

Congress of the United States
Washington, DC 20515

April 8, 2020

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

Dear Secretary Scalia:

We write you today to request that you use the \$15,000,000 provided in the CARES Act for Departmental Management of the Department of Labor (DOL) to protect workers exposed to health and safety risks associated with the 2019 Novel Coronavirus as they deliver health care services, provide transportation services, and make available other essential services the public requires, and to implement new paid leave rights. These workers deserve every protection our laws are intended to provide and your commitment to making sure they are available.

More than three months ago, the World Health Organization declared a global health emergency due to the outbreak of the 2019 Novel Coronavirus. The outbreak has only grown worse since that time. As of April 8, 2020, the United States has 402,923 confirmed cases and 13,007 deaths resulting from this pandemic.¹ The majority of states have issued stay-at-home orders which generally only allow travel for trips to the grocery store, for medical care or other essential services, and limit social interactions.²

That's why Congress passed several pieces of legislation intended to address the growing health and safety risk of the 2019 Novel Coronavirus and support states, localities, families, and individuals facing this unprecedented challenge. The most recent action was near-unanimous passage of the CARES Act, legislation that provided, among other investments, \$15 million for your Department "to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations".

The Department is required to use these resources, and all available resources, to fully protect workers. That should start with issuing an Emergency Temporary Infectious Disease Standard. Unfortunately, we have more than ample evidence of the grave danger the 2019 Novel Coronavirus presents to workers. Some states have reported that close to 20 percent of

¹ Tracking COVID cases in the US, CNN Health accessed on April 8, 2020 at 1:55pm EST at <https://www.cnn.com/interactive/2020/health/coronavirus-us-maps-and-cases/>

² "See Which States and Cities Have Told Residents to Stay at Home", New York Times accessed on April 2, 2020 at <https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-order.html>

coronavirus cases are health care workers.³ Clear, effective, comprehensive requirements from the Occupational Safety and Health Administration (OSHA) is the only way to guarantee that all workers receive the protections from 2019 Novel Coronavirus that will keep them safe. Fortunately, much work has been done over the past decade on an infectious disease rulemaking that can be used to issue the Emergency Temporary Infectious Disease Standard.

In the interim, to protect workers from coronavirus infection, OSHA should be fully enforcing all applicable standards and directives, including the Personal Protective Equipment standard (29 CFR 1910.132), the Respiratory Protection standard (29 CFR 1910.134), the General Duty Clause (Section 5(a)(1) of the Occupational Safety and Health Act of 1970), and the Bloodborne Pathogens standard (29 CFR 1910.1030). Particular emphasis should be placed on workplaces where workers are deemed essential and also face a higher risk of infection, such as hospitals, clinics, nursing homes, slaughterhouses, poultry processing plants, and agricultural workplaces.

Workers also need the paid sick and family leave provisions of the recently-enacted Families First Coronavirus Response Act. These are important new protections we provided to individuals so they can stay home if they are sick, need to care for a family member, or have other coronavirus-related needs, without having to fear the loss of a job or a paycheck. However, individuals will only benefit from these new provisions if they are implemented as enacted in the legislation passed by Congress, and if they are aware of their new rights. Research on state paid leave programs has shown that usage and awareness is low for workers in low-wage jobs and members of minority communities.⁴ Therefore, you must ensure that specific outreach is conducted to these communities and other individuals who are desperately relying on these provisions.

Additionally, Congress approved several new unemployment benefits for workers impacted by the 2019 Novel Coronavirus. As weekly unemployment claims continue to rise, these benefits are a necessary lifeline for struggling individuals and families. While the Employment and Training Administration has recently issued long awaited guidance on these benefits, it must continue to work with States to ensure that claimants are able to access those benefits, removing any barriers or challenges to participation. In this effort, the Department must use the recently enacted appropriation for Departmental Management to oversee and coordinate activities related to these new provisions and to provide clear and consistent information, technical assistance, guidance, and support to all States during this time.

As you are aware, you are required to provide the House and Senate Committees on Appropriations with an operating plan for the use of the \$15,000,000 appropriation for Departmental Management not later than 15 days prior to the transfer of the funds to eligible appropriations accounts. When you submit this plan, we strongly urge you to do the right thing for the nation's workers and their families by including the funding necessary to carry out these priorities and help workers across the country access the benefits provided by the CARES Act.

³ "Health care workers see wave of coronavirus coming in their ranks", NBC News accessed on April 2, 2020 at <https://www.nbcnews.com/news/us-news/health-care-workers-see-wave-coronavirus-coming-their-ranks-n1174271>

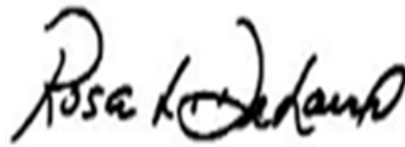
⁴ "Passing Paid Leave Laws Is Just the Beginning: Lessons from the Field on Raising Awareness", Center for Economic and Policy Research accessed at <https://cepr.net/images/stories/reports/paid-leave-2019-02.pdf>

We appreciate your attention to these issues and look forward to seeing the report. If you have any questions regarding this letter, please contact Mark Laisch, Minority Staff for the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies and Philip Tizzani, Majority Staff for the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

Sincerely,



PATTY MURRAY
Ranking Member, Subcommittee on
Labor, Health and Human Services,
Education, and Related Agencies
Committee on Appropriations
United States Senate



ROSA L. DeLAURO
Chair, Subcommittee on
Labor, Health and Human Services,
Education, and Related Agencies
Committee on Appropriations
U.S. House of Representatives