



Defending and Expanding OSHA Protections

In 2014, chaos broke out at the Erie Metropolitan Transit Authority (EMTA) bus garage in Erie, PA. Employees were screaming for management to call 911 as Jake Schwab, a veteran mechanic, lay in a pool of his own blood. The air suspension system that Jake was working on exploded, and a metal disk flew into the left side of his brain. He died five days later.



Tragically, since EMTA is a public-sector workplace, the federal Occupational Safety and Health Administration (OSHA) could not investigate this tragedy. State law did not protect Jake either, as Pennsylvania has no OSHA state plan, which would offer workplace safety and health protections to public-sector workers like Jake. The case was closed without inquiry into the cause of the accident or recommendations to prevent another catastrophe in the future. More than a decade later, there has been no official explanation of Jake Schwab's death. This outcome is not unusual: public employees in nearly half of U.S. states are not protected from unsafe conditions on the job.

The Occupational Safety and Health Act (OSH Act) was passed in 1970 and requires that private-sector workplaces be “free from recognized hazards”—like exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, and unsanitary conditions - “that are causing or are likely to cause death or serious physical harm to employees.”¹

Unfortunately, OSHA only covers workers in the private sector and federal employees; the law specifically excludes employees of state and local government. The Act does permit states to assume responsibility for occupational safety and health programs under their own occupational safety and health plans, known as OSHA state plans, upon U.S. Department of Labor approval. State plans must include coverage of public employees and must be “at least as effective” as Federal OSHA's protection for private-sector employees. States can also enact safety standards that exceed the federal floor.

There are currently 21 OSHA state plans covering both private and public-sector workers, and there are six additional state plans covering only government workers.² Unfortunately, 22 states and the District of Columbia have no occupational safety protections for government workers, including public transit workers. Eight million public workers remain completely unprotected.³

To protect public employees from workplace hazards and injuries, states must set up OSHA plans. Where state OSHA plans already exist, legislators can require stronger versions of existing weak or outdated federal workplace safety standards. State legislatures should adequately fund

1 Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, 29 U.S.C. §§ 651–678 (1970).

2 U.S. Department of Labor, Occupational Safety and Health Administration, “State Plan Frequently Asked Questions,” accessed Dec. 17, 2025, <https://www.osha.gov/stateplans/faqs>.

3 David Michaels and Jordan Barab, “The Occupational Safety and Health Administration at 50: Protecting Workers in a Changing Economy,” *American Journal of Public Health* 110 (April 8, 2020): 631–635, <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2020.305597>.

occupational safety and health agencies so they can properly enforce existing workplace safety laws. States should also expand monetary penalties above federal requirements to give employers an incentive to comply.

Further, states must adopt safety standards for workplace hazards that are not sufficiently addressed by federal OSHA, such as workplace violence, heat exposure, and infectious disease protection. The COVID-19 pandemic exposed shortcomings regarding infectious disease control, and rising temperatures have made heat exposure standards a necessity. A nationwide analysis found that 28,000 work injuries every year are related to hot weather.⁴ States should join those that have passed bills requiring access to water, breaks from heat exposure, and other protections on days with extreme temperatures.

Ergonomic hazards are also common to transit work and ripe for state regulation. Spending hours each day, sitting in a poorly designed seat and performing repetitive motions to operate the bus causes musculoskeletal injuries and other chronic health problems. The effects of these ergonomic problems are compounded by exposure to whole-body vibrations. These conditions leave all too many bus operators with high blood pressure and debilitating lower back pain, among other conditions.⁵

More states need to join California whose OSHA state plan has implemented an ergonomic standard which requires an employer to implement a repetitive motion injury prevention plan if two or more employees suffer repetitive motion injuries.⁶ California's ergonomic standards are a welcome effort to reduce the disabling effects of transit work in the long term. But other states should address these problems head-on by mandating ergonomic improvements on transit vehicles and by appropriating funds to transit agencies and school districts to acquire new equipment.

Off the bus and in the shop, bus and rail mechanics represented by ATU report to unsafe workplaces far too frequently. Our members are exposed to airborne diseases and diesel fumes without proper ventilation. Mechanics may be forced to work with obsolete equipment on unfamiliar buses with little to no training; too often injury or death is the result. States need to step in to ensure that mechanics can breathe clean air and have the training and equipment needed to work safely.

It is past time for all 50 states to adopt legislation to provide OSHA protections to all workers, regardless of whether they are employed in the private or public sector. All people should have the right to a safe and healthy workplace, and the peace of mind of knowing that they will return home safely at the end of their shift.

ATU SUPPORTS:

1. **Expanding occupational safety and health programs to public-sector employees, including public transit and student transportation workers, under state OSHA plans;**
2. **Expanding safety and health protections and enacting standards above the federal floor on issues like ergonomics, workplace violence, infectious disease, and heat exposure;**
3. **Adequately funding state OSHA enforcement programs and establishing monetary penalties that exceed federal minimums; and**
4. **Investing in ergonomic controls on bus seats and other transit infrastructure to reduce the incidence of musculoskeletal injuries.**

4 Barrak Alahmad, William Kessler, Yazan Alwadi, et al., "A nationwide analysis of heat and workplace injuries in the United States," *Environmental Health* 24, no. 65 (2025), <https://doi.org/10.1186/s12940-025-01231-1>.

5 Florina Georgeta Popescu, Corina Bolocan, Manuela Oancea, et al., "Work-Related Disorders in Public Transportation Drivers and the Length of Exposure," *Journal of Clinical Medicine* 14, no. 14 (July 15, 2025): 5018, <https://doi.org/10.3390/jcm14145018>.