

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, STATE OF
WASHINGTON, STATE OF RHODE ISLAND,
STATE OF ARIZONA, STATE OF CALIFORNIA,
STATE OF COLORADO, STATE OF
CONNECTICUT, STATE OF DELAWARE, THE
DISTRICT OF COLUMBIA, STATE OF
HAWAI'I, STATE OF ILLINOIS, STATE OF
MAINE, STATE OF MARYLAND, THE PEOPLE
OF THE STATE OF MICHIGAN, STATE OF
MINNESOTA, STATE OF NEW JERSEY, STATE
OF NEW MEXICO, STATE OF OREGON, STATE
OF VERMONT, and STATE OF WISCONSIN,

Plaintiffs

v.

ROBERT F. KENNEDY, JR., in his official capacity as
SECRETARY OF THE U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES, and U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES,

Defendants.

C.A. No. 1:25-cv-00196-MRD-PAS

**BRIEF OF *AMICUS CURIAE*
AMERICAN INDUSTRIAL
HYGIENE ASSOCIATION**

**BRIEF OF *AMICUS CURIAE*
AMERICAN INDUSTRIAL HYGIENE ASSOCIATION**

The American Industrial Hygiene Association (“AIHA”) respectfully submits this *Amicus Curiae* brief in support of the Plaintiff States.

AIHA was founded in 1939 and is a 501(c)(6) non-profit organization incorporated in the State of Illinois (one of the Plaintiffs in this action). AIHA is the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety in the workplace and community. AIHA’s mission is to empower and advance those who apply scientific knowledge to protect all workers and their communities from occupational and

environmental hazards, by helping to ensure that work-related occupational and environmental health and safety hazards are anticipated and eliminated or controlled.

AIHA's members are occupational and environmental health and safety professionals, also known as industrial hygienists, who protect workers across all industry sectors. AIHA supports its members with its expertise, networks, comprehensive education programs, and other products and services that help members maintain the highest professional and competency standards. More than half of AIHA's nearly 8,500 members are Certified Industrial Hygienists, and many hold other professional designations. AIHA serves as a resource for those employed across the public and private sectors and the communities in which they work. AIHA also represents the profession nationally and internationally.

AIHA's interest in this case stems from the profound and direct impact that the recent reductions in force ("RIFs") at the National Institute for Occupational Safety and Health ("NIOSH") have had, and will continue to have, on the ability of AIHA to continue to provide a broad range of services to its members, which significantly affects the ability of AIHA's members to continue to provide strong protection for workers across all industry sectors.

NIOSH is the sole federal agency dedicated to occupational safety and health research, and its stability is vital to the health and safety of millions of American workers. NIOSH is the leading federal research institute for occupational safety and health. Its mission, established by Congress, is to conduct research to provide recommendations for the prevention of work-related injuries, illnesses, and fatalities. NIOSH's evidence-based research informs safety standards, training programs, and best practices that are essential for safeguarding workers across all sectors of the United States. Without a fully operational NIOSH, the foundation of occupational safety and health is severely compromised, leaving workers vulnerable to both known and emerging hazards.

AIHA and its members rely on the important work that NIOSH does to protect occupational safety and health. NIOSH is an indispensable federal agency with a unique mission that is not duplicated elsewhere in the government. Without NIOSH's continued and vigorous efforts, AIHA and its members will lose extremely valuable assistance with respect to, *inter alia*, research and establishing safety standards, training programs, and best practices.

The recent reductions in force ("RIFs") have created a significant operational crisis, jeopardizing NIOSH's ability to fulfill its congressional mandate and resulting in a loss of critical institutional knowledge. These staffing shortages have disrupted essential research, observation, and training programs, thereby compromising the health and safety of workers nationwide.

The RIFs have caused a significant operational crisis at NIOSH. The departure of experienced federal workers, whether through early retirement or seeking other employment, has resulted in a loss of decades of institutional knowledge. With approximately 62% of NIOSH staff still affected by the RIFs, core research efforts, human capital management initiatives, and administrative functions have been disrupted. This instability undermines NIOSH's ability to fulfill its mandate to protect workers and hinders its capacity to address emerging challenges, such as those presented by artificial intelligence, robotics, and shifting workforce demographics. Ongoing uncertainty surrounding staffing and operations further threatens the long-term effectiveness of NIOSH.

These detrimental effects on NIOSH also adversely affect AIHA and its members. The ability of AIHA to continue to provide a broad range of services to its members, and therefore the ability of AIHA's members to continue to provide strong protection for workers, depends, in significant measure, on the research and guidance that NIOSH provides on such important issues as safety standards, training programs, and best practices. Without NIOSH's continuing research

and guidance, AIHA and its members would be severely adversely affected because their ability to continue their efforts to protect workers would be severely compromised.

The consequences of underfunding and staffing cuts at NIOSH extend beyond public health. The instability caused by the RIFs has a measurable negative economic impact on the states where NIOSH maintains offices. NIOSH contributes to state and local economic stability through supporting jobs, research initiatives and funding, and contracts. For example, in Fiscal Year 2024 alone, NIOSH generated an estimated economic impact of \$101.5 million in Ohio and \$63.1 million in West Virginia. The instability introduced by recent RIFs threatens these economic contributions and weakens the foundation of evidence-based practices essential to maintaining a safe, healthy, and productive workforce and workplace. Protecting and sustaining NIOSH is not only a commitment to worker safety and health, but also a strategic investment in economic stability and resilience.

For the foregoing reasons, *Amicus Curiae* AIHA respectfully urges this Court to consider the indispensable role of NIOSH, the detrimental effects of the ongoing staffing crisis, and the significant public health and economic consequences. A stable, fully-funded, and staffed NIOSH is essential to ensuring every worker in the United States has a safe and healthy workplace. In light of NIOSH's vital role in protecting public health and supporting economic stability, the Court should grant the relief requested by the Plaintiff States to ensure NIOSH's full and stable functioning.

AMERICAN INDUSTRIAL HYGIENE ASSOCIATION

By its Attorneys:

/s/ Joseph Avanzato

JOSEPH AVANZATO (#4774)

javanzato@apslaw.com

ERIN A. HOCKENSMITH (#9588)

ehockensmith@apslaw.com

ADLER POLLOCK & SHEEHAN P.C.

100 Westminster Street, 16th Floor

Providence, RI 02903-1345

Tel: 401-274-7200

Fax: 401-351-4607

June 1, 2026

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2026, I electronically served and filed via the Electronic Court Filing (CM/ECF) system a true copy of the within pleading on all counsel of record and it is available for viewing and downloading from the ECF system.

/s/ Joseph Avanzato