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Air Conditioning Contractors of America

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May 20, 2024

Chairwoman Virginia Foxx
House Committee on Education and the Workforce
2462 Rayburn House Office Building
Washington, DC 20515

Ranking Member Bobby Scott
House Committee on Education and the Workforce
1201 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Foxx and Ranking Member Scott:

I am writing on behalf of the Air Conditioning Contractors of America, the nation's leading association representing Heating, Ventilation, Air Conditioning, and Refrigeration (HVAC-R) contractors. Our over 3,000 member companies are recognized as industry leaders and are responsible for \$88 billion in annual sales. They are responsible for designing, installing, and maintaining HVAC-R systems that heat and cool homes, protect our food supply, facilitate modern medicine, and enable data centers to operate.

I respectfully urge you to support H.J.Res. 147, a Congressional Review Act (CRA) resolution introduced by Rep. Mary Miller, that would nullify OSHA's recently finalized "Walkaround Rule." This rule permits third-party representatives, including union organizers and community activists, to be present during job site inspections at the request of as few as two employees. This approach sidesteps the established precedent for union representation under federal labor law, which mandates that "a majority of the employees" must support representation before an employer can recognize the union as its employees' representative.

Historically, OSHA regulations have allowed employees to participate in workplace inspections, a practice that ensures employees' voices are heard without undermining the employer's role. The inclusion of third parties has traditionally been restricted to instances where their presence is essential for a comprehensive and effective inspection. This approach aligns with the Occupational Safety and Health Act, respecting employer rights while acknowledging the necessity of external expertise when genuinely required. OSHA's Final Rule deviates from this well-established interpretation.

Moreover, the rule risks compromising OSHA's core mission of maintaining federal workplace health and safety standards. Allowing third-party representatives could transform OSHA inspections into platforms for various external agendas, introducing numerous risks such as the exposure of proprietary information, the targeting of workers, and potential liability issues. These risks could detract from OSHA's primary goal of ensuring safe and healthy working conditions for all employees.

Supporting H.J.Res. 147 would reaffirm OSHA's core mission and ensure that workplace health and safety inspections remain focused on their intended purpose. It would also protect the rights of employers by maintaining the balance that has historically contributed to effective and fair workplace safety regulations. By rejecting the "Walkaround Rule," we can uphold the integrity of OSHA inspections and continue to prioritize the safety and well-being of all employees without unnecessary external interference. Thank you for your time and consideration on this important matter.

Sincerely,

Barton C. James
President & CEO
Air Conditioning Contractors of America

