

September 25, 2018

The Honorable R. Alexander Acosta  
Secretary  
U.S. Department of Labor

The Honorable Mick Mulvaney  
Director  
U.S. Office of Management and Budget

## Request to Suspend Action on Forthcoming Rulemaking on Youth Hazardous Occupations Orders Until Stakeholders and Agencies Have Been Engaged

RIN: 1235-AA22 “Expanding Apprenticeship and Employment Opportunities for 16 and 17-Year  
Olds Under the FLSA”

Dear Secretary Acosta and Director Mulvaney:

The undersigned organizations, whose reach extends to millions of people and who represent a wide cross-section of worker health and safety, and other professionals, respectfully urge you to suspend further action on the forthcoming proposed rule entitled “Expanding Apprenticeship and Employment Opportunities for 16 and 17-Year Olds Under the FLSA”<sup>1</sup> until several key objectives have been achieved:

- 1) Stakeholder organizations have been engaged through a series of listening sessions prior to the proposed rule being published in the *Federal Register*.
- 2) The National Institute for Occupational Safety and Health (NIOSH) has conducted a formal scientific review of related literature and data.
- 3) Experts at the Occupational Safety and Health Administration (OSHA) have been engaged and provided formal feedback.

### Rule Could Have Positive Outcomes; However, a Lack of Coordination Could Stymie Progress

Hazardous jobs are amongst those most important to the American economy<sup>2,3</sup>, and it is to our collective benefit when our youth are introduced to these jobs during their formative years as they begin their occupational search in greater earnest. The apprenticeship model that has so well served our country throughout its history continues as an indispensable pathway to occupational success, economic progress, and broader life fulfillment. However, in our present zeal to expand the number of jobs teenagers can perform, we must exercise caution and wisdom, lest we inadvertently harm America’s greatest asset and treasure: our youth.

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<sup>1</sup> <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201804&RIN=1235-AA22>.

<sup>2</sup> Bureau of Labor Statistics. “Employment Projections; Table 2.1 Employment by major industry sector, 2006, 2016, and projected 2026”. <https://www.bls.gov/emp/tables/employment-by-major-industry-sector.htm>.

<sup>3</sup> Bureau of Labor Statistics. “2016 Survey of Occupational Injuries and Illnesses Charts Package”. November 9, 2017. <https://www.bls.gov/iif/osch0060.pdf>.

Each year, approximately 60,000 youth under the age of 18 are sent to the emergency room from work-related injuries; 40 of these young workers die from these injuries. To help avoid these tragedies, improve outcomes, maximize the potential benefit of the proposed rule, and more efficiently use taxpayer dollars, the undersigned groups recommend that the Department of Labor hold a series of listening sessions with a variety of stakeholder groups, including those representing worker health and safety professionals, related nonprofits, and for-profit businesses employing youth prior to the proposed rule being published in the *Federal Register*. Such listening sessions are a common and effective tool for exchanging ideas with stakeholders in a dynamic setting that facilitates enhanced understanding and consensus-building, resulting in an improved rule that is later proposed for additional feedback in the *Federal Register*.

### Coordination with NIOSH and OSHA

In addition to front-end stakeholder engagement, the undersigned strongly encourage the Department to work with NIOSH on a formal literature and data review and to receive formal feedback from OSHA on the proposed rule. It is our understanding that, at present, neither has formally occurred. If such coordination has occurred, please let us know. Coordination of this nature would serve as useful background material for the stakeholder listening sessions recommended in the prior section.

### Conclusion and Next Steps

The undersigned organizations strongly urge you to refrain from publishing the proposed rule in the *Federal Register* until the recommended actions listed in the preceding sections have been taken. Taking these actions prior to publication will improve the quality of the rule, help build consensus, and use taxpayer dollars more efficiently. Conversely, not taking the recommended actions may result in unintended confusion, inefficiency, and delay.

The undersigned organizations stand ready to assist you in helping to achieve our common goals of protecting the health and safety of all workers. Please feel free to contact the organizations listed below for additional insights, feedback, and engagement opportunities.



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