

OSHA WHISTLEBLOWER STAKEHOLDER MEETING

October 24, 2023

Minutes

The OSHA Whistleblower Stakeholder Meeting was called to order by Rob Swick at 1:00 PM ET on Tuesday, October 24, 2023. The meeting was held via Zoom.

The following members of the public were present:

First Name	Last Name	Job Title	Company
David	Ailor	President	American Coke and Coal Chemicals Institute
Renee	Alonso	Sr HRBP	TFI International
Anonymous	N/A	None	None
Charles	Avery	Investigator	Iowa OSHA
Ross	Baize	UAW Servicing Representative	International Union, UAW
S.	Baker	None	None
Kerwin	Benton	Compliance Officer	Wells Fargo
William	Breton	Union Safety	Consumers Energy
Ronnie	Brooks	UWUA Safety Representative/ V.P. Local 393	Local 393 UWUA
Liliana A.	Calderon	Director of Health and Safety Programs	IUBAC
Linda	Cannon	Regulatory Compliance Specialist	Medical Safety Developmental Services
Valerie	Carney	Compliance Director	NW Works
Omar	Cosme	Coordinador de Safety	USPS/NPMHU Local 313
Annie	Dahl	Safety Manager	Sprague
Teresa	Daniel	HR Consultants	Tyler
Gavin	Driscoll	Senior Safety & Health Advocate	AFSCME
Jody	Edwards	Environmental, Occupational Health and Safety	American Pacific
Melody	Evans	Executive Assistant	Liberty Place, Inc
Jean	Everson	Essential Worker	Crossmark

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Samantha	Feinstein	Staff Attorney & Director, International Program	Government Accountability Project
M.K.	Fletcher	Safety & Health Specialist	AFL-CIO
Stephen	Fuhrman	Staff EHS Professional	Pennoni
Jacqueline	Garrick	President/CEO	Whistleblowers of America
Scott	Gavlick	Vice President of Product Management	Safety Management Systems, Inc.
Debora	Gonzalez	Health & Safety Coordinator	National Day Laborer Organizing Network (NDLON)
Delois	Gresham	Infection Preventionist	South Carolina Department of Mental Health
Michael	Guest	Safety Specialist	City of Norfolk
Amanda	Guimont	Whistleblower Investigator	Nevada OSHA
Brian	Hannon	Utility Inspector	Eversource
Aaron	Hayes	Safety Coordinator	Sanford Contractors Inc.
Kathleen	Hildebrandt	Tier 1	Amazon
Jenny	Ho	N/A	AFSCME
Jeffrey	Hoel	Safety Officer/Program Manager	Eggleston
Renee	Hoffman	Corporate EHS Sr. Manager	Hoffmaster Group, Inc.
Catherine	Hunt	retired	retired
Austin	Keown	Safety Representative	Continental Tire
Jesse	Keebler	Regulatory Compliance & EHS Manager	Booster Fuels
Daniel	Klatt	Health and Safety Officer	AFGE Local 0390
Edward	Lai	President	VisionBridgeConsulting.com
Kristy	Lee	VP - Lead Compliance Officer	Wells Fargo
Rich	Leschina	LR	Brotherhood Of Locomotive Engineers and Trainmen-International Brotherhood of Teamsters (BLET-IBT)
Cindy	Lewis	Director/Associate Professor	UAMS
Leif	Lindgren	Safety and Environmental Specialist	SMS Group
Christine	Manno	FC Associate	Amazon

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Salvador	Martinez	HR Analyst	Yuba County
Kelly	McClellan	Operating Engineer/ Tradeswomen Advocate	IUOE Local 101-HWIT- UUC- TWTF-TBB
Ivan	Mendez	N/A	N/A
Michael	Mendoza	RN	CCHCS
Mari-Rene	Unknown	AFA CWA	Spirit ASHS
Michelle	Ned	Behavioral Health Consultant	Visions Consulting Firm
Lindsey	O'Keefe	N/A	N/A
Manuel	Peralta Jr.	Director of Safety and Health	National Association of Letter Carriers
Tara	Perez	Safety Manager	NRI
Mark	Pry	Safety Trainer / OSHA General Industry Instructor	Greater Cleveland RTA
Ashley	Rawlison	Training Coordinator	Alphabroder
Richard	Renner	Attorney	Tate & Renner
Brooke	Roberts	Staff Attorney	Idaho Legal Aid
Leo	Rogers	EHS	Evans Concrete LLC
Nick	Rose	General Counsel	Massachusetts Department of Labor Standards
Eddie	Runyon	OSH Discrimination Investigator	Commonwealth of Kentucky- Department of Workplace Standards
Steven	Schrag	Legislative/Regulatory analyst	ConnectiCOSH
Andrea	Scott	Former Director, Digital Marketing	VISIT DENVER, Convention & Visitors Bureau
Mark	Sitch	Safety Manager	Dearing Compressor & Pump Co.
Darius	Sivin	Industrial Hygienist	UAW
Andre P.	Smith	Assistant Director	Government of the Virgin Islands Department of Labor/OSHA
Cassie	Spaulding	Sr. Director of Marketing and Partnerships	Safety Services Company
Erika	Stone- Williams	Assistant Business Manager	Stratford Friends School
Kris	Taranec	Executive Administrative Director	Valiant Hospice & Palliative Care

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Matthew	Uptmor	Director Health and Safety Department	International Union, UAW
Arthur	Wolf	Safety Manager	American Battle Monuments Commission
Muhamad Akramin	Yusof	Quality Systems Coordinator	Bama Cold Storage

The following U.S. Department of Labor (DOL) staff were present:

First Name	Last Name	Job Title	Agency and Division
Otis	Barrett	Investigation Specialist	Directorate of Whistleblower Protection Programs (DWPP)
Nathaniel	Berman	Investigation Specialist	DWPP
Philippe	Blancato	Investigation Specialist	DWPP
Dale	Caldwell	Program Analyst	DWPP
Andrea	Carlson	Investigation Specialist	DWPP
Martha	Collins	Investigation Specialist	DWPP
Lily	Colon	Assistant Regional Administrator (ARA)	OSHA, Region 4
Branden	Combest	Investigation Specialist	DWPP
Christopher	Covell	Whistleblower Investigator	OSHA, Region 4
Kevin	Crain	ARA	OSHA, Region 7
Jillian	Dupuis	Investigation Specialist	DWPP
Nichelle	Engard	Investigation Specialist	DWPP
Megan	Guenther	Counsel for Whistleblower Programs	Office of the Solicitor
Emily	Hargrove	Chief of Staff	Office of the Assistant Secretary
Megan	Harris	Attorney	Office of the Solicitor
Ryan	Himes	ARA	OSHA, Region 10
Anthony	Incristi	Alternate Dispute Resolution (ADR) Coordinator	OSHA, Region 1

