

Insights, News & Events

BIDEN TAPS CALIFORNIA SAFETY CHIEF TO LEAD FEDERAL OSHA

Insights

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President Joe Biden announced late last week that he intends to nominate Doug Parker as the head of the Occupational Safety and Health Administration (OSHA). Parker has led the California Division of Occupational Safety and Health (Cal/OSHA) since 2019 and has made a name for himself prioritizing workplace safety through aggressive enforcement tactics. If confirmed by the Senate, Parker would fill a position that has been vacant since January 2017. OSHA's stated mission is to "assure safe and healthy working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance," and the agency is tasked with enforcing a variety of whistleblower and safety regulations. What do employers need to know about the April 9 announcement?

Who is Doug Parker?

The White House's [press release](#) notes that Parker 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 administration's transition team focused on worker health and safety issues. Prior to leading Cal/OSHA, Parker was executive director of Worksafe, a legal services provider.

The White House noted that Parker was previously a partner at the law firm Mooney, Green, Saindon, Murphy and Welch in Washington, D.C., before serving in the Obama administration. He started his legal career as a staff attorney at the United Mine Workers of America. He earned

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his Juris Doctorate degree at the University of Virginia School of Law, and his Bachelor of Arts in history from James Madison University.

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Workplace safety observers note that Parker has demonstrated an aggressive approach to safety measures during his Cal/OSHA stint by implementing a broad COVID-19 enforcement initiative. In most instances, California has outpaced the federal government and other states when it comes to setting strict pandemic-related safety rules, and one can begin to imagine whether he will bring the same sensibilities to the OSHA leadership role.

What Does This Mean for Employers?

The Biden administration has pledged to make **significant changes** to the American workplace, including an expansion of workers' rights. Parker will be responsible for implementing many of those changes.

Given the fact that the COVID-19 pandemic is still ongoing, and the Biden administration's push for a federal emergency temporary standard to address the pandemic, Parker's first focus will likely be addressing these issues. **The recently implemented National Emphasis Program will provide the initial avenue**, but Parker could take his experience in implanting Cal/OSHA's emergency temporary standard and implement a similar standard at the federal level.

The Biden administration has made it clear that they intend "double the number of OSHA investigators to enforce the law and existing standards and guidelines." It will likely take around 18 months for new inspectors to be trained and begin conducting inspections. Once those new compliance officers are in the field, you can expect more OSHA inspectors knocking on your doors.

Parker will also likely restart many Obama-era rules that had been shelved over the past four years, including the rule requiring certain employers to report detailed injury and illness information to OSHA. This information would then be posted online for public viewing on OSHA's website. This rule was never actually repealed but was largely abandoned under the Trump administration.

Conclusion

Workplace safety enforcement will be more aggressive and robust under an OSHA governed by the Biden administration, and Parker will be tasked with overseeing those enforcement efforts. You should prepare for these more aggressive policies by ensuring that your safety and health programs are compliant with rules that, while not enforced during the Trump administration, are still in place and govern American workplaces. You should work with your safety consultants and legal counsel to identify and eliminate workplace safety hazards.

Fisher Phillips will continue to monitor these developments expected over the next four years and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, you can visit our [Biden Administration Resource Center for Employers](#), or contact your Fisher Phillips attorney or any member of our [Workplace Safety and Catastrophe Management Practice Group](#).