



Assistant Secretary of Labor Douglas Parker
US Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

November 30, 2021

Dear Mr. Parker,

We are writing to request that the Occupational Safety and Health Administration investigate Amazon's persistent non-compliance with OSHA's standards and regulations related to COVID-19, and its failure to follow OSHA's relevant guidance documents to provide sufficient protections to its massive US warehouse workforce. In particular, as detailed in the attached report released today, the Strategic Organizing Center (SOC) has uncovered a disturbing pattern of misleading or grossly incomplete information that Amazon reported to OSHA concerning the incidence of COVID-19 among its employees. As you are well aware, accurate reporting of workplace injuries and illnesses to OSHA is a clear requirement of OSHA's statute and regulations. But equally important, reporting is the bedrock of your agency's ability to identify serious workplace hazards and hold employers accountable for unsafe conditions.

SOC's analysis found that despite having announced publicly in October 2020 that it had identified nearly 20,000 COVID cases nationally among Amazon employees, and acknowledging hundreds of cases in Amazon workplace outbreaks to state and local health departments, Amazon subsequently reported only 27 cases of "respiratory conditions" to OSHA for all of 2020. Amazon has failed to explain why it believes that out of the tens of thousands of its employees infected with COVID-19, virtually none of them were infected at work. SOC recently surveyed 790 Amazon warehouse workers around the country, 37% of whom reported being exposed to a coworker with a positive COVID test. The overwhelming majority of Amazon workers in the SOC survey who were exposed to co-workers with COVID reported that the company failed to provide them with the basic preventative steps recommended by OSHA's longstanding COVID Guidance, the same steps that would have allowed the company to keep careful track of outbreaks in its facilities.

This persistent pattern of apparent non-compliance would be alarming on its own at any employer— not to mention the second-largest private employer in the entire country. However, these evident failures have also happened with little or no federal oversight. Despite hundreds of complaints from Amazon workers about COVID hazards, OSHA's data system indicates that OSHA has done only 30 inspections at Amazon facilities since April 1, 2020, and only three were COVID-related. OSHA found violations at only two locations – and none of these violations were related to COVID.¹

In the same period however, California OSHA (CalOSHA) alone has conducted 24 inspections at Amazon facilities, many of which were in response to COVID hazards and complaints. CalOSHA specifically found COVID-related violations of its standards on hazard-prevention and worker training. And in an unprecedented action, it found that Amazon had failed to record hundreds of COVID cases on the company's OSHA-mandated injury records for two of its largest warehouse sites, in Rialto and San Bernadino, CA. In stark contrast to both CalOSHA's findings and the hundreds of cases in Amazon

facilities documented by local public health authorities in the state, Amazon reported only nine cases of work-related respiratory illness to OSHA in 2020.

It was this widespread malfeasance which led California Attorney General to undertake an in-depth investigation in March 2020 of the company's COVID-related failures in the state. That investigation, delayed over a year by the company's repeated failures to provide even basic information, required the Attorney General to seek court enforcement of long-standing subpoenas, due to "Amazon's repeated delays and series of deficient responses [which] prevent the State from moving forward in its investigation to effectively inquire into [Amazon's] procedures and practices under these COVID-19 regulations." As CA Attorney General Rob Bonta stated on Nov. 15, 2021 when he announced a resolution, "Amazon failed to adequately notify warehouse workers and local health agencies of COVID-19 case numbers, often leaving them in the dark and unable to effectively track the spread of the virus."

Both the CA Attorney General's investigation, as well as CalOSHA's investigation of multiple examples of missing records of job-related COVID cases, should be a clear signal to Federal OSHA to look for similar patterns at Amazon in the 27 states where Federal OSHA has clear enforcement jurisdiction.

We urge OSHA to urgently undertake its own broad investigation of Amazon's COVID-19 reporting failures. President Biden, Secretary Walsh, and employers and workers alike across the country are relying on large employers like Amazon to comply in good faith with the forthcoming Emergency Temporary Standard on COVID. Allowing Amazon to continue to evade effective federal oversight on COVID safety risks sending the message that the company can continue to prioritize its profits over its workers health.

Sincerely,



Eric Frumin, Health and Safety Director, Strategic Organizing Center



LaMont Byrd, Director of Safety and Health, International Brotherhood of Teamsters



Dan Stein, Legal Fellow, The Awood Center



Tim Shadix, Legal Director, Warehouse Worker Resource Center

ⁱ We understand that at the outset of the pandemic, the previous Administration in effect excluded high-risk warehouses from its OSHA enforcement targeting policies, and that it was only with a new enforcement program in January, 2021 that the warehouse industry was even meaningfully included. However, since then, although OSHA has resumed enforcement inspections, including at Amazon warehouses, both the number and apparent scope of those inspections at Amazon warehouses have been too small to effectively determine the extent and severity of the company's apparent non-compliance.