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Marisa	Johnson	Program Analyst	DWPP
Denise	Keller	ARA	OSHA, Region 5
Michael	Mabee	ARA	OSHA, Region 6
Lee	Martin	Director	DWPP
Stacy	McGuire	Deputy Director	DWPP
John	Murphy	RSI	OSHA, Region 2
Bernard	Noel	Investigator	OSHA, Region 6
Douglas	Parker	Assistant Secretary of Labor	Office of the Assistant Secretary
Edward	Rhoades	Regional Supervisory Investigator (RSI)	OSHA, Region 2
Kristen	Rubino	ARA	OSHA, Region 1
Meghan	Smith	Program Analyst	DWPP
Christine	Stewart	Division Chief, Division of Policy, Planning, and Program Development	DWPP
Paula	Story	Labor Liaison	OSHA, Region 4
Rob	Swick	Division Chief, Division of Field Operations	DWPP
Nathan	Terwilliger	RSI	OSHA, Region 5
Sarah	Tunney	Attorney	Office of the Solicitor
Cory	Wilson	ARA	OSHA, Region 8

Mr. Swick welcomed everyone to the meeting and introduced Doug Parker.

Doug Parker, Assistant Secretary, OSHA

Mr. Parker began by thanking attendees for their interest in protecting workers, specifically through the Whistleblower Protection Program.

This important program enforces protections for workers retaliated against for reporting violations of various whistleblower statutes.

We often talk about the importance of safety and health being a core value in every workplace in America. That is our vision at OSHA. We also see the value of having a strong internal anti-retaliation program. A program that:

- Listens to and responds to employees' concerns about hazards or violations of federal statutes.
- Addresses and prevents retaliation against employees who raise concerns.
- Creates an environment where permanent employees, contractors, and temporary workers can voice their concerns without fear of being demoted, reassigned, or fired which can benefit employers.

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- Employers can learn about problems when they first occur.
- Address them before they become harder or more costly to correct.

For employers, having a robust anti-retaliation program is not just about complying with the law. It's also good business. It's about the substantive part of your work, whether that is being a good financial institution or environmental steward or having a good safety and health system in the workplace as it relates to Section 11(c) of the OSH Act.

We want you to know that we hear you. The experiences many have shared and suggestions for how we can improve the way we enforce whistleblower laws do not fall on deaf ears.

We have made positive improvements in managing our caseloads so that we can prioritize important cases. We think our team has made significant progress, which you'll hear about from our whistleblower program director.

Earlier this year, we were authorized to issue certifications in support of U and T nonimmigrant visa applications. This allows us to protect workers who are afraid to report safety and health concerns because of their immigration status, temporary employment authorization, or at risk of criminal activities such as labor trafficking and other crimes.

You will hear more on how our whistleblower program will use this important tool to protect workers so that they feel more confident in speaking up about unlawful activity in the workplace.

The Whistleblower Protection Program, and all of you who are invested in it, are critical to helping us realize our vision of safe workplaces with environments free of retaliation.

We are listening to your comments and suggestions and delivering on some of the things we said we would do.

I appreciate your time and involvement today. We look forward to hearing from you and to our future collaboration.

Mr. Swick thanked Mr. Parker and introduced Lee Martin.

Lee Martin, Director, DWPP

Mr. Martin thanked everyone for attending. He provided an update on OSHA's whistleblower program:

- We produced an educational video on Section 11(c) of the Occupational Safety and Health Act. This short video, available on OSHA's YouTube page, explains the most important facts for employees to know before filing a complaint under that statute. It is available in both [English](#) and [Spanish](#). This is our second

video in the series as we're working to address the whistleblower protection provisions of each statute enforced by OSHA.

- DWPP listened to several comments from the public calling for a whistleblower poster. As a result, we developed a poster entitled "Retaliation for Speaking Up is Not Ok" which was issued in July 2023. [English](#) and [Spanish](#) versions are available on the OSHA Publications webpage ([osha.gov/publications](https://www.osha.gov/publications)) and also on the WPP website ([whistleblowers.gov](https://www.whistleblowers.gov)). This is the first OSHA poster dedicated solely to whistleblower protections.
- Since March 30, 2023, OSHA has been exercising authority to complete [U and T visa certifications](#) for certain victims of crimes and trafficking. By expanding DOL's U and T visa certification authority to OSHA, DOL is able to provide additional support to workers who are victims of human trafficking and other crimes. Information on the program is available on our website at [whistleblowers.gov](https://www.whistleblowers.gov).
- In July, OSHA fined [Maersk Line Limited](#) over \$400,000 in back wages, interest, and compensatory damages, as well as \$250,000 in punitive damages for suspending, then terminating, a seaman for reporting safety concerns to the U.S. Coast Guard. Maersk had a policy requiring seamen to report issues to the company first. OSHA affirmed that seamen do not need to follow this policy and can cooperate with Federal officials at any time.
- Finally, I am happy to report that the Whistleblower Protection Program met all of its performance measures this past year. In particular, I would like to mention that significant progress was made regarding performance measure WB-09, the Average Age of Pending Whistleblower Investigations (docketed cases only). Over the course of FY23, WPP's field staff worked diligently to meet our goal of 320 days. At the beginning of October 2022, this metric was at 332 days nationally. By the end of September 2023, this metric was at 198 days, a reduction of 134 days. In FY24, we will continue to explore new policies and procedures which support a more efficient and effective investigation process for improved customer service.

We will be taking notes on all of your input and will upload this information to [regulations.gov](https://www.regulations.gov) in the docket. In addition, we will also upload any written comments you have to the docket for the record. Materials for this meeting and past meetings can be accessed at www.regulations.gov and typing "osha-2018-0005" in the search bar. [Minutes from past meetings](#) are also available on our website at www.whistleblowers.gov.

Finally, Mr. Martin noted that we're looking forward to hearing your suggestions on how we can improve.

Rob Swick, Chief, Division of Field Operations

Mr. Swick provided the ground rules for the meeting and opened the meeting for comment.

