and a BA in history from James Madison University. And finally, and perhaps most importantly, Doug is a returning guest to the Workplace Safety Review Podcast. And he's here today to talk to us about some of OSHA's priorities and enforcement initiative. So let me be the first to say welcome back.

Doug Parker ([02:37](#)):

Well, thank you so much. It's great to be here. I appreciate the invitation to speak to you and your listeners.

Adam Roseman ([02:43](#)):

For sure. And we know it's been a few months, Doug, but first obviously for Mike and I congratulations on being confirmed to lead the agency. How have you found the transition back from California, right, coming back to DC?

Doug Parker ([02:56](#)):

Well, other than the cold, it's been great to work with the team here. I knew it was a good team, but I've just been so impressed with the talent and resources here we have at federal OSHA and their good work. It's such a extremely challenging time for the agency. And so I felt very, very supported by the career staff and the team here in our front office. And so I feel like we didn't really miss a beat when I came on board. Worked on some very intense issues around some of the issues you probably ask me about later in terms of COVID-19 and our rule making. And I really couldn't ask for a better transition.

Adam Roseman ([03:45](#)):

Yeah. And we'll, and obviously we'll get to the initiatives, but the pandemic obviously put a spotlight on the agency. And how, if at all, do you think the pandemic impacted the public's perception of the agency and sort of what is the agency's sort of value system going forward?

Doug Parker ([04:02](#)):

The pandemic has certainly put a spotlight on occupational safety and health in general, as well as OSHA. It's not always been easy for the agency. It's a task that is really beyond any of our agencies to really fully address in the way that we would like. And so it's inherently been a challenge to address an occupational health crisis on this scale.

Doug Parker ([04:33](#)):

And so that's certainly generated some questioning of the agency by the public and the press. And it's our job to turn that into a positive, the way that we respond to it, the way that we continue to look ahead, the way that we learn from this event and try to continuously improve. I also think that there's an opportunity here that we can seize while people are focused on occupational safety and health, it's a good time for us to be getting our message out about the importance of it, about what those of us in the profession have known all along, which is the tremendous impact that work has on one's own health. And so that's a message that we intend to continue to put out there going forward and make sure that setting aside the pandemic issues that we can get as many people engaged in this issue and thinking about this issue and committed to these issues as we can.

Michael Taylor ([05:39](#)):

Have you gotten a chance to speak to former heads of OSHA about their experience and the role that you now have? And what are any lessons learned that they may or may not have passed on to you so that you can be successful in your new role?

Doug Parker ([05:57](#)):

I mean, I've spoken to a few and I'll continue to talk to people who have been in leadership positions in the agency. I think that it's been a little difficult to step back and think about some of the lessons in light of everything that's been going on in the pandemic and just sort of moving a mile a minute.

Michael Taylor ([06:20](#)):

Sure.

Doug Parker ([06:21](#)):

And we've talked about a number of specific issues. One good piece of advice that I got, and I'll be doing now that we're all back in person is, and to make sure that you've sign every condolence letter to the families of victims of occupational fatalities. I think that that's emblematic of the way that I hope to lead this agency, which is to stay grounded in what's really important and what our work is all about.

Michael Taylor ([06:55](#)):

What do you see as your future goals and priorities in the standard setting department? As you know, it's through case law, as well as the agency's own guidelines, it's very, very difficult for OSHA to promulgate new standards and regulations. Do you have any goals in mind about what that might

happen during your tenure and how we can speed up the process? Because it benefits not only workers, right, but it also benefits employers, so that we're modern, if you will.

Doug Parker ([07:36](#)):

Certainly. Well, we have particular regulatory priorities that are set forth in our reg agenda. Certainly our current priority is developing a final healthcare rule for COVID-19. We're also very eager to make progress and complete a more general infectious disease standard for healthcare to make sure that we're not caught in this same position again when the next pandemic hits. We want to be ready and not be sort of fighting the last war so to speak in terms of pandemics. We're also very interested in moving our standard on indoor and outdoor heat illness forward.

