

U.S. Sen. Baldwin: Calls on Federal Labor Agency to invoke emergency protocols to provide and enforce safety standards for all essential businesses and workers

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WASHINGTON, D.C. – U.S. Senator Tammy Baldwin, Ranking Member of the Senate Employment and Workplace Safety Subcommittee, today joined her colleagues in calling on the U.S. Department of Labor’s (DOL) Occupation Safety and Health Administration (OSHA) to utilize its emergency enforcement mechanism to require employers to develop and implement comprehensive plans to keep all essential workers who continue to perform their jobs during the COVID-19 pandemic safe. The letter was also signed by Senate Health, Education, Labor and Pensions (HELP) Committee Ranking Member Patty Murray (D-WA) and Senators Richard Blumenthal (D-CT), Sherrod Brown (D-OH), Tammy Duckworth (D-IL), Bob Casey (D-PA) and Bob Menendez (D-NJ).

The lawmakers asked OSHA to issue an Emergency Temporary Standard (ETS), which would provide employers with a consistent roadmap of standards to follow to ensure all employees who continue to come into work across the country are protected, and eventually develop a permanent standard should another such emergency arise in the future.

“As the number of confirmed cases and fatalities related to COVID-19 continue to rise, frontline workers continue to keep desperately needed services in place - providing food, public transit, emergency services, healthcare, and ensuring construction projects move forward - despite the

risks associated with exposure to the virus,” the senators wrote in a letter to DOL Secretary Eugene Scalia. **“Many of these workers lack the necessary personal protective equipment and other resources to keep themselves safe. The COVID-19 pandemic underscores the immediate need for OSHA to issue such a standard to protect all those who are required to work during this public health emergency from exposure to the coronavirus.”**

The senators also called on OSHA to immediately issue an enforcement memo which would allow the agency to conduct on-site enforcement that ensures businesses are at the very least following current Centers for Disease Control and Prevention (CDC) guidance before the new ETS takes effect. They noted the precedent and framework provided by a similar enforcement memo issued in reaction to the H1N1 influenza in November 2009.

The full letter is below and [here](#).

Dear Secretary Scalia:

We write urging the Occupation Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) requiring employers to develop and implement a comprehensive plan to protect all essential workers who continue to go to work during the COVID-19 pandemic. We feel strongly that employees need standards in place to keep themselves safe during these unprecedented times. Without explicit direction from OSHA on necessary steps, businesses are left with little direction to instill confidence in their workforce.

As the number of confirmed cases and fatalities related to COVID-19 continue to rise, frontline workers continue to keep desperately needed services in place – providing food, public transit, emergency services, healthcare, and ensuring construction projects move forward – despite the risks associated with exposure to the virus. Many of these workers lack the necessary personal protective equipment and other resources to keep themselves safe. In addition to common sense steps that companies can take on their own, we feel strongly that the federal government has an obligation to protect employees during this public health emergency. The current lack of consistency surrounding the monitoring of symptoms, sanitation practices, personal protective equipment standards, and reporting and communication requirements must be addressed.

OSHA should immediately issue an enforcement memo to establish enforcement

policies and ensure uniform procedures to minimize occupational exposure risk to the virus for all essential workers. A similar memo – released in November 2009 in reaction to the H1N1 influenza – provides precedent and a framework for immediate action the administration could take. We strongly urge you to take a similar step to conduct on-site enforcement, at the very least, of the current Centers for Disease Control and Prevention (CDC) guidance plus any additional standards necessary to keep essential workers safe and save lives.

In addition, the Occupational Safety and Health Act of 1970 grants OSHA the authority to issue an ETS if workers are at grave risk of danger from a new hazard. The COVID-19 pandemic underscores the immediate need for OSHA to issue such a standard to protect all those who are required to work during this public health emergency from exposure to the coronavirus. In developing such a standard, OSHA should consult with the CDC, the National Institute for Occupational Safety and Health (NIOSH), unions, and worker protection organizations. Additionally, OSHA should work with the CDC and NIOSH to track work-related COVID-19 infections and make recommendations on needed actions or guidance to protect such employees. Finally, any ETS must be followed with a finalized, long-term standard afterwards as the ETS is by nature only temporary.

We implore you to take immediate action – proactively providing workers and their employers with these important protections.

Thank you for your expedited consideration of our request. We ask that you provide a written response to the concerns raised in this letter no later than April 17, 2020.

Sincerely,

An online version of this release is available [here](#).