Debora Gonzalez, Health & Safety Coordinator, National Day Laborer Organizing Network (NDLON)

The reality for newly arrived and undocumented workers, or also for those who have lived here for many years, is that they are victims of unscrupulous employers where labor abuses occur daily in different forms, including wage theft, no Personal Protective Equipment, no breaks, and no pay for your overtime, to mention a few.

It is worth mentioning the cases of deaths of children in workplaces:

- Mississippi: A 16-year-old child worker died in the Mar-Jac poultry factory while cleaning dangerous machinery. One of his hands got caught, and then, in his attempt to free himself, he lost his life.
- Tennessee: A 16-year-old boy who was building a roof on a construction site in a hotel over 11 stories high climbed over a barrier on the line of the roof and tried to jump onto an electric lift that was on the side of the building. The young man missed the platform and slipped through a gap between the scaffold and the building, falling 160 feet and died.

Why does this continue to happen? Yes, the regulations prevent employing minors under age 18 to perform activities on roofs or operate or manipulate electric lifting devices or dangerous machines such as chicken processors. Additional investigation determined that the employer also violated child labor laws when he allowed the young man who was a minor to work more than eight hours per day and more than 40 hours per week.

California has complaints that need to be investigated.

Why is this happening, and why do workers have to continue to work in fear in spite of there being a whistleblower program that should be protecting them? Workers do not know what the program does. Workers fear retaliation and revenge from their employers and do not know their rights, due to lack of access to training and fear of their immigration status.

Workers continue to be vulnerable due to climate change, illnesses and deaths from extreme weather, lack of acclimatization, and inhumane initiatives or laws (HB 2128 Texas). It is necessary to implement laws at a national level for water, shade, and breaks. We should push for employers to train their employees and give them PPE, suitable for the work they do, (but as we know that they do not!)

It is when organizations like NDLON and its membership see the great need to have more trainers authorized under the OSHA outreach program, we ask that these training

sessions become more accessible, and, since the administration has said it is committed to equity and inclusion, we believe it is an important point to fulfill.

In January, the program was announced by DOL and DHS to protect workers who report their employers (for example health and safety violations due to wage theft). Although the program is new and has less than a year in place, we believe it has transformative potential for removing the fear that so many workers have. But to be able to carry out that mission, there must be greater public communication about the program, and the agencies at all levels must know and implement the program. A workers' rights protection program can't be successful if workers don't know it exists.

Omar Cosme, Coordinador de Safety, USPS/NPMHU Local 313

Mr. Cosme began by noting that there are different situations for employees who might make reports before OSHA. When they need protection for filing a complaint, we know there should be an update for investigations and processes provided to the complainants. There should also be protections for the employer and for state/federal employees. For example, when an employee of a small enterprise complains before OSHA, this small company does not have the same resources as state/federal agencies or large companies who have divisions of law, safety, or HR. In regard to this, the expectations are to adhere to the federal laws that are applicable in the states and to the procedures of OSHA. Unfortunately, like many times, the employer retaliates against employees and the companies will not use resources appropriately. They manipulate information given during investigations. They do not handle investigations in the area of the work. The retaliation is against employees who make complaints. Even when using resources and WPP, employees do not have access to arbitration. They get the incorrect message that if someone makes complaints, they can lose their job. If they do the processes according to the law, they do not get protected. Even at the state or federal level, they have access to pay people who use law in their favor and toward the company. At the end, they do not truly discover what happened.

To bring a complaint against an employer, we need education programs so that representatives are able to make good decisions when it is time to make a complaint. There is a fine line regarding what we can do to help them. It is important we see the connection. A lot of people in my company have gone to WPP and have been unsuccessful due to the manipulation of information. Also in the federal system, since I work for USPS. Training and programs for us would be good so we can make wise decisions. These are things that can help all employees feel safe. Thank you very much.

Ross Baize, Servicing Representative, International Union, United Auto Workers (UAW)

Something that may potentially be an option is to put some sort of required curriculum within like an OSHA 10-hour or 30-hour training that'll help get that information out to

the employers and employees in a direct in-person setting or even a 30-hour training/course that'll help get that information out to the employers and employees in a direct in-person setting or even a virtual setting. I think that the YouTube videos, as well as the poster that's been created, are a good step forward. But I think we just need to continue progressing and get that written curriculum out there to all people.

Our biggest thing that we feel, in my opinion, that we can address is whistleblower outreach and just better training in general. In our experience at the facilities that we represent, a lot of people have been retaliated against over the years. We simply don't have the education out to them to build a proper whistleblower case. Years back I was one of them; I've learned a lot since then.

Thank you.

Matthew Uptmor, Director Health and Safety Department, International Union, UAW

I've been in health and safety for 20+ years, and I've dealt with state plans and federal plans with OSHA. Seeing the fear that employees and our members still have is a sad day for us. Employees should feel comfortable about speaking out about health and safety issues. We go in and investigate serious injury accidents and fatalities in our facilities even alongside OSHA and the companies. Employees fear to speak to us and tell us what the issues are.

I really want to reflect on what Omar said and what Ross had said about better training. I know as part of the 10-hour and the 30-hour we do an introduction to OSHA, but we really don't spend a lot of time on building that case for whistleblowers. I think as part of that curriculum, putting together case studies on what went right, what went wrong, and featuring some of the whistleblower stories would be useful so we can educate the employees on what they need to do on their end. As Omar had stated from a bargaining unit representative, we can do more for our members as far as whistleblowers. I would hope with some of the training that we get the word out that our members and employees would be more apt to speak out on the safety issues against their employers. I also agree with Ross - I think the poster is a step in the right direction. But I think we also need to have that one-on-one training effect.

With the employees and, in our case bargaining reps, our members really need something to teach them how to build that case for a whistleblower so they do feel protected. I think one of the reasons a lot of them don't speak up is because they're still afraid of that retaliation and what happens if the whistleblower case doesn't go in their favor. Now they're starting back over from scratch.

Thank you for your time.

Michelle Ned, Behavioral Health Consultant, Visions Consulting Firm

I just have a few suggestions for improved service delivery. One of them would be to provide a little bit more efficient way of reporting dishonest acts, and, by that, I mean allowing availability for 24/7 anonymous reporting electronically, as well as in person. Additionally, advertising a simplistic method of reporting, such as being a more brief and easy read, with translation services available for all languages and for those who are not cognitively able to understand the information. We also need to allow employee trainings, as previously mentioned, in connection with human resources at larger companies, as well as small companies, to emphasize the importance and privacy of reporting. Then, we want to look at providing updated materials for posting at job sites for employee awareness, just so that employees could know the proper procedures to make a report. We also want to look at advertising free online and in person, as well as community outreach events, just to increase the awareness about the whistleblower program.

