

## Labor Secretary Alexander Acosta Appointed

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June 22, 2017 Matthew Deffebach

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PRACTICES OSHA, Labor and Employment

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Secretary of Labor Alexander Acosta was sworn in on April 28, 2017, after his Senate confirmation. Secretary Acosta has experience serving on the National Labor Relations Board and has held the positions of assistant attorney general for the Civil Rights Division of the U.S. Department of Justice, and U.S. Attorney for the Southern District of Florida.

It is yet to be seen how the appointment of Secretary Acosta will impact OSHA. Much remains unknown regarding OSHA's leadership and new direction. The Assistant Secretary for OSHA to replace Dr. Michaels has not yet been named.<sup>1</sup> The current Deputy Assistant Secretary Dorothy Dougherty is the acting Assistant Secretary for the time being.

Acosta did not commit himself to any particular policies regarding OSHA during his confirmation hearing, but did have the following key statements regarding worker safety:

- During his opening statement, Acosta said: “Congress has enacted workplace standards and safety laws. The Department of Labor enforces these. If confirmed, I will work to enforce the law under the Department’s jurisdiction fully and fairly. As a former prosecutor, my enforcement efforts will always be on the side of the law. It’s enacted by Congress. It should be enforced fully. It should be enforced fairly. And it should not be enforced in favor or against any particular constituency.”
- In response to questions from Senators Tammy Baldwin (D-WI) and Maggie Hassan (D-NH) regarding budget cuts and resulting cuts in OSHA staff and inspectors, Acosta said: “I would be very concerned in a situation like you mentioned that there are only 7 inspectors because going from 7 to 6 has a substantial impact . . . I would have a lot of concern if the number of inspectors in any one area fell to the point where they could not do their job.”
- Regarding enforcing the new Silica Rule, Acosta said he would enforce the rule if it is effective, suggesting that there may be a delay in the effective date. Indeed, the Silica Rule’s effective date for the construction industry has been delayed until September 23, 2017.<sup>2</sup>

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<sup>1</sup> See [OSHA organizational chart](#), updated on May 2017.

<sup>2</sup> [Memorandum Delay of Enforcement of the Crystalline Silica Standard for Construction](#) under 29 CFR 1926.1153, April 6, 2017.