



April 8, 2020

The Honorable Eugene Scalia  
Secretary of Labor  
U.S. Department of Labor  
200 Constitution Avenue, Northwest  
Washington, D.C. 20210

Dear Secretary Scalia:

We write urging the Occupational 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.<sup>1</sup> 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.

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<sup>1</sup> U.S. Department of Labor, Occupational Safety and Health Administration, “Enforcement Procedures for High to Very High Occupational Exposure Risk to 2009 H1N1 Influenza,” [https://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02\\_02-075.pdf](https://www.osha.gov/OshDoc/Directive_pdf/CPL_02_02-075.pdf) (accessed April 8, 2020).

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,

/S/ Richard Blumenthal

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RICHARD BLUMENTHAL  
United States Senate

/S/ Patty Murray

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PATTY MURRAY  
United States Senate

/S/ Tammy Duckworth

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TAMMY DUCKWORTH  
United States Senate

/S/ Robert P. Casey, Jr.

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ROBERT P. CASEY, JR  
United States Senate

/S/ Tammy Baldwin

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TAMMY BALDWIN  
United States Senate

/S/ Sherrod Brown

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SHERROD BROWN  
United States Senate

/S/ Robert Menendez

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ROBERT MENENDEZ  
United States Senate