Edward Lai, President, VisionBridge Consulting

Mr. Lai described a product that his company sells that he believed could be useful to OSHA.

Michael Guest, Safety Specialist, City of Norfolk

I definitely think that OSHA and the Department of Labor provide fantastic resources for employees and also employers as well. There's always room for improvements, and that's one of the reasons why we're here today, both on our end and on your end. One of the things that I do is a lot of our safety trainings. The biggest thing that I get across is not just the training aspect but the awareness aspect, allowing somebody to know that a program actually exists. I was kind of surprised at the very beginning of all of this that I heard that, just recently apparently, there were whistleblower protection posters created. It's fantastic, but it should always be, you know, something that's continued to pump out that information because otherwise the information isn't readily available. We need to pump out the information over and over and over again. And just constant communication, communication, communication, getting that out there is necessary.

When somebody notices that they have an issue going on at work, where are they going to go? They're going to go on Google. How do I resolve this? You want to get popped up on those top search results. So, really, I just want to say awareness of the programs is the key, so that employees are aware that these programs exist. Thank you very much.

Jean Everson, Essential Worker, Crossmark

I want to mention one thing that I think is really important. You need to make sure that investigators do not show any kind of bias in their comments and their questions during

an investigation. I think there are a lot of other problems because, in the past, there have been several claims that investigators fail to protect whistleblowers and they have dismissed cases showing merit.

Mark Pry, Safety Trainer, OSHA General Industry Instructor, Greater Cleveland RTA

I'm a former employee of a regional transit authority. I also am a former employee who filed a whistleblower complaint under the NTSSA, the National Transit Systems Security Act. And I'm so thankful for everyone, from President Nixon who signed the OSH Act, and Bush who signed the NTSSA. Without all of you, myself, my wife, my family, and my grandchildren would have nothing. So, I really appreciate everything.

When I was retaliated against, no one really told me about the whistleblower act that pertained to my occupation. There are lots of whistleblower acts, but they're all specific to different occupations. No one told me about the NTSSA. My wife and I had to find it on our own, and it took a minute.

I think that the employers should have the obligation to notify the employee of the specific whistleblower laws that pertain to their occupation. They should submit evidence of the notification to OSHA. Then, if there's an OSHA complaint that's filed and the employer hasn't documented that they've provided that information to the employee, I think they should be fined. So, there should be a standard pertaining to the employer, notifying the employee of the specific whistleblower laws that pertain to their occupation because there are so many.

The other thing is a longer time frame to file. When I filed it was 30 days and I think I was on day 28. And my wife and I were like, oh my gosh, we just found it. We had to up and file. Because no one notifies the employee. Then you're on your own. And it takes a little more time to find those. What if you're in a place where there's no internet? You're in a hurricane situation where the power's out? And now, you know, you're running up against this deadline that you don't even know exists to file a complaint.

Mr. Pry also submitted a [written comment](#) to the docket.

S. Baker

I work for a school district. I got injured, then I got retaliated against.

One of my suggestions is that when I went to ask about whistleblower, I was told that as an employee of a government entity, I didn't qualify for whistleblower status. I know we have a lot of trainings that we go through as teachers and that should be one of the trainings. The union didn't seem to be very helpful either. So, the union should be trained along with the teachers when we go through our training during the beginning of the year for sexual harassment and other things. Whistleblower training should be one of those things.

Also, I think you should follow up on people who file complaints and see if any of those people still work there. And if they're not, why aren't they working there? The employers have to be held accountable for what happened to the employee after they filed.

Someone else mentioned before me about making sure that you fine the employer when you see that they're not filing reports. For my report, they wouldn't even do an investigation on mine until they had to do. They had to do it, but they kept on saying that I didn't get injured there even though there was a broken piece of equipment that had to be fixed, which was part of my injuries. So, they fixed that, but there was no paperwork on me. It was just kind of one of those things.

So, I think making sure that on the backend, you guys do investigations about if people getting retaliated against and making sure people know that there is a thing called whistleblowing. Also, who is able to submit as a whistleblower because I think I was told I could. So, that means there needs to be more education. Is everybody able to do a whistleblower complaint if you are working in America? I think those need to be clear and then also hold the employers accountable. When somebody else gets retaliated against and loses their job, it discourages everybody else. And that's why people don't report. You could have more cases, but people aren't coming forward because they can see that they use somebody's health, as the example, of "this is why you don't talk because this is what's going to happen to you."

Jacqueline Garrick, President/CEO, Whistleblowers of America

Whistleblowers of America is grateful for this opportunity to comment today. The question is how OSHA can improve its whistleblower office. In October 2022, we submitted a [similar statement](#). We have not had any other follow up with OSHA, so we may be repeating some of the same. We made the comment with the caveat that, if there are actions taken, it would be nice to be able to get these updates from these meetings in some sort of an annual way.

First and foremost, Whistleblowers of America believes that enhanced accountability comes with making the whistleblower whole through an improved process for mental health parity when assessing compensatory damages for pain and suffering. Retaliation leaves employees suffering from workplace traumatic stress. This statement is based on an article that first appeared in *Crisis, Stress, and Human Resilience: An International Journal*. And we recently published the book *The Psychosocial Impacts of Whistleblower Retaliation: Shattering Employee Resilience and the Workplace Promise*. The research is intended to inform the whistleblower retaliation checklist, which we designed to assist in assessing the psychosocial damage caused by retaliation. The reason for having the book published by an organization like Springer Nature is that we wanted to make sure that what we were doing was evidence-based. When we take these kinds of assessments to court, they stand up to *Daubert* challenges in deposition and other types of testimony.

We started looking at the serious injury feature of post-traumatic stress disorder as defined in the *Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR)*, which is published by the American Psychiatric Association. We wanted to better understand the mental health conditions similar to what we see in combat veterans and employees who've experienced a hostile work environment. This is the same kind of shattering of the psyche caused by abuse, usually by people within power of authority over another person, an employee. So, we've taken the safe space trauma-informed approach because retaliation is victimization.

