



**National
Nurses
United**

OUR PATIENTS. OUR UNION. OUR VOICE.

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July 14, 2025

Amanda Wood Laihow
Acting Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety & Health Administration
200 Constitution Ave NW
Washington, DC 20210

**RE: Agency Information Collection Activities; Submission for OMB Review;
Comment Request; Occupational Safety and Health State Plans; OMB
Control Number: 1218-0247 (June 17, 2025)**

Dear Acting Assistant Secretary Wood Laihow,

On behalf of more than 225,000 registered nurses across the country, National Nurses United (NNU) submits these comments in response to the request for public comments on the Occupational Safety and Health Administration (OSHA) information collection request on Occupational Safety and Health (OSH) State Plans. NNU supports this information collection, which is essential to federal OSHA's ability to maintain its oversight duty over OSH state plans and helpful to our ability to advocate for our members' health and safety at work.

The OSH Act, passed by Congress, allows states to substitute state OSH plans for federal OSH enforcement only as long as the state plan is "at least as effective" as federal OSHA's programs.¹ Federal OSHA has an obligation under the OSH Act to ensure that state plans meet the legal requirements, including efficacy. If a state plan does not meet the requirements, then federal OSHA must take action to ensure that workers in that state are not afforded lesser protections than workers in other states.²

To perform that oversight function, federal OSHA requires data to understand and assess the state plan's activities and performance related to specified criteria, including standards development, enforcement proceedings, personnel, and other resources.³ Without this data, federal OSHA would not be able fulfill its duty to determine whether the state plan is performing its duties and fulfilling obligations to be at least as effective as federal OSHA.

Federal OSHA's oversight duties are crucial to ensuring effective worker protection in every state. Nurses have had their health and safety put at risk when state plans have fallen short of the requirement to be at least as effective as federal OSHA.

¹ 29 U.S. Code § 667.

² *Id.*

³ 29 CFR 1902.3.

For example, Arizona's OSH state plan failed to adopt Federal OSHA's Covid-19 Healthcare Emergency Temporary Standard in 2021.⁴ NNU is the collective bargaining representative for registered nurses in Arizona and NNU members encountered serious hazards from Covid-19 due to health care employers in Arizona failing to implement Covid-19 plans and other requirements of the federal emergency temporary standard.⁵ In response to Arizona's continued failure to provide protections at least as effective as federal OSHA, NNU filed a complaint about state program administration and federal OSHA proposed the revocation of Arizona's state plan, putting the state plan on notice that they were obligated to be as effective as federal OSHA. Federal oversight was a key backstop when the state plan failed to meet its obligations.

Nurses have also encountered situations when state plan OSH inspectors have not conducted inspections appropriately, making it more challenging for workers to vindicate their right to a safe workplace. Federal oversight has been important to ensure that nurses in state plan states have access to the same rights and protections as nurses in other states.

This information collection also provides key information for worker safety advocates. As the largest union for registered nurses in the United States, with membership across the country, NNU finds that having access to the state plan reports gives us important data and insights into state plan activities and enforcement, which enables us to advocate for our members to have the protections they need at work.

NNU urges OSHA to maintain the current information collection requirements for Occupational Safety and Health State Plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Eleanor Godfrey". The signature is fluid and cursive, with a long, sweeping tail on the last word.

Eleanor Godfrey
Director of Health and Safety
National Nurses United

⁴ "Occupational Exposure to COVID-19; Emergency Temporary Standard," 86 Fed. Reg. 32,376 (Jun. 21, 2021) (Docket No. OSHA-2020-0004).

⁵ NNU Comments, "Arizona State Plan for Occupational Safety and Health; Proposed Reconsideration and Revocation" (April 21, 2022) (Docket No. OSHA-2021-0012), July 5, 2022.