

Report to the Governor and General Assembly on the Warehouse Safety Standards Task Force, for the meeting held April 8, 2024

Pursuant to Public Act 102-1115, the General Assembly established the Warehouse Safety Standards Task Force to study warehouse safety standards. The Task Force is charged with providing quarterly updates of its findings, discussions, and decisions to the Governor and General Assembly, leading to a final report of recommendations by January 1, 2025.

The Task Force held its fourth meeting on April 8, 2024, at the Illinois Department of Labor's Springfield office at 524 S. 2nd Street. After Task Force procedural items, the Task Force heard from Brian Bothast, Safety and Occupational Health Specialist from Federal OSHA regarding emergency response in the context of occupational safety and health.

In Illinois, Federal OSHA has jurisdiction over private sector employers, and conducts inspections after severe injury reports, upon complaints, and randomized strategic inspections for specified hazardous industries. Mr. Bothast discussed the Federal OSHA emphasis program on warehouse safety, and shared common warehouse OSHA citations including powered industrial vehicles (such as forklifts), exits (such as piles of merchandise blocking exit routes), electrical hazards (such as exposed/frayed wires), and more.

Mr. Bothast also discussed the “[general duty clause](#)” of the Occupational Safety and Health Act, which states that employers have a general duty to provide a place of employment free of recognizable hazards. The general duty clause can be cited when there is no specific applicable standard for any given hazard. He gave the example of tall stacks of pallets that are not secured or anchored to prevent collapse. He also discussed the duty of employer to address the following recognized concerns:

- fall hazards;
- walking and working surface safety (making sure pedestrians don't trip);
- hazard communications such as hazardous chemical disclosures and training on hazards;
- personal protective equipment hazard assessment;
- training;
- respiratory protections;
- lockout/tagout (disabling machinery or equipment during maintenance or service to prevent hazardous energy release)
- machine guarding (preventing amputations).

OSHA does not have an ergonomic standard but expects employers to integrate ergonomics evaluation and communication into their safety and health program. However, OSHA does have a [heat emphasis program](#), which includes recommendations such as employee education and that management have a plan to check on employees.

Alexandra Cope, whose brother Clayton Cope was killed, along with six others, when a tornado hit at an Amazon warehouse in Edwardsville, IL on December 10, 2021, asked Mr. Bothast if Federal OSHA has considered an emphasis program for natural disasters. Mr. Bothast stated that there is an emergency action plan standard [1910.38](#), and the general duty clause. OSHA may issue a hazard alert letter if there is not sufficient evidence to merit a violation.

Sen. Ventura asked if there is a minimum heat standard (such as for workers who work outside in the summer) or a minimum cold standard (such as for meatpacking employees who work in a freezer). Mr. Bothast said there is not a specific temperature number that is considered unacceptable, but the assessment depends on whether the employer knows there is a hazard, and does the employer use effective controls.

Rep. Stuart brought up that the inspiration for the Task Force was the tornado that killed seven workers at an Amazon warehouse in Edwardsville, IL on December 10, 2021. She asked about the distinction between OSHA emphasis program recommendations and standards, and Mr. Bothast confirmed that these recommendations are possible components of a hazard alert letter, and are not specific standards employers are required to follow. However, if there is evidence that the employer knew of the risk and did not take action to prevent injury, illness, or death, OSHA may cite the employer under the general duty clause. Rep. Stuart asked if those principles could be transferred to the possibility of severe weather and natural disasters, such as tornado drills in geographic areas where tornados occur. Mr. Bothast said that while the measures to protect against, for example, injury, illness, and death caused by extreme heat have been developed over time, there is no such established set of measures for natural disasters. He agreed that OSHA may issue a hazard alert letter making similar sorts of recommendations for feasible controls that may make a difference.