We've looked at whistleblower stigma to ensure mental health parity, especially when assessing damages for pain and suffering. We appreciate that OSHA has a definition of whistleblower retaliation that is on its website that is more inclusive than other federal government agencies. We've highlighted that at hearings, such as those with Department of Veterans Affairs. We believe that the OSHA list should actually be become a universal list. But we think that, even though the list is comprehensive, we see where there are those challenges for holding perpetrators accountable and providing for damages for when those things have been done to employees.

We also note that the OSH Act does provide for criminal penalties. Understandably, most often when there are fatalities, that receive the most attention and district attorneys can bring those kinds of cases, murder, manslaughter, for prosecution.

Those are things that we often see as a component of whistleblower retaliation. And we believe that if there was greater understanding of that provision and more enforcement of those provisions, then we might see more accountability and so we ask where are those criminal charges and is there a way we can access that kind of data?

The lack of accountability certainly feeds more corruption and more EEO violations. So, we believe that's vital to the US government and its ability to recover funds, just like the Department of Justice and the Securities and Exchange Commission (SEC). We believe that OSHA auditors, when they find that there are those levels of fraud, should be able to then report those things for criminal activity, especially when there's government money involved or Commodity Futures Trading Commission involvement, that those things should be able to be brought forth and the whistleblower should be able to recover the same 10% to 30% as the SEC does. We know that there's been this kind of fraud. We know that there was a case about 10 years ago where an OSHA employee, an auditor themselves, was awarded \$820,000 because of such a case. So there needs to be safe places to work.

I think I've previously enumerated what I consider the toxic tactics of retaliation. I've identified them as gaslighting, mobbing, marginalizing, shunning, devaluing, double-binding, career blocking or blacklisting, counter-accusing, bullying, and doxxing. As I've mentioned, bullying has been added to the *DSM-5-TR* as a factor related to post-traumatic stress disorder (PTSD). PTSD is a condition for which somebody could receive disability compensation.

I just wanted to conclude by recognizing that as we think about these things, we think about trauma and having a trauma-informed perspective. We must be mindful that things like retaliation, bullying, harassment, and discrimination in the workplace are related to those kinds of things and we ask that we look at how those things can be better compensated and that there be more formulas for bringing mental health parity to the disability evaluation process for cases.

Teresa Daniel, HR Consultants, Tyler

Thank you once again for hosting this because this is really something that we have to be sure that we have the necessary information. I know that you all will be taking away those things that have been repeated over and over again and those comments. The trend that I continue to hear, of course, is training and development. That is the key. That is going to be the intentional piece that's going to make us move to the next level that we need to move to with the whistleblower protection within the Act.

I am a small business HR consultant. I just have a couple stats that I'm going to read off, and I'll probably be just preaching to the choir because you guys know these stats as well. I believe this gives just some more emphasis of where we are when we talk about small businesses. Small businesses account for 64% of new jobs annually. They create 1.5 million jobs in the U.S. 99.9% of business in the U.S. are small businesses and have fewer than 250 employees. We could break that down and go to the number of businesses who have one to 10 employees, which is 60%. Sixty percent are starting business to be their own boss.

Fifty percent of small businesses, of course, may not make it in the first five years, but we also want to note that over 65% of small businesses are profitable and 64% of small businesses start their business with less than \$10,000.

I want to talk about those stats a little bit so that we can always remember the stakeholders, and the importance that small businesses have on our economy. We cannot leave them out of the equation. We have to be sure the whistleblower training and development is put into a platform for our small business leaders and owners and, of course the employees, so that we can be intentional about being where we need to be with whistleblower protection and how we're going to move forward with this.

This is critical. I'll just end by saying we have to be able to move into a culture of awareness, education, and accountability. I think it goes hand in hand with being an HR consultant. I am all about the engagement. And that that's a two-way street, right? It's a two-way street with the employer and with the employees. We have to make sure that we're connecting the two and that we have opportunities to be able to work together to make things happen for the safety of all intended in our workforce.

Mark Sitch, Safety Manager, Dearing Compressor & Pump Co.

For years, I've been a seasoned EHS professional, and I've trained workers in safety. I've trained on all the OSHA required programs, including whistleblower. I was in a

situation in September 2022 with one of the owners of a company that I worked for only about five months. They dismissed me without proper reason when I discovered they were not following their own policy. They turned a blind eye to a subcontracted employee that was being treated as an employee when he admitted he wouldn't pass a drug test due to use. He was flagged for a drug test that he never took when he was hired months previously. He was placed in a company vehicle. One of the owners said that it would be taken care of later. I had to fight back and forth for unemployment while I was off for about eight weeks, until I secured another position in safety and lost my bid with the state for that.

I was the victim here; I never thought I'd be in this type of situation for trying to do the right thing, trying to gather the information to defend my position. The reporting period, as has already been mentioned, is way too short. I'm a safety manager veteran, and I found out the hard way after calling the OSHA office because I never even knew that you had 30 days. They said I was on my 37th day. So, there's nothing they could do for me. You know, now I'm at the point where I may have to pay back unemployment, \$5,000 for eight weeks out of work. Now, if there was a short, produced video, just a few minutes, that would be helpful, along with the posters, as we've mentioned. They should be incorporated in the mandated DOL postings. Having whistleblowers.gov on a mandated posted would be a good thing.

I'm out of luck now and would not like to see anybody else having to go through this. To be quite honest with you I was very upset after you know, knowing that after a 30-day window, there's nothing I can do on the 37th day. That's a big piece of information that needs to be put out there.

Mark Sitch also submitted a comment to the [docket](#).

Steven Schrag, Legislative/Regulatory Analyst, ConnectiCOSH

I spent 30 years working for the Service Employees International Union (SEIU) doing health and safety at the international and local level. In my experience, the two biggest obstacles to making workplaces safer are what I would call the two fear factors: employers are not afraid of OSHA and workers are afraid of their boss.

I am in the process of doing a follow-up on 81 fatalities in Connecticut from 2022 to see exactly how many criminal prosecutions there were when workers have died on the job. One of the challenges of putting together the list every year for Worker Memorial Day in Connecticut is that there isn't one list. OSHA has a list, kind of like a DO as the list, and Workers' Compensation has a list. They don't talk to each other about how many workers have died in the previous year. The fact is, it's always a challenge for me to put that list together. But there were 61 of them in 2022. I'm going to be following up on every single one of them to figure out who decided whether there should be a criminal prosecution or not because the worker didn't go home to his family.

