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Good Morning…Honorable Senator Genevieve Whitaker Chairwoman of the Committee on Education and Workforce Development, the 34th Legislature, the honorable senators, and the listening and viewing audiences. I am DEAN R. ANDREWS of the Department of Labor and I hold the position as the Virgin Islands Division of Occupational Safety and Health (VIDOSH) better known as OSHA (Occupational Safety and Health Administration). I would like to recognize the Honorable Commissioner Gary Molloy and the entire team, which I’m proud to represent here today. In particular, I would like to thank the VIDOSH team which I have had the honor of leading for the last ten (10) plus years.

The Virgin Islands Division of Occupational Safety and Health has the statutory responsibility to enforce and administer all laws and rules protecting the safety and health of the territory’s public sector employees. This responsibility includes members of the US Virgin Islands’ three branches of Government, its departments, agencies, and instrumentalities. VIDOSH operates within the confines of the OSH Act of 1974 and 2019 US Virgin Islands Code Title 24–Department of Labor Chapter 2. Occupational Safety and Health.

The VIDOSH Program is structured around three basic principles, which are set and regulated by national rules, regulations, and standards. These three principled areas include: Consultation, Educational Outreach/Training, and Enforcement.

Today I am before this body to explain VIDOSH’s role and the measures outlined in the 2019 US Virgin Islands Code Title 17 –Education Chapter 3 -Virgin Islands Board of Education §24 subsection (a)(2)(A) and (B) School management accountability Universal Citation. There are many interpretations related to VIDOSH’s role regarding school inspections and standards that are simply misaligned with the code. It is important that we
understand the mandate as it directly relates to the Board of Education and the Department of Education as the primary stewards for setting and certifying the standards for re-opening the territory’s schools. Furthermore, it is important that we also understand the functional responsibility of our territory’s key support agencies such as the Department of Health’s Environmental Division, the Department of Planning and Natural Resources; the Department of Public Works, and the territory’s Fire Services. It is imperative that we uphold the operational sequence outlined by the Virgin Islands Code.

VIDOSH can statutorily provide technical assistance to the Board of Education and/or the Department of Education during the certification process but it cannot come in the form of formal OSHA inspections. Because an OSHA inspection may generate legal citations if any hazard (s) are identified; the parameter for these actions are governed by the OSH- Act and/or the Virgin Islands Code. An OSHA inspection involves the employer, employees, and stakeholders such as the unions and employee representatives. I would like to make it clear for the records; the responsibilities of generating an OSHA inspection falls squarely on the VIDOSH Directors shoulders. Thus, the importance of when an OSHA inspection can be conducted is based on five factors: 1) Imminent Danger 2) Fatality Serious Accident 3) Complaint 4) Referral 5) Programmed Inspections. OSHA Inspection activities are not permitted to be conducted in a silo environment; employee, union, and stakeholders' participation is mandatory and represents the catalyst for initiating the process.

Regarding OSHA inspections, the Department of Education has no open OSHA inspections territory-wide and VIDOSH has not been involved in the Department of Education’s recent onsite K-3 School inspections.

VIDOSH can provide technical assistance in the reopening certification process and has done so in the past.

VIDOSH recently provided technical assistance in the form of a briefing involving the leadership teams of the Department of Labor and the Department of Education. The said presentation outlined much of the very details I’ve presented to this body. In the territory’s current state of flux from the COVID-19 Pandemic, effective communication is imperative.
VIDOSH is committed to protecting the health and safety of ALL Virgin Islands Public Sector employees and workplaces during these unprecedented times. Per the OSH Act and the Virgin Islands Code all departments, agencies, and instrumentalities are responsible to provide a workplace free from serious recognized hazards. VIDOSH will continue to ensure the public sector employee’s right to a safe and healthy workplace is at the forefront as well as ensuring the OSHA Guidance on Preparing Workplaces for COVID-19 remains part of the dialog. This concludes my testimony. Thank you for the invitation to provide Occupational safety and health information on the certification and the reopening of schools. VIDOSH is looking forward to being part of the solution. Respectfully, I welcome any questions you may have.