Rep. Stuart began a discussion of whether federal OSHA standards could serve as a national minimum, and whether Illinois could establish occupational safety and health standards above and beyond. Director Flanagan clarified that the state of Illinois does not have jurisdiction over private sector, only public sector, when it comes to occupational safety and health. In order for the state of Illinois to take over jurisdiction over the private sector, Illinois would have to convert to “state plan state” status and Illinois OSHA would be responsible for all occupational safety and health. The task force discussed the logistics of Illinois becoming a state plan state, which would be a significant undertaking. IDOL staff estimated that doing so would require Illinois OSHA to expand 4 to 5 times its current size.

Director Flanagan then noted that the State can act in its capacity to protect citizens outside of the occupational safety framework by focusing on emergency planning for the general public. Mr. Bothast concluded his presentation.

At the last meeting, there was discussion of an Illinois company, Parsons Manufacturing, that had experienced a tornado hit and yet did not have any employee fatalities. As follow up to that discussion, a representative of Parsons submitted the following recommendations for employers to consider in natural disaster planning. These recommendations were submitted in writing and read aloud:

- 1. Provide shelters that are designed and engineered to withstand a direct hit from a tornado.**
 - a. Decide how large a tornado you are willing to prepare for. It costs much more to withstand an F-5 than an F-2 tornado.
 - b. Ensure there is enough shelter space to provide capacity for all the people in the building.
 - c. Ensure people do not need to travel too far to get to a shelter in time.

- d. Ensure emergency lighting is in all shelters.
- 2. Ensure everyone knows when and where to go.**
 - a. Monitor weather conditions during severe weather (visual, National Weather Service, and NOAA).
 - b. Ensure a reliable and consistent announcement system is in place.
 - c. Provide placarding in conspicuous places.
 - d. Train key people to lead the “evacuation” process (there are often visitors on site that won’t know what to do.)
 - e. Ensure employee lists and contact information are kept off site and readily available so they can be accounted for after a disaster.

Sen. Ventura raised the topic of building standards hypothetically requiring protection against levels of storms such as F2 or F5 and stated that storms are getting worse and F5 storms might become the minimum. She feels that the employers should disclose to employees how highly rated the shelter is. Director Flanagan mentioned that, as previously agreed to by the Task Force, the next meeting is going to focus on building codes. Greg Bryant of the Masonry Structural Coalition, who served as guest expert at a prior Task Force meeting, clarified that buildings are designed based on wind speed (mph) not on tornado classification (F1-F5). Mr. Bryant also shared that he had interviewed an employee of Parsons. The employee said he felt that there was sufficient number of shelters and advance notice to get to the shelters without it being a “mad rush.”

Rep. Stuart pointed out that even if a building has an adequate shelter, the occupants must know where it is and when they should go. She would like the task force to stay focused on those topics, such as consistent signage, and reliable communications to occupants. She referenced a recent emergency at the Illinois State Capitol where communication was inconsistent.

Rep. Keicher advocated for the Task Force to proceed with caution and be mindful of the statewide impact of policy decisions, and potential natural disaster such as earthquakes or flooding. He encouraged thoughtful dialogue to avoid putting too-high requirements on employers.

Alexandra Cope noted that there was a tornado warning recently in the same area where the Amazon warehouse was hit in 2021. She stated that the list of items from Parsons were excellent suggestions, and added that federal OSHA has a web page called “[Tornado Preparedness and Response](#)” that outlines similar recommendations.

Carla Cope mentioned the impact of climate change causing more severe weather, which Rep. Stuart agreed with. Lynn Cope stated a desire for stronger requirements instead of recommendations.

Director Flanagan stated that IDOL staff is working on lining up building code experts and disaster experts to present to the Task Force at the next meeting. Sen. Lewis asked if there is a timeline for the Task Force to conclude its business, and Director Flanagan recommended one more substantive meeting to hear expert testimony, one meeting in the fall to flesh out recommendations, and the final report is due to the Governor and General Assembly by January 1, 2025. Sen. Lewis asked if there had to be consensus or if there could be majority

recommendations with opposing views, and Director Flanagan encouraged the Task Force to consider how they wish to approach framing the report.

The meeting then concluded at 1:10 p.m. The next meeting is Wednesday, July 10, 2024 at IDOL's Chicago Office.