This workers' fear isn't just in unorganized workplaces. I've worked with unionized and ununionized workers over the years. I worked at one of our hospitals in New York where we had a serious case of workplace violence. One of our workers was attacked by a patient and was left in a coma. I met with our union delegates, our stewards, and asked them how many of you have reported all the incidents of workplace violence. Out of 80 people, only five people raised their hands. This is in a unionized workplace in New York City, a highly unionized city. I can't imagine how terrible it must be in places where workers have no just cause protection from a union contract.

I'm currently doing a series of six Monday night classes for workers about health and safety. Just last this week, I raised the issue about 11(c) and asked them how many of them knew about it. Zero. Out of the 60 people in the class, no one had ever heard of it.

I'm so happy to hear that you have a new poster. I've raised this other stakeholder meetings. The original poster that OSHA had in 1979 was much larger and much bolder than the current OSHA poster is. I would love to see the new whistleblower rights poster. It is a small thing to do, but it's a something can least change the atmosphere in a workplace to have a poster that actually describes what people's rights are. I'm working with CONN-OSHA here in Connecticut to try to change our poster and the state version of the poster. I'm happy to hear that a federal OSHA is doing the same thing.

The other thing I want to raise is under [29 CFR 1910.1020](#), employers are required to tell workers every year what their right to access to information is. The Secretary of Labor could require that employers tell people what their rights against discrimination are. The Secretary of Labor could require every employer to every year tell workers about their 11(c) rights. You've heard a couple of people raise this exact issue. Workers don't know what their rights are, so they don't know how to exercise them. Requiring that employers tell workers every year would be one way to move in the right direction. Thank you very much for your time.

Samantha Feinstein, Staff Attorney & Director, International Program, Government Accountability Project

I'm a staff attorney at Government Accountability Project, and we are a nonprofit organization dedicated to protecting whistleblowers and advocating for them. Over the years we've provided 8,000 whistleblowers with support, and this helps to make us acutely aware of all of the challenges and opportunities within OSHA's Whistleblower Protection Program. Today, I would like to discuss the urgent need for improvements in the efficiency, expediency, and outreach of OSHA's Whistleblower Protection Program. Our recommendations aren't born out of theory, but they're rooted in the real experiences that we've had and individual historic cases, which have been mishandled or complainants whose rights were inadequately protected or the procedures that were available weren't sufficient. But, due to time constraints, I'm just going to highlight a few of our key recommendations. We're going to provide some written comments with more details to supplement this discussion.

First, I do want to applaud OSHA for its updated [investigations manual](#). We still have some concerns, of course, about applying the standards and the manual. We suggest one option would be to link performance appraisals to compliance with this manual and seeking feedback from the complainants when the case is closed to ensure that there is alignment with the procedures that are outlined.

Secondly, we have consistently been providing oral and written comments with recommendations. Without the opportunity to gauge OSHA's responses and we request that OSHA report on how it has acted on stakeholder recommendations, whether fully or partially and why some were not implemented. This transparency is important and would help us refine our suggestions and ensure that our participation is as productive as possible.

Now, I'd like to draw your attention to some specific recommendations, and we'd appreciate hearing from OSHA about these at some point during the future. I know we're in a listening mode today.

We recommended expanding the pilot program so that if a decision is not reached within 60 days, whistleblowers can proceed to a de novo ALJ hearing.

Many workers are unaware of OSHA and their whistleblower rights as many have shared today, and we've observed that OSHA posters were not consistently displayed by employers as required by law. So, will OSHA act on our recommendations to develop a clear process for reporting employer neglect and penalties for violations and undertake an audit to evaluate compliance and survey employees to assess poster visibility?

When complaints arise regarding the handling of a regional office's investigation, witness intimidation or evidence destruction, we believe it's crucial that OSHA does not task the regional office with investigating itself. Will OSHA take measures to ensure internal investigations are free of conflicts of interest?

Clarification interviews with complainants should be a standard procedure. Can OSHA share its efforts to make these interviews are the rule rather than the exception?

We have advocated for whistleblowers to have the same rights as employers, to know the employer's defense and submit a rebuttal. So, what steps has OSHA taken to address this imbalance as it currently exists?

Lastly, we've recommended providing investigators with specialized training relevant to the subject matter that they're investigating. What plans does OSHA have in this regard?

In conclusion, with the COVID-19 pandemic and OSHA's expanded jurisdiction, it is really necessary to have really strong whistleblower protections in place. So, our recommendations aim to make this program more efficient, more transparent, and supportive of whistleblowers. And of course, I understand that you're in a listening role

today and we are eager to hear your responses and to continue working together towards a more robust and responsible civil or protection program.

The Government Accountability Project also submitted a [written comment](#) to the docket.

Kathleen Hildebrandt, Tier 1, Amazon

Thank you for listening to us today. There have been so many good speakers and ideas. My name is Kathleen Hildebrandt, and I've been working with employees from a major warehouse corporation which has one of the highest injury rates in the U.S. These employees have had injuries due to safety issues. They're denied FMLA and denied accommodations, sometimes stemming from their injuries, and I've been managing this group on social media for about three years. All of these employees have difficulty navigating and finding help from government agencies that are supposed to be supporting these employees. We've had some success with the [U.S. Senate HELP Committee](#) listening to us.

I spoke at this meeting last year. Please update us, as many of last year's speakers gave opinions about what could change when you asked our thoughts.

I love that OSHA has implemented the new posters and a YouTube video. And I would like to ask OSHA whistleblowers to open a task force to investigate the harassment that employees go through when they file for workers' compensation due to injuries that happen in their workplace.

Employees are retaliated against for becoming injured and, thus, denied workers' compensation. Are their injuries even being logged? I'm hearing from other group members that there are inconsistencies in these logs and players are unethical and using deceptive practices to deny these workers' injuries. And employees don't know where to go for help. Employers are under-reporting and dismissing employee claims.

On a social media site that I frequent, I see claims of worker injury, employees discussing how they will not report an injury for fear of these retaliatory practices from their employers. Where is the accountability? The fines for these employers need to be increased to match the size of these billion-dollar corporations.