Doug Parker ([08:23](#)):

In terms of more systematic issues, I think that you laid out the challenges that we're facing pretty well. We're continuously looking at our processes on how we can improve them, how we can utilize our staff that we have, how we can utilize our contractors, but there are only so many shortcuts you can take in the rule making process. We're committed to moving fast. And I think that the rule making team here has done a tremendous job over the last year, year and a half with all the work, really years of work that they've packed into one year on COVID-19. There's no question that we have a team here in our standards and guidance director that can do the job. We're living within the system that we have.

Michael Taylor ([09:17](#)):

Right.

Doug Parker ([09:19](#)):

We'll continue to look for shortcuts and ways to streamline the process, really focusing on what's most important in our rule making and but we always have to leave space for noticing comment and the participate of the public and making sure that our rules can satisfy any legal requirements and meeting legal challenge. And so they take time. There's no way of getting around that.

Michael Taylor ([09:46](#)):

Right. Are you a proponent of negotiated rule making? For example, process safety management, getting the regulated industry to work with you and your staff to let's say, amend PSM to become more in the 21st century, which it was promulgated in 1992. And I've spoken to some folks over the years and some people have given me the pros and other people have given me the cons about negotiated rule making. And I just didn't know if that was something that you're open to and you'd make a priority to try to streamline some of these, getting these standards in the 21st century.

Doug Parker ([10:27](#)):

I think that we don't necessarily all have a uniformed definition of negotiated rule making.

Michael Taylor ([10:33](#)):

Right.

Doug Parker ([10:34](#)):

So it's a little tricky to answer. I am open to the idea of streamlining the process and I think that it, or something akin to it is appropriate in certain types of rule making, where the parties are well defined that are the most interested stakeholders. You still want to make sure that you have as part of that, a process for hearing from the public and making sure that all voices are heard in the process, but there may be circumstances where it would be a suitable way to get a draft on the table. And it certainly happened, something a little bit like that I think may have happened with beryllium rule and so.

Michael Taylor ([11:26](#)):

Right.

Adam Roseman ([11:27](#)):

Hey, Doug, you've said previously in some other remarks that you want the agency to sort of lead with its values or something to that effect. Can you sort of help the listeners understand what does that mean or what's that mean to you?

Doug Parker ([11:40](#)):

Well, I think it means staying grounded in our mission, one. Making sure that we're working to reduce worker fatalities, worker illnesses, injury worker injuries. I think that it means more than just compliance. I think it's about our team working to be agents of change and being problem solvers when it comes to making sure that we are doing everything that we can both on the enforcement front, and on the compliance assistance front, and on the outreach front in a coordinated way to improve outcomes for workers and to enable employers to provide safe and helpful workplaces.

Adam Roseman ([12:26](#)):

Yeah. And you-

Doug Parker ([12:26](#)):

I also think that it's something, it's about living, it's about living those values ourselves, making sure that we have our own robust health and safety program in place for our team. That we are working in an environment where we're respecting each other and working with each other and we're working towards a more diverse and inclusive workplace.

Adam Roseman ([12:48](#)):

Yeah. And the OSHA's Twitter account has highlighted and focused sort of diversity and inclusion and recruitment of women and others to work in the safety and health profession. And so is that an initiative of the agency? And can you talk to us a little bit about that?

Doug Parker ([13:06](#)):

It is an initiative of the agency. It's part of our overall efforts to implement the president's executive order on diversity and inclusion. And we've been doing a number of things in that area. Certainly the makeup of our team is an important starting point in terms of diversity, and inclusion, and equity. We want to make sure that our team is reflecting the society that we're serving and has an enhanced understanding of the society that we're serving. There's certainly research and studies out there that show how teams work better when they're more diverse. And we embrace that concept. There are

other things that we are doing in addition to our team, not only in terms of our recruitment, but our recruitment and the leadership. We're doing outreach, particularly with vulnerable groups.

