

United States Senate

WASHINGTON, DC 20510

January 12, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Martin Walsh
Secretary
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear President Biden and Secretary Walsh,

Following the announcement in late December of the withdrawal of the non-recordkeeping portions of the Occupational Safety and Health Administration's (OSHA) COVID-19 Health Care Emergency Temporary Standard (ETS),¹ we write to urge the Department of Labor to take all necessary steps to expeditiously issue a permanent standard to protect our nation's health care workers in the workplace. Particularly in the context of rising COVID-19 caseloads stemming from the spread of the Omicron variant, our nation's health care workers deserve a permanent, enforceable standard that will ensure their health and safety as they continue to work on the front lines of the pandemic response.

OSHA's June 21 ETS protected health care workers, who have shouldered the brunt of the COVID-19 pandemic. The emergency temporary standard, which requires employers to implement plans to identify and control COVID-19 hazards in the workplace, helped to ensure that workers had access to effective personal protective equipment (PPE) and adequate ventilation systems, and ensured workers were notified of workplace exposures to COVID-19, providing critical protections against the risks frontline health care workers face every day in their workplaces. We were encouraged by the administration's commitment to protecting health care workers through emergency protections by providing a clear standard detailing employers' responsibilities to their workers.

Accordingly, we were deeply troubled by OSHA's announcement on December 27 that the agency would remove these protections without a permanent standard in place, while at the same time the agency acknowledged health care workers remain in grave danger from exposure to COVID-19. Though the agency contends that the terms of the ETS remain "relevant in general duty cases in that they show that COVID-19 poses a hazard in the healthcare industry,"² we are concerned that the lapse of the temporary standard signals that OSHA no longer retains the necessary robust enforcement authority to provide adequate protections for health care workers, nor will there be a standard to provide adequate transparency or predictability for employees and their employers in evaluating health care workplace practices.

¹ [86 FR 32376](#), issued June 21, 2021.

² [COVID-19 Healthcare ETS | Occupational Safety and Health Administration \(osha.gov\)](#)

We are writing to urge you to move forward with a permanent, enforceable standard that would require employers to protect workers in health care settings and to keep the emergency protections in place until a permanent standard is issued, which should be accomplished as expeditiously as possible. Given the emergence and rapid spread of the Omicron variant, health care workers need to retain strong, enforceable protections now; these protections cannot lapse. This is necessary to adequately address the emergency context of the present situation health care workers are facing.

Sincerely,



Kirsten Gillibrand
United States Senator



Charles E. Schumer
United States Senator



Elizabeth Warren
United States Senator



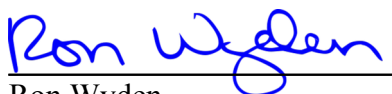
Tammy Baldwin
United States Senator



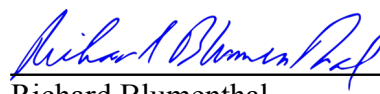
Bernard Sanders
United States Senator



Sherrod Brown
United States Senator



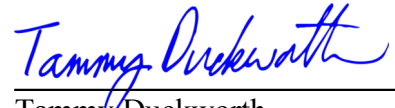
Ron Wyden
United States Senator



Richard Blumenthal
United States Senator



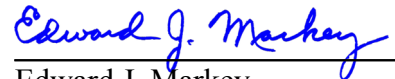
Tina Smith
United States Senator



Tammy Duckworth
United States Senator



Sheldon Whitehouse
United States Senator



Edward J. Markey
United States Senator



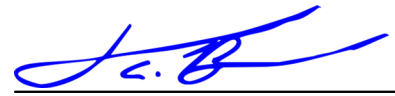
Robert Menendez
United States Senator



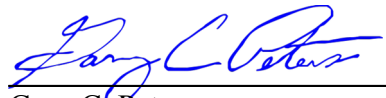
Alex Padilla
United States Senator



Mazie K. Hirono
United States Senator



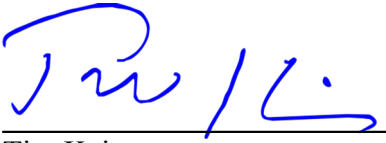
Cory A. Booker
United States Senator



Gary C. Peters
United States Senator



Chris Van Hollen
United States Senator



Tim Kaine
United States Senator



Debbie Stabenow
United States Senator



Christopher S. Murphy
United States Senator