



# Trump Nominates David Keeling to Lead OSHA: 7 Things Employers Need to Know

Insights

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The Occupational Safety and Health Administration (OSHA) is about to get a new leader. President Donald Trump has nominated **David Keeling**, a workplace safety veteran with experience at UPS and Amazon, to take the lead at the agency and assume the role of Assistant Secretary of Labor for OSHA. His nomination signals potential shifts in workplace safety policy, enforcement priorities, and regulatory focus. Keeling's background suggests a mix of practical, on-the-ground experience and corporate safety management. But how will this translate into action at OSHA? More importantly, what should employers expect? Here are seven things employers need to know.

## Who is David Keeling?

- **UPS Experience:** Keeling started as a package handler at UPS in 1985 and worked his way up through multiple safety leadership roles. His career at UPS spanned nearly four decades, giving him firsthand knowledge of the challenges in ensuring worker safety at a massive logistics company.
- **Amazon Safety Leadership:** From 2021 to 2023, Keeling served as Director of Road and Transportation Safety at Amazon, furthering his expertise when it comes to workplace safety in high-energy environments.
- **Industry Reputation:** Keeling has received praise from employers and the business community for his technical expertise and practical understanding of workplace safety. The Coalition for Workplace Safety, for example, [submitted a letter of support](#) noting that his experience provides him with a "practical view of how to improve workplace safety." [The Teamsters have also backed his nomination](#), posting that they "applaud" Keeling's selection as someone who "started in the trades and understands the risks facing working Americans today."

## 7 Key Takeaways Employers Should Prepare For

Keeling's appointment comes at a time of significant workplace safety debates. The Trump administration is expected to roll back several Biden-era OSHA policies while setting new priorities for enforcement. Here's what employers should prepare for:

### 1. Potential Rollback of Electronic Injury Reporting Rules

The status of the OSHA electronic recordkeeping rule has flip-flopped back and forth over the past decade – and it's time for another swing of the pendulum under Keeling's leadership. The Biden-era OSHA expanded requirements for companies to electronically submit injury and illness data, which was often made public, and even issued an updated compliance directive in the waning days of the administration. A Keeling-led OSHA will most likely reverse or scale back these requirements to reduce regulatory burdens.

## **2. End of Public Data Releases**

The Biden administration provided a parting gift to employers in December by releasing comprehensive details on nearly 900,000 reported workplace injuries and illnesses recorded by the OSHA in 2023. This has already started to increase scrutiny toward employers. However, with Keeling leading the agency, we don't expect another public data dump anytime in the near future.

## **3. Scrapping the 'Union Walkaround Rule'**

A major policy change under President Biden allows employees to bring third-party representatives (including union officials) along for OSHA inspections – even in non-union workplaces. This rule has generated controversy, and a Keeling-led OSHA is expected to work towards reducing its influence, if not removing it altogether. We could also see the agency stand aside as legal challenges brought by business groups work their way through the court system.

## **4. Heat Illness Prevention Regulations on the Chopping Block?**

OSHA has been working on a nationwide heat safety standard to protect outdoor and warehouse workers from extreme temperatures. This initiative has faced business opposition due to compliance costs. Expect Keeling's OSHA to press pause on the standard while he and OSHA carefully review comments submitted during the rulemaking phase and either significantly revise the "one size fits all" nature of the current proposed standard, or scrap it altogether, and instead focus on OSHA's Water.Rest.Shade prevention program enforced through the General Duty Clause. Remember that OSHA's National Emphasis Program for Outdoor and Indoor Heat-Related Hazards remains in place through April, and state-level rules (e.g., in California, Nevada, and Maryland) will continue to apply.

## **5. Reshaping OSHA's Inspection and Enforcement Priorities**

During Trump's first term, OSHA slashed the number of inspectors it deployed to oversee more than 8 million workplaces to the lowest numbers on record. While those numbers rose under the Biden administration, we expect to see further streamlining under Keeling's leadership. We expect him to face pressure to modernize enforcement efforts – especially from the Department of Government Efficiency – and we expect to see OSHA focus on high-risk industries (construction, manufacturing, logistics, warehousing, etc.) and ease compliance burdens on lower-risk sectors.

## **6. Broader Infectious Disease Standard Will Fade Away**

While Biden's OSHA finally scrapped plans to finalize an outdated COVID-19 regulation last month, it started the ball rolling on a broader infectious disease standard that would create compliance obligations for healthcare employers across the country. We expect Keeling to end this initiative and instead reduce the focus on regulatory action.

## 7. State-Level Regulations Will Become More Important

With potential federal rollbacks, states with their own OSHA plans (such as California, Washington, and Oregon) may take the lead in implementing stricter safety rules. Employers operating in multiple states will need to track and adapt to a patchwork of state-specific compliance requirements.

### What Should Employers Do Now?

While Keeling will still require Senate confirmation before helming the leadership post, businesses should take proactive steps to prepare for potential regulatory shifts. Here's what you can do:

- **Review Your Safety Programs:** Ensure compliance with current federal and state safety requirements. Even if federal regulations loosen, state-specific rules may still apply.
- **Train Managers and Supervisors:** OSHA inspections and workplace safety programs depend heavily on manager-level enforcement. Train your teams on heat safety, injury prevention, and compliance best practices.
- **Monitor Regulatory Updates:** Stay informed about OSHA policy changes and state-level initiatives, as some states will likely strengthen their own enforcement efforts.
- **Audit Your Recordkeeping:** Even if electronic injury reporting is rolled back, maintaining accurate records remains critical for legal defense and liability management.

### What's Next?

If confirmed, Keeling would report to the Deputy Labor Secretary (who would report to Lori Chavez-DeRemer, Trump's nominee for Secretary of Labor). The Senate confirmation process will provide further insight into his policy priorities, and we'll provide updates as warranted. Make sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information. If you have any questions, contact the authors of this Insight, your Fisher Phillips attorney, or any member of our Workplace Safety team.

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