Doug Parker ([14:00](#)):

We are making sure that we have increased partnerships and presence at job fairs, the HBCUs, for example, that we're reaching out to vulnerable workers that are labor liaisons or working with worker groups in addition to unions. And we're also doing an assessment of our work and our current data collection efforts for example, to see if there are gaps in that data that would help us be better informed about making sure that we are serving all workers, that we're not leaving any vulnerable workers behind in our processes and our targeting. We really want to make sure that we're focused on high hazard industries in our enforcement outreach. But we also want to make sure that we're looking even more closely at the intersection between high hazard industries or workplaces, and these historically underserved groups.

Michael Taylor ([14:52](#)):

I have a question about professional development of OSHA compliance personnel. I know they have a enormous job because one day they're asked to be in a hospital, the next day it's an oil refinery, the next day it's a construction site. It could be a bakery the next day. Do you see the agency doing anything differently, maybe working with ASSP for example, in helping professional development with your staff to keep them up to date, if you will, on certain things? Because I know you're already understaffed, but what can you tell us about what your plans, if any, about professional development with your existing folks in the enforcement arena?

Doug Parker ([15:41](#)):

Well, I certainly believe that we have a great team of professionals in that we need to treat them as such, and that includes doing what we can to ensure their trainings up to date, that they have professional opportunities to grow. I think that we've explored some ideas like the one that you propose. And I think that that's very promising kind of concept, working with folks in the profession to get a better understanding of how particular industries, particularly industries that involve more complex issues work, because you're right. It's a tall order for a OSHA to have to walk into this wide variety of industries day after day and be able to understand all our standards that apply. And so it's very important to do that.

Doug Parker ([16:32](#)):

We're taking a look at our training program and how to make it more robust. I think this will certainly be a challenge as we try to grow the agency and do more hiring. We've got a number of vacancies that we're trying to fill and we're going to have an influx of new people and we're going to have to get them up to speed. So there'll be a combination of on the job training, traditional training through our OTI. Looking for other opportunities for folks to grow professionally I think is important. No firm plans, but we're certainly exploring some of those concepts.

Adam Roseman ([17:09](#)):

Hey Doug, this is Adam. You mentioned a heat stress standard. I think folks who are outside of California might not be familiar. Could you just give the audience a bit of a high level understanding of where that rule making process stands and why that's a priority?

Doug Parker ([17:25](#)):

Heat is a priority because it's, for years been a growing and growing hazard for workers, even outside of, including occupational, non-occupational deaths, it's the leading cause of weather related fatalities in the United States. We know that hundreds of workers have died in recent years from heat exposure and thousands have gotten ill. And those are probably undercounts because of limitations in our surveillance methods. So it's a significant hazard for workers. There are some critical elements that employers should implement in having a heat illness prevention program. There's important concepts that I think that there's information readily available on in terms of rest, water, shade, acclimation monitoring, these tools are out there.

Doug Parker ([18:24](#)):

The rule making is in early stages. We did an advance request for comments from the public to really make sure that we're getting the ball rolling. This is an example, as I said earlier of how we're trying to use our tools to speed up the rule making process. So in the midst of all our other COVID rule making, we did put that out so that we could start gathering comments and developing conceptually, what a rule would look like. And so that's where we're at. We're working on the next stage in the rule making process and we'll have more updates soon.

Michael Taylor ([19:00](#)):

One of the questions my clients have asked me to ask you is, do you anticipate going back to more press releases as Dr. Michaels did under his tenure, as opposed to the prior administration? I was on a panel with Dr. Michaels, oh, this must've been 2008, 2009, and I'll never forget, he had said, Hey, look, we have the resource to inspect 1% of American workforce. And this is our way of trying to tell folks, you got to do the right thing. And in theory and as a OSHA lawyer, I agree with it. But sometimes naming the people right off the bat, not so much. But I think there is some value in these press releases. Do you anticipate going back to that and if so, is there a threshold level of which you would issue press releases? Because I believe it used to be, if you got a proposed penalty of 40,000 or more, you would get a press release.