The corporations seem to have more rights than the employees. Employees have no power as individuals and often are dealing with the devastation of a workplace injury. There's frustration and anxiety. My former employer will deny reports of injuries so that employees must fight to get their workers' comp injuries paid for or covered, and sometimes they can't even return to work because the employer won't work with them. My former employer hires million-dollar law firms to avert workers' compensation claims. Many attorneys do not want to take on my former employer as they are just too big. Other attorneys want a quick settlement with no view towards the employee's future issues from the injury. I believe these settlements contain wording that the employee will not speak out publicly or be able to discuss their workers' compensation case. Lawyers pressure clients to take these settlements. How is an employee who makes

minimum wage, who got injured at work, supposed to find the resources to hire an attorney who will work in their best interest?

I have found that government agencies do not support individual employees either. When you call the government offices, over-burdened government employees divert you to another office. As they talk with group members, I'm finding workers with injuries are having their OSHA cases closed.

Some employees are being retaliated against for making safety complaints by having their accommodations denied. And OSHA's answer is to take the retaliation complaint to another agency, the [Equal Employment Opportunity Commission \(EEOC\)](#).

OSHA needs to do more to listen to workers. Timely filing can sometimes be an issue but not always. These timelines need to be much lengthier. And these workers need help. Employers who have digital human resource apps for employees to utilize should be required to display those OSHA labor law posters on those apps, and they should be prominent or come up frequently as pop-ups, so employees have consistent visibility of laws and regulations, as well as easy access within the application.

There should be stricter regulations and fines for employers who have over 5,000 employees or have been found to have denied or under-reported worker injuries, or denied claims because of an onsite medical facility unethically diagnosing employees' injuries as illnesses or preexisting injuries. Any employee who reports an injury should have a handout folder or a brochure triggered by the words such as injuries, chronic illness, or family time off need. To this day, people are still coming to my group for information that government agencies and players should readily provide.

What if employers are required to have OSHA handouts positioned next to those OSHA labor posters as employees do not have sufficient time to read these lengthy displays during their allotted break times? These handouts should be included with the mandated display of OSHA investigations posted.

I had an employer investigated by OSHA. The general public needs to know more about OSHA and when and why and how to file a whistleblower complaint. Thank you for listening to us speak today.

Richard Renner, Attorney, Tate & Renner

I'm an attorney in Maryland, near Washington, DC. I have a private practice. I've been handling cases at the Department of Labor under the whistleblower laws for 28 years now. I have a few comments.

I want to start with what I think is the concern that Assistant Secretary Doug Parker raised at the beginning, about how it's critically important that employees can raise concerns without fear. It seems to me that the most important criteria to accomplish that goal is the win rate for whistleblowers. According to the statistics that OSHA published for last year, out of over 2,000 complaints OSHA received under 11(c), it found merit in

only 17 of them. That's less than 1%. Now, admittedly, another 25% of those cases were settled, but the OSHA statistics do not give us enough information to know how many of those settlements involved reinstatement or its equivalent for those circumstances. It would be helpful if OSHA would start evaluating settlements as to whether or not they provide what OSHA considers full relief and note that in the statistics. That would encourage other people to come forward to OSHA and see that there's more than a 1% chance of getting relief through a whistleblower complaint there.

I've heard the heartache from a number of other stakeholders here: Mr. Stitch, who made his complaint on the 37th day and was seven days late for his 11(c) complaint. I agree that time limit should be longer. And indeed, OSHA 11(c), which gets more whistleblower retaliation complaints than all the other whistleblower laws put together, should be modernized to reflect the modern causation standards and the ability to get an ALJ hearing. It should be brought up to date with the other laws. Hopefully, the administration will be working with the allies in both parties to accomplish that.

I would suggest, if your employer is a contractor to the federal government as most large employers are, they are probably subject to the National Defense Authorization Act of 2013 at [41 U.S.C. 4712](#). That has a three-year statute of limitations, and I don't see any reason why an 11(c) health and safety workplace whistleblower couldn't make a complaint to the Inspector General, if there's a federal agency that provides any funding to that employer as most large employers. So, that would be one kind of stopgap in the meantime while we wait for Congress to modernize Section 11(c).

Another is that I would recommend the directorate work with its colleagues at the Office of Federal Contract Compliance Programs (OFCCP) to set up a Memorandum of Understanding so that OFCCP, perhaps, could take on OSHA 11(c) complaints that missed the OSHA 30-day time limit but are within OFCCP's 180-day time limit. People may get a second chance at some relief, if DWPP could work with OFCCP to coordinate investigations.

Finally, I have a couple comments about the poster. In introductory remarks, Mr. Martin said that the new poster is OSHA's first whistleblower poster. That is not the case. In fact, the OSHA web page has a traditional poster that is used under ERA cases for nuclear energy workplaces. NRC licensees have a separate posting, and that's a very detailed poster that describes the types of protected activities and the types of adverse actions that could be covered and, most importantly, informs people of the statute of limitations. I would recommend that this new poster that OSHA just created be modified to provide a little more information. One URL at the bottom is not enough to tell people who are looking at the poster that they may have only 30 days to file their complaint. So, it would be nice if the poster gave them a heads up about that.

I do have one final remark that came up from previous comments about training. Training can make a real difference for companies in the scope of whistleblower claims that their employees can bring. Employer training is important in determining the scope

of an employee's reasonable belief. That scope actually gets wider if the company has provided no training, but where the company does provide training, then the employee has a higher expectation to meet to show that their belief in a violation is reasonable. So, it's really in the company's interest to provide training, and it's in society's interest that workers have more training in both compliance programs and in their remedies for retaliation.

Thank you very much.

Mr. Renner also submitted a [written comment](#) to the docket.

Brian Hannon, Utility Inspector, Eversource

I'm with the Utility Workers Union of America (UWUA), Region One Safety Representative, and a couple of my colleagues are on this call with us. We've heard a lot of great stuff about communicating: the posters, the community outreach, and education. All of these topics are fantastic. One of the things that I've always believed in is that, in order for a whistleblower to get to a resolution, it's going to start with that first phone call. A lot of times, what happens is that nobody really knows who to call, who to reach out to. If they do reach out to somebody, and then they have to call back in a couple of days, are they going to get the same person? Are they going to get put back in the queue and whoever picks up the phone?

