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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

January 20, 2022

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

Dear Secretary Walsh,

I write to you regarding the Department of Labor's decision to withdraw the Occupational Safety and Health Administration's (OSHA) June 21, 2021 Emergency Temporary Standard (ETS) protecting health care workers from COVID-19. I ask you to move forward with a permanent standard as soon as possible, and in the meantime, take immediate steps to ensure that health care workers and all workers who are at risk of COVID-19 infection in their workplace have strong protections on the job.

For nearly two years, our nation's health care workers have provided care to millions of sick Americans, all while being concerned about putting themselves and their families at risk. Starting in March 2020, I urged OSHA to take action to protect workers and, in June 2021, was relieved to see the Biden Administration publish an ETS to protect workers from COVID-19 in settings where they provide health care or health care support services. The ETS noted the agency found these workers face a "grave danger" from exposure to the virus that causes COVID-19 and that an ETS was "necessary" to protect these workers from that danger.¹

With the recent emergence of the highly contagious Omicron variant, we are seeing another surge in cases and hospitalizations—and health care workers and the patients they care for continue to face a grave danger from COVID-19. As of January 17, 2022, the U.S. is reporting a daily average of nearly 157,000 COVID-19 hospitalizations and hospitalization rates this month exceeded the previous record set in January 2021.² OSHA has acknowledged this, noting "[w]ith the rise of the Delta variant this fall, and now the spread of the Omicron variant this winter, OSHA believes the danger faced by health care workers continues to be of the highest concern and measures to prevent the spread of COVID-19 are still needed to protect them."³

¹ Occupational Exposure to COVID-19, 86 Fed. Reg. 32,376 (June 21, 2021)

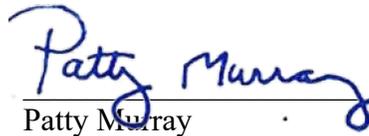
² <https://protect-public.hhs.gov/pages/hospital-utilization>

³ <https://www.osha.gov/coronavirus/ets>

Given this continuing danger, I urge OSHA to move forward with a permanent standard to protect workers in health care and health care support settings as soon as possible. In addition, while OSHA works to finalize the permanent standard, I strongly urge OSHA to use its authority to ensure robust protections for health care workers and all workers who are at risk of COVID-19 infection in their workplace.

Thank you for the work you have done to help keep workers safe from COVID-19 infection. We look forward to further engaging with you and the Department on this issue and providing any and all support to ensure health care workers receive the protections they deserve and need.

Sincerely,

A handwritten signature in blue ink that reads "Patty Murray". The signature is written in a cursive style with a large initial "P".

Patty Murray
Chair, Senate Committee on Health,
Education, Labor and Pensions

cc: The Honorable Doug Parker,
Assistant Secretary of Labor for Occupational Safety and Health