Doug Parker ([20:11](#)):

I don't know that we've set any particular markers on that. There've been some academic studies since Dr. Michaels began to use that tool in earnest, validating the method, illustrating that in terms of compliance. And I don't have the study in front of me. I think it was researchers at Duke,

Michael Taylor ([20:38](#)):

Yeah.

Doug Parker ([20:38](#)):

Somewhere in the neighborhood of a equivalent of 150 inspections in the region where that press release is issued. So it certainly has value in getting the word out. That being said, I think that when we are doing a press release, we do have a particular responsibility to be diligent in making sure that we have a strong understanding of the case and that we're confident in the facts that we're presenting and the citation that we're proposing. But it is a valuable tool and I think that we'll certainly continue to use it. We've signed off on some just this week and that have been significant and demonstrate some pretty egregious behavior.

Doug Parker ([21:22](#)):

I would note that in our recent press release on our enforcement initiative in healthcare and COVID-19, our new focused inspection activity information about which you can find on our website. We also asked for information from employers who are following the emergency temporary standard that's been in non-enforcement status since December. And so while we'll continue to use press releases for our enforcement activities, we are looking for opportunities as well to partner with high road employers, employers who are going the extra mile to validate good practices as well. So I think there's opportunities on both sides for employers to get their name in the paper, so to speak.

Michael Taylor ([22:12](#)):

Yeah. And now that you mentioned working with some folks, is it going to be one of your priorities to continue with the VPP and other cooperative programs that have been in place for a little while?

Doug Parker ([22:27](#)):

Yes. Well, the VPP has gotten a little behind because of COVID, we have a bit of a backlog in reauthorizations. We'll be,

Michael Taylor ([22:39](#)):

I see.

Doug Parker ([22:41](#)):

So we'll be focused on those reapprovals. We're always looking at how to do our outreach and cooperation with employers and unions and others better. I have a very positive experience with VPP from my time in California, we had a great program there, extremely thorough and comprehensive. The challenge is that it's extremely labor intensive and so it's very difficult for us to scale it to expand the program. And so,

Michael Taylor ([23:16](#)):

You need the resources. Yeah.

Doug Parker ([23:18](#)):

Well, even with the resources, you have 12 VPP sites in one region. That's basically a [inaudible 00:23:29] full time. And so I'm very open to exploring with our stakeholders other ways to approach this that are a little more scalable, but the VPP program isn't going away. We're just open to having a conversation about what the best way to do this, to reach the most employers and to protect the most workers.

Adam Roseman ([23:53](#)):

Hey, Doug, last question here. There are a lot of safety professional, health and safety professionals that listen to this podcast, do you have a message for them from OSHA as we sort of rise out of, not out of the pandemic, but we transition a bit out of the pandemic, you have a message for them in terms of just the agency in its mission and generally just because the focus has been so COVID centric for the last two years?

Doug Parker ([24:23](#)):

Well, I think of course, a lot of us essential businesses and industry have been moving along, not withstanding the pandemic. I think my message for the health and safety industry as a whole is that we have an opportunity while positive and negative attention is focused on us to work as a movement to improve outcomes for workers and to convince employers of the importance of maintaining health and safety as a core value in their organizations. And we're certainly open to, and eager to work with people to advance that concept. And so we look forward to working with people on how we can do that. I'm looking forward to hearing from people about how we can do that. We're going to continue to have strong enforcement and we're going to continue to grow our inspectorate so that we can have strong enforcement. But it's important to remember that that's not all that OSHA's about. And we do want to find those opportunities to move the ball forward on health and safety.

Michael Taylor ([25:42](#)):

Absolutely. Absolutely. Hey Doug, thank you so much. Best of luck to you and your staff during your tenure. We really appreciate you taking the time to speak to our audience today. This has been very valuable. And again, thank you very much.

Doug Parker ([25:59](#)):

My pleasure. Nice talking with you.

Michael Taylor ([26:03](#)):

And stay tuned to the next episode of the Workplace Safety Review Podcast. Stay safe everyone.