

United States Senate

WASHINGTON, DC 20510

January 10, 2024

Andy Jassy
Chief Executive Officer
Amazon.com, Inc.
410 Terry Ave. North
Seattle, WA 98109-5210

Dear Mr. Jassy,

We write to express concerns regarding reports that Amazon inflicts persistent mistreatment on its Delivery Service Partner (DSP) drivers and to request further information regarding Amazon's DSP program.

Senate Health, Education, Labor, and Pensions (HELP) Committee Chair Sanders recently launched an investigation into "the abysmal safety record in Amazon's warehouses and the company's treatment of workers who are injured in those warehouses."¹ In response to a growing body of public reporting, expert analyses, and constituent concerns shared with our offices, we are conducting a similar but distinct oversight inquiry into Amazon's DSP program.

Amazon's freight truck drivers haul a variety of goods across highways every day, and their branded delivery vehicles are a virtually unavoidable feature in neighborhoods all over the country. Though nearly all Americans are familiar with and reliant on the services of Amazon-branded vehicles – which are operated by drivers in Amazon-branded vests who exclusively deliver packages with big, bold Amazon labels – few realize that Amazon refuses to acknowledge the workers who operate these vehicles as its legal employees.

Even though Amazon reportedly exercises near-total control over the wages and working conditions of its delivery drivers,² it appears to avoid legal liability through a network of delivery service partners – supposedly independent businesses that contract with Amazon. On paper, Amazon claims that these DSPs are the real employers of its delivery drivers. But as has been reported, DSPs have little discretion over key aspects of their businesses,³ which means that Amazon may be required to shoulder legal responsibility as an employer of DSP drivers.

An overwhelming body of reporting suggests this system of control without responsibility exacts an awful toll on drivers. Drivers have been made to work in extreme heat without air

¹ Press Release, Office of Senator Bernie Sanders, *Chairman Sanders Opens Sweeping Investigation into Amazon Warehouse Safety and Calls for Amazon Workers to Share Their Stories* (June 20, 2023), <https://www.sanders.senate.gov/press-releases/news-chairman-sanders-opens-sweeping-investigation-into-amazon-warehouse-safety-and-calls-for-amazon-workers-to-share-their-stories/>.

² See Hayley Peterson, 'Amazon has all the power': How Amazon controls legions of delivery drivers without paying their wages and benefits, *Business Insider* (Oct. 4, 2018), <https://www.businessinsider.com/amazon-controls-delivery-drivers-without-paying-wages-2018>

³ See *id.*; see also Josh Eidelson & Matt Day, *Drivers don't work for Amazon but company has lots of rules for them*, *Detroit News* (May 5, 2021), <https://www.detroitnews.com/story/business/2021/05/05/drivers-dont-work-amazon-but-company-has-lots-rules-them/4955413001/>.

conditioning,⁴ forced to make deliveries in the snow without proper safety equipment like snow tires or chains, and are often pressured to skip breaks.⁵ In some instances, drivers have been forced to work for nearly twelve hours without access to a restroom.⁶ In 2021, researchers used publicly disclosed OSHA 300A summary data to estimate that DSP drivers were injured at a rate of 18.3 injuries per 100 workers in 2021. In other words, nearly one in five drivers was injured on the job.⁷ This represented a shocking 38% increase over the 2020 injury rate.⁸

Over the last few years, reports of unsafe and unfair working conditions have demonstrated that widespread safety and labor violations appear to be a feature, not a bug, of the DSP program.⁹ As a result, Amazon drivers and dispatchers have picketed 25 Amazon warehouses across nine states over the past several months, including Connecticut, California, Georgia, Illinois, Michigan, Maryland, Massachusetts, New York, and New Jersey.

Amazon is also facing numerous allegations of flagrant violations of the National Labor Relations Act, including refusal to recognize and bargain with workers who recently voted to unionize with the Teamsters, holding captive audience meetings to stifle worker organizing efforts, reducing DSP routes in response to union activity, and terminating DSP employees in retaliation for union organizing and other protected activities.¹⁰

In addition to being dangerous for workers, the structure of Amazon's DSP program may help Amazon escape regulatory scrutiny. The DSP program is a highly fragmented, captive business model, characterized by its use of leased vans and other vehicles under 10,000 pounds. Because these vehicles are not subject to certain commercial vehicle regulations, it is nearly impossible

⁴ Press Release, International Brotherhood of Teamsters, *Teamsters Amazon Strike Hits Two Months, Extends to Central Coast Warehouse* (Aug. 25, 2023), <https://teamster.org/2023/08/teamsters-amazon-strike-hits-two-months-extends-to-central-coast-warehouse/> [<https://perma.cc/7YFN-H3JZ>]; see also, e.g., Danielle Kaye, *Delivery drivers want protection against heat. But it's an uphill battle*, NPR (July 20, 2023),

⁵ Annie Palmer, *Amazon Delivery Companies Routinely Tell Drivers to Bypass Safety Inspections*, CNBC (July 30, 2021, 12:20 PM EST), <https://www.cnbc.com/2021/07/30/amazon-dsps-tell-drivers-to-bypass-safety-inspections.html> [<https://perma.cc/5SFR-MJKM>].

⁶ See, e.g., Michael Sainato, *14-hour days and no bathroom breaks: Amazon's overworked delivery drivers*, The Guardian (Mar. 11, 2021), <https://www.theguardian.com/technology/2021/mar/11/amazon-delivery-drivers-bathroom-breaks-unions>; Jules Roscoe, *Amazon Drivers Are Still Peeing in Bottles*, Vice (Nov. 2, 2022), <https://www.vice.com/en/article/z348y9/amazon-drivers-are-still-pee-in-bottles>.