The colleagues that I'm on with, we have a national safety committee at the UWUA, and one of the tools that OSHA has helped us with that, quite frankly, has proven valuable beyond our wildest dreams, is we have labor liaisons now that we get intimately involved with. Unfortunately, we deal with them a lot in these utility industries. We're in gas, water, electric, solar, and wind. One of the tactics was to put us together with a regional representative from OSHA. I've got to tell you, it was a slam dunk when this happened because now we network with that representative of that region. We've become not just colleagues, we've become friends. We get to know each other's work habits. We get to know when we can call. You know, my guys Stephen Nee and James Amara out of OSHA, I can call those guys at any time. It absolutely created that bridge, right? Because we have a worker, whether it's union or non-union (we happen to be union, but it doesn't matter), that worker has an issue. Whatever the issue is that they feel the need to blow that whistle on. And then we have an agency like OSHA who does a great job and they're loaded with resources and information.

We need to create a bridge. We need to create the bridge between that worker in need and the and the organization that has all the help that we need. And I think that there needs to be a whistleblower representative in each region that a person could contact about the whistleblower program. You could get that same person all the time, follow up with them, and get information back to find out how the whistleblower program works. We just have to make sure that the employee understands that OSHA has their back, right? I've dealt with OSHA many, many times, and I know that OSHA is for the worker. I

think OSHA does a good job with keeping us informed as to what's going on. I think that goes a long way.

It takes a lot of courage to come forward. It's occupied enough space in their head that they felt the need to come forward, they're going out on a limb. They want to see an injustice righted, and they want to be part of that. It takes huge courage to be a whistleblower. I think we need to make sure that the whistleblower is taken care of and protected by any means necessary because we've heard a lot of other people on here talk about it. The last thing we ever want to see happens all the time, and, quite frankly, it's terrible. Somebody blows the whistle, and then they do a little covert retaliation on them. Companies are good at this, right? We need to be better than them. We need to make sure that we circle the wagons, that we all have each other's back, when it comes to this stuff. Because, you know, if companies that are out there doing the wrong thing all the time, if they're allowed to run rampant, and we are fearful. We can't get that information to the agency that's going to hold them accountable. If they're not held accountable, they're going to continue to carry on with those types of practices, whether it's money, personal protective equipment (PPE), safety equipment, policies, bullying - it doesn't matter. If their feet are not held to the fire, it's going to continue. My ask for today would be at the very least to give some thought to making some type of a regional whistleblower advocate at OSHA that will you know that will pick up the phone and stay with that person through the whole process.

Austin Keown, Safety Rep, Continental Tire

I'd just like to thank you all for the opportunity to discuss critical issues on employer retaliation within the context of the whistleblower program. I understand the importance of fostering a culture of safety and ensuring people feel protected when they report safety concerns. But, in most instances, employers may attempt to disguise retaliation under different pretexts. This is a pretty serious concern, as it undermines the fundamental rights of employees to express concerns about workplace safety without fear.

At the end of the day, employers will always win because there's someone else who said that there's a 1% win rate. I think the biggest problem that we have right now is outreach and education and development of understanding these types of cases. Without outreach, there are no cases. That should be the priority.

Anonymous

I am an advocate. I was injured on the job. I'm also an educator, and I'm an author of Petition 542, which called for a standard for Cal/OSHA to prevent workplace violence. I was knocked unconscious in the classroom. When I filed an OSHA complaint, because no investigation was done, on that day I was banned from every campus in the district. The union didn't really help support me. My union representative, who spoke a little bit earlier today, was retaliated against. The retaliation was intensive.

I think one of the things that has not been discussed is blacklisting. I don't think you really understand how long blacklisting can go on. In terms of retaliation, it doesn't just happen at that job. In some industries, like education, you have the same law firms for all of those schools and all those school districts in the same area. You have the same insurance companies. So, if you filed an OSHA complaint, and then you filed a complaint because of retaliation; then those same individuals, those same lawyers are going to be working for other school districts that you work for or that you apply for. So, the retaliation just continues. Literally 10 years later, I'm still experiencing retaliation.

I think that's something that needs to be addressed. What sort of options does somebody like me have? The originating circumstance was 10 years ago. So how do you address that? And then once again, myself and my union rep consistently asked who we can get help from. I even filed a retaliation complaint and after six or seven months, they said absolutely you were retaliated against, but we can't do anything because we're a governmental agency and we can't go against another governmental agency. They told people to report their injuries right away, but if you went through something like I went through, it's hard. I'm a Stanford graduate, a very highly esteemed educator. And yet, none of that mattered, right?

And it still doesn't matter. Because legal companies, corporations have more resources and money than I do as an individual. I think there's so many nuances to what really occurs.

I think that a certain percentage of those who work for OSHA should be whistleblowers. They should be people who've actually gone through the painful experience of trying to make places safer. Somebody actually ended up passing away after being kicked in the head after I was knocked unconscious. Other people were knocked unconscious at that school site in different district that I'm working in now.

The 300 log is a whole other issue because we don't have to report. We don't have to fill out the 300 log for violence as educators. I'm not sure who had that idea that it'd be a good idea to not track violence in schools, but whoever had that idea, it means that you don't have the statistics of how violent schools are. And let me tell you, folks are being injured every single day. And school districts are able to cover it up because of joint powers authorities. Joint powers authorities in California have no oversight. There's actually documentation at the state level stating that there's nobody to oversee them. They just kind of make the rules that they want to make and they have no oversight.

In terms of what somebody else was talking about these entities speaking to one another, it's like ping pong. It's not an issue. It's a workers' comp issue. It's not a workers' comp issue. It's an OSHA issue, right? There needs to be a lot more clarity around that.

I would also hope for all those not-for-profits out there that there's some way that you can reach out more to us, to injured workers. Because a lot of times it's hard to find that help if we're not getting what we need from OSHA. In general, OSHA, I guess, tried to

be as supportive as they could, but I don't know. There definitely needs to be a lot more support. I have tons of documentation.

Jodi Edwards, Environmental, Occupational Health and Safety, American Pacific

This is a great, great opportunity. I've listened intently, and the stories are stirring. I'd like to commend everybody that told their story today.

To OSHA's Whistleblower Protection Program, I would say that as you move forward, try to instill this significant amount of courage. It's necessary for this program to work properly. I would suggest that you guys consider putting together a place where we can go to read about some of the success stories so that we can see how the processes pay off for others. I think a lot of people would be able to gain some of the courage that they're going to need to go through this process from something like that.

Leo Rogers, EHS, Evans Concrete LLC

I have not had much exposure to this kind of information, but it has been extremely helpful, and I hope to hear more.

Rob Swick concluded the meeting at 2:57 EDT.