

# Apparent Downward Trend in OSHA Enforcement – What Employers Should Know

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February 24, 2026 Matthew Deffebach, Mini Kapoor, Jonathan Keller

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On Feb. 18, 2026, Senator Elizabeth Warren and five other Senate Democrats sent a letter to Labor Secretary Lori Chavez-DeRemer and Assistant Secretary David Keeling expressing concern over a recent decline in OSHA enforcement activity. According to internal OSHA statistics cited in the letter, OSHA workplace inspections fell 20 percent during the period of April through September 2025 compared to the same period in 2024, dropping from 29,229 inspections to 23,531. The data also reveals a 42 percent decrease in citations for willful violations, the most serious category of infractions carrying penalties approximately ten times higher than other violation types. According to the letter, a third-party analysis found that in the first nine months of the current administration, OSHA brought 35 percent fewer cases and imposed \$94 million in penalties—47 percent lower than the same period across the prior 17 years.

The letter also takes aim at the agency’s broader deregulatory agenda, questioning announced plans to roll back numerous workplace safety rules.<sup>1</sup> Among the regulatory proposals criticized are plans to repeal construction site lighting requirements, limit application of the general duty clause to certain professions deemed inherently risky<sup>2</sup> and ease medical evaluation mandates for workers using respirators when exposed to hazardous materials such as lead, asbestos and formaldehyde. The senators additionally questioned prior attempts to close OSHA area offices.

While OSHA has yet to respond to the senators’ letter, for businesses operating in industries subject to OSHA oversight, these developments warrant careful attention. The reduction in inspections and enforcement penalties, combined with a shrinking federal inspector workforce, may create an environment of less frequent regulatory encounters. The Labor Department’s inspector general found in January 2026 that federal inspectors numbered 736, down from 846 in February 2024. However, businesses should not assume this posture will persist indefinitely. Congressional scrutiny, including the questions raised in Senator Warren’s letter, signals the likelihood of intensified political and oversight pressure that could precipitate future shifts in enforcement priorities. Moreover, the significant reduction in willful violation findings suggests OSHA may still be issuing citations for less serious infractions, and companies should continue maintaining robust safety and compliance programs to mitigate risk exposure in any enforcement environment. Additionally, businesses should monitor and track state OSHA programs for offsetting of any deregulation and any decreased enforcement activity by federal OSHA by rulemaking and/or aggressive enforcement initiatives at the state level.

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<sup>1</sup> In July 2025, Secretary Chavez-DeRemer announced the Department’s initial deregulatory plan, which included 63 deregulatory actions described as “the most ambitious proposal to slash red tape of any department across the federal government.” Press Release, U.S. Dep’t of Labor, *Secretary Chavez-DeRemer Unveils Aggressive Deregulatory Efforts in Push to Put the American Worker First*, July 1, 2025, available at <https://www.dol.gov/newsroom/releases/osec/osec20250701-0>.

<sup>2</sup> OSHA published a proposed rule on July 1, 2025, that would codify a limitation on the agency’s enforcement authority under Section 5(a)(1) of the OSH Act. The proposed rule would provide that the General Duty Clause does not require employers to remove hazards arising from “inherently risky employment activities” where the activity is integral to a professional or performance-based occupation and the hazard cannot be eliminated without fundamentally altering the activity, provided the employer makes reasonable efforts to control the hazard. Sectors identified include live entertainment and performing arts, animal handling and performance, professional and extreme sports, motorsports and high-risk recreation, tactical and combat simulation training, and hazard-based media and journalism activities. See Occupational Safety and Health Standards; Interpretation of the General Duty Clause: Limitation for Inherently Risky Professional Activities, 90 Fed. Reg. 28370 (July 1, 2025).