

March 12, 2020

Dear Members of Congress:

We the undersigned 49 worker rights, public health and consumer advocacy organizations strongly support the passage of the **COVID–19 Health Care Worker Protection Act of 2020** (part of the *Families First Coronavirus Response Act*), a vitally important commonsense bill that would protect the safety of health care workers caring for patients with coronavirus. This important public health legislation requires the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard to ensure that health care workers are protected from the spread of COVID-19.

The rapid spread of SARS–CoV–2, the coronavirus that is the facilitator of the COVID–19 disease, has just been declared a pandemic by the World Health Organization. Of importance to prevent the spread of this disease, is implementing workplace protections for front line healthcare workers whose professional duty is to protect patients. There are already over 116,000 coronavirus infections worldwide, including over 1000 cases in the United States.ⁱ China’s outbreak infected over 3,300 healthcare workers by late February and included the deaths of 13 workers.ⁱⁱ In the United States hundreds of healthcare workers are already in quarantine since the virus’s first known American case in January.ⁱⁱⁱ

It would be a public health disaster if large numbers of health care workers get sick or are quarantined.

The most effective and expeditious action that Congress can take to protect frontline workers from coronavirus exposure is to mandate that OSHA issue an Emergency Temporary Standard (ETS) that will put an infectious disease standard into action that protects healthcare and other high-risk workers. Multiple agencies, including OSHA^{iv}, have released guidance and best practices for workplace exposure to CO-VID19. These resources are necessary but will not enforce employer responsibility to implement safety precautions or a robust exposure control plan. OSHA, the agency whose mission is to “assure safe and healthful conditions working conditions for working men and women,” must step in and enforce these critical safety measures.

Currently, there is only one OSHA standard enforcing the protection of workers from infectious diseases, and it applies only to bloodborne pathogens.^v This standard was created to protect healthcare workers from occupational exposure to diseases contracted through the blood like HIV and Hepatitis. Shortly after the H1N1 flu pandemic in 2009, OSHA began working on an infectious disease standard that would apply to contractable infectious agents. Due to the lengthy standard-making process, this standard was still in the making in 2017, when the Trump administration removed it from the regulatory agenda and placed it on the Labor Department’s “long-term action” list, where it still lies today with no regulatory updates since that time.

The reasons stated above are why we support the swift passage of the COVID–19 Health Care Worker Protection Act of 2020, a comprehensive piece of federal legislation that will protect our nation’s healthcare works by promulgating the following protections:

- Mandating that OSHA issues an Emergency Temporary Standard to protect healthcare workers. This bill will enforce the issuance of an ETS to protect healthcare workers and other workers that the Center for Disease control deems as high-risk for occupational exposure to SARS–CoV–2.

- This legislation provides protections for healthcare workers in the public and private sectors. Except for the 21 states that have state OSHA plans that cover public employers, OSHA regulations and standards normally only cover private employers. The COVID–19 Health Care Worker Protection Act will also apply to workers in public hospitals in all states that receive Medicare funding (same as OSHA’s Bloodborne Pathogen Control Standard). We also support Congress expanding protections to all public-sector high-risk workers.
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- This legislation not only quickly provides a temporary emergency standard to protect workers, but also provides an opportunity for a permanent measure to be put in place. This bill also protects workers in healthcare occupations from similar health emergencies in the future by requiring OSHA to proceed with implementing a permanent standard after the COVID–19 Health Care Worker Protection Act of 2020 is enacted.

Accordingly, we strongly urge you to support the swift passage and enactment of the COVID–19 Health Care Worker Protection Act of 2020 to extend workplace protections against exposure to coronavirus and protect millions of healthcare workers and other workers at high risk. If you have any questions, please contact Debbie Berkowitz, Health and Safety Director at the National Employment Law Project (dberkowitz@nelp.org).

Sincerely,

National Employment Law Project
 Alianza Nacional de Campesinas
 American Federation of Teachers
 American Speech-Language-Hearing Association
 Asian Pacific American Labor Alliance, AFL-CIO
 Association of Occupational and Environmental Clinics
 Center for Progressive Reform
 Center for Worker Justice of Eastern Iowa
 Communications Workers of America (CWA)
 Economic Policy Institute
 Family Values @ Work
 Greater Syracuse Council on Occupational Safety and Health
 Institute for Agriculture and Trade Policy
 Interfaith Worker Justice
 Interfaith Worker Justice of East Tennessee
 International Brotherhood of Teamsters
 International Chemical Workers Council
 IUE-CWA
 Jobs for Justice East Tennessee
 Justice at Work
 Kairos Center for Religions, Rights and Social Justice
 Labor Occupational Health Program, CA

Labor of Love Safety Training
Mass COSH
Migrant Clinicians Network
Moms Rising
National Advocacy Center of the Sisters of the Good Shepherd
The National Association of Social Workers (NASW)
National Council for Occupational Safety and Health
National Education Association
National Immigration Law Center
National Partnership for Women & Families
National Women's Law Center
New Labor, New Jersey
NETWORK Lobby for Catholic Social Justice
OXFAM
PHILAPOSH
PFLAG National
Public Citizen
Rhode Island COSH
SafeWork Washington
Service Employees International Union
South Florida Interfaith Worker Justice
Union for Reform Judaism
USMWF Org. Inc.
Western New York Council on Occupational Safety and Health
Working Family Solidarity
WorkSafe, Ca
Voices for Progress

ⁱ CNN, "Coronavirus cases pass 115,00 worldwide," (March 11, 2020) <https://cnn.it/38KvNBg> ; Business Insider, Aria Bendix, Rosie Perper and Rhea Mahbubani, "The US has reported 31 coronavirus deaths among more than 1,000 cases. Here's what we know about the US patients." (March 11, 2020) <https://www.businessinsider.com/wuhan-coronavirus-us-cases-health-risk-2020-1>

ⁱⁱ Business Insider, Holly Secon, "Nearly 3,400 Chinese healthcare workers have gotten the coronavirus, and 13 have died," (March 4, 2020) <https://www.businessinsider.com/healthcare-workers-getting-coronavirus-500-infected-2020-2>

ⁱⁱⁱ Business Insider, Holly Secon, "At least 5 US health workers have gotten the coronavirus, and hundreds more are in quarantine. Hospitals may face staffing shortages as cases surge." (March 5, 2020) <https://www.businessinsider.com/us-healthcare-workers-have-coronavirus-hundreds-quarantined-2020-3>

^{iv} Occupational Safety and Health Administration, "Guidance on Preparing Workplaces for COVID-19," (2020) <https://www.osha.gov/Publications/OSHA3990.pdf>

^v Occupational Safety and Health Administration, Bloodborne pathogens, standard number 1910.1030, Full standard text can be found here: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=10051&p_table=STANDARDS