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OSHA's long-awaited ETS only applies to health care workers

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The Occupational Safety and Health Administration on Thursday released the details of its long-awaited Emergency Temporary Standard, which it says will only apply to health care workers.

The agency said it will follow up with separate guidance for workers in such sectors as manufacturing, meat and seafood processing, grocery and retail.

The ETS, which has been submitted to the Office of the Federal Register, includes such requirements as sanitation, time off for illness or vaccinations, anti-retaliation measures, and personal protective equipment while working with COVID-19 patients. The guidance closely resembles rules issued by the Centers for Disease Control and Prevention.

Secretary of Labor Marty Walsh said during a media briefing

Thursday that the ETS is “aligned with science and latest health guidance” and that “the requirements will be familiar to folks.”

While worker advocates were expecting an ETS to apply to all industries, Mr. Walsh said, “the science tells us that health care workers, particularly those who come in regular contact with the virus, are most at risk in the pandemic.”

Jim Frederick, assistant Secretary of Labor for Occupational Safety and Health, said during the briefing that the highest number of complaints that OSHA has received have stemmed from health care settings.

The 44-page ETS provide details on mask-wearing and other PPE, which Mr. Frederick called “nuanced” and dependent on the setting and work being conducted; notification and tracking requirements for workers who have been exposed to COVID-19; screenings for patients and workers; precautions for unvaccinated workers; when and where to place barriers; ventilation requirements; and a requirement that health care settings have in place a COVID-19 safety plan and a designated workplace safety coordinator.

The ETS does not apply to “well-defined hospital ambulatory care settings where all employees are fully vaccinated and all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not permitted to enter those settings.”

The ETS also calls for employers in health care settings to encourage staff vaccinations.

OSHA said in a fact sheet that the ETS will take effect immediately upon publication in the Federal Register and will be in place until “OSHA finds a grave danger from the virus no longer exists for the covered workforce (or some portion thereof), or new information indicates a change in measures necessary to address the grave danger.” It is also subject to updates.



SECRETARY OF LABOR
MARTY WALSH/ REUTERS

The National Council for Occupational Safety and Health said in a statement that the new ETS, which follows a January executive order from President Joe Biden that OSHA by March 15 create a standard if it deemed one necessary, represents a “missed opportunity” to protect all workers.

“Health care workers who have saved lives during this pandemic deserve full protection — and so do all the other workers who provided us with food, shelter, sanitation and everything else we needed,” the statement reads.

Mr. Walsh said Thursday the delay in creating the ETS occurred so that OSHA could “take time to get this right for the workers.”

The American Society of Safety Professionals released a statement saying it is analyzing the ETS and that it “supports efforts by OSHA that aim to safeguard health care workers across the country from the airborne spread of the virus. The emergency temporary standard is a necessary action that will help employers across the health care sector take vital measures to better protect some of our most vulnerable workers and ultimately save lives.”

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