

June 3, 2024

The Honorable Charles Schumer
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, DC 20510

Dear Leaders Schumer and McConnell:

Recently, S. 4260, the Warehouse Worker Protection Act, was introduced and referred to the Senate Health, Education, Labor & Pensions Committee. The National Retail Federation (NRF) has determined that the bill will negatively impact our members and the overall economy. On behalf of NRF, I write to express our opposition to the legislation. Given the damage passage of this legislation would have on the retail industry, please note that NRF will consider votes concerning – and cosponsorship of – this bill as Retail Opportunity Index Votes for our annual voting scorecard.

The National Retail Federation passionately advocates for the people, brands, policies, and ideas that help retail succeed. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$5.3 trillion to annual GDP and supporting more than one in four U.S. jobs — 55 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

The presumption underlying this bill is that employees in warehouses commonly face unsafe workplaces, but the Occupational Safety & Health Administration's (OSHA) own data belie this narrative. Modern warehouse operations are safe workplaces. Warehouse employers are continually investing in better practices, sanitation, equipment, employee engagement efforts, and tools to make each workspace as safe as possible and provide workers with training programs to ensure each worker understands how best to avoid injury when performing tasks.

The bill establishes a broad array of workplace regulations and legal causes of action specific to the warehousing sector that go far beyond protections available to workers in much more physically challenging and dangerous environments. Moreover, the bill would establish a new agency to administer these new workplace standards. This, despite the fact that warehouse worksites are already regulated at the federal and state level, and aggrieved employees have extensive employment rights under existing law. Notably, the bill would also overturn Congress's 2001 prohibition on OSHA ever regulating ergonomics in the workplace and would mandate a new ergonomics standard. Congress was right to be skeptical of ergonomics regulation for numerous reasons, including the impossibility of separating workers' musculoskeletal pain from their tasks at work from their away-from-work life activities.

For these reasons, NRF urges Congress to reject this legislation.

Sincerely,



David French
Executive Vice President
Government Relations

cc: Members of the United State Senate