⁷ See Establishment Specific Injury and Illness Data (Injury Tracking Application), OSHA Database, <https://www.osha.gov/Establishment-Specific-Injury-and-Illness-Data>.

⁸ *The Worst Mile: Production Pressure and the Injury Crisis in Amazon's Delivery System*, STRATEGIC ORG. CTR. 6 (May 2022), <https://thesoc.org/wp-content/uploads/2022/06/The-Worst-Mile.pdf> [<https://perma.cc/SB64-HK6P>].

⁹ See *id.*; see also Beth Gutelius & Sanjay Pinto, *Pain Points: Data on Work Intensity, Monitoring, and Health at Amazon Warehouses*, CTR. URBAN ECON. DEV, UIC (Oct. 25, 2023), https://cued.uic.edu/wp-content/uploads/sites/219/2023/10/Pain-Points_Final_Oct2023.pdf [<https://perma.cc/K87N-BLX5>]; Christopher Weaver, *Amazon Routinely Hired Dangerous Trucking Companies, With Deadly Consequences*, WALL ST. J. (Sept. 22, 2022, 9:58 AM EST), <https://www.wsj.com/articles/amazon-trucks-crash-safety-11663793491> [<https://perma.cc/FM6S-K82K>].

¹⁰ See Press Release, International Brotherhood of Teamsters, *Teamsters Challenge Amazon at National Labor Relations Board* (May 4, 2023), <https://teamster.org/2023/05/teamsters-challenge-amazon-at-national-labor-relations-board/>.

to conduct oversight or regulatory efforts to analyze and understand the full universe of DSP operations. And while Amazon reportedly contracts with a workforce that is nearly as large as the U.S. Postal Service, there is no clear reporting requirement that would enable regulators to effectively identify all DSPs.

Clearly, further Senate oversight of Amazon's DSP program is overdue. In furtherance of this inquiry, we request answers to the following questions by February 10, 2024:

1. What is Amazon management's justification for insisting it is not obligated to bargain with union representatives of DSP employees, given the control Amazon wields over the terms and conditions of DSP employees, such as their wages, working conditions, routes, and hours of availability?
2. What is the justification for Amazon's requirement that several DSPs sign non-poaching agreements, in light of the company's claim that it does not control the working conditions of its DSP's employees?
3. Under what circumstances might an Amazon DSP possess a U.S. Department of Transportation (DOT) number and be subject to Federal Motor Carrier Safety Administration (FMCSA) inspection? Under what circumstances might an Amazon DSP operate under an Amazon DOT number?
4. If DSPs are indeed independent entities, are DSPs permitted to work with Amazon's direct package delivery competitors? Why, or why not? If so, what percentage of current DSPs work directly with Amazon's competitors?
5. Is Amazon responsible for the provision and maintenance of DSP vehicles and other safety and health conditions at its DSPs? If so, what is Amazon's process for ensuring compliance with state and federal regulations?
6. On average, at what percentage or dollar amount does Amazon subsidize the costs of vehicles and equipment for DSPs? What additional details can you provide as to the vehicle and operations financing model Amazon offers to prospective DSPs?
7. Does Amazon limit the number of delivery stations a DSP may operate out of or restrict how much DSPs can scale operations within the Amazon network?
8. What companies has Amazon contracted with as a part of its DSP program? Where are these companies operating their DSP programs?
9. Does Amazon have a standard lease agreement that DSP companies must sign to receive vehicle fleets? Please provide a copy of the standard lease agreement or copies of your 10 most recently entered lease agreements.
10. Does Amazon possess copies of OSHA 300A and OSHA 300 filings for all currently active DSP companies for the past 3 years (2020-2023)? If so, please provide this information. If no, please explain why Amazon does not collect this information.
11. What is the DSP turnover rate, and how many DSPs have stopped participating in the DSP program since 2018? Please provide this information by calendar year.
12. Does Amazon collect data on the automobile crash rates involving DSPs over the last 10 years (2013-2023)? If so, please provide this information. If not, please explain why Amazon does not collect this information.

We look forward to your prompt attention to this request.

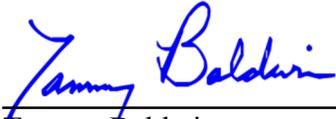
Sincerely,



Christopher S. Murphy
United States Senator



Benjamin L. Cardin
United States Senator



Tammy Baldwin
United States Senator



Bernard Sanders
United States Senator



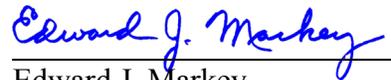
Sherrod Brown
United States Senator



Robert P. Casey, Jr.
United States Senator



Richard Blumenthal
United States Senator



Edward J. Markey
United States Senator



Sheldon Whitehouse
United States Senator



Elizabeth Warren
United States Senator



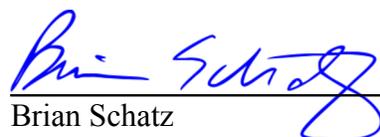
Chris Van Hollen
United States Senator



Tina Smith
United States Senator



Jack Reed
United States Senator



Brian Schatz
United States Senator



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



Amy Klobuchar
United States Senator



Debbie Stabenow
United States Senator



Tammy Duckworth
United States Senator



Roger Marshall, M.D.
United States Senator



Martin Heinrich
United States Senator



JD Vance
United States Senator



Gary C. Peters
United States Senator



Catherine Cortez Masto
United States Senator



Jacky Rosen
United States Senator



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Raphael Warnock
United States Senator



Josh Hawley
United States Senator