

**Congress of the United States**  
**Washington, DC 20515**

January 12, 2022

The Honorable Joseph Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Biden:

We write to thank you for the significant efforts your administration has taken to combat the COVID-19 pandemic. Your administration has taken dramatic steps to increase vaccinations, testing, and response to this ongoing crisis, and provide necessary support for families, communities, and businesses to put the United States on the path towards recovery. However, we are deeply concerned by the recent actions of the Occupational Safety and Health Administration (OSHA) to rescind the Emergency Temporary Standard for health care workers, placing these frontline workers at great risk as we face the latest surge in the pandemic.

Over the past few weeks, the entire country has seen staggering increases in COVID-19 cases due to the omicron variant. Over the course of the pandemic, Congress and our frontline workers repeatedly highlighted the dire need for OSHA to issue an Emergency Temporary Standard to ensure that these workers are guaranteed strong, enforceable protections in the workplace specific to COVID-19.

On June 10, 2021, OSHA issued an Emergency Temporary Standard to protect health care workers, including doctors, nurses, and other frontline workers in health care settings from the impacts and workplace safety risks of COVID-19, which went into effect on June 21, 2021. While the standard did not cover numerous industries in need of meaningful protection for the duration of the pandemic, it offered vital support for the individuals directly responsible for protecting public health.

Section 6(c) of the Occupational Safety and Health Act requires that an OSHA emergency temporary standard is effective until it is superseded by a permanent standard issued under non-emergency rulemaking procedures for OSHA standards, that the permanent standard be based on the emergency temporary standard, and that the emergency temporary standard serves as the proposed rule. Further, it requires that OSHA issue a permanent standard within six months of issuing an emergency temporary standard. As such, it is past time for OSHA to promulgate a final permanent Covid-19 health care standard, based on the ETS that was issued in June 2021.

However, OSHA has not yet issued a final permanent standard, and further, announced its plan to rescind the emergency temporary standard for health care workers on December 27, 2021, the same day the Centers for Disease Control announced new guidelines reducing COVID-19 case isolation times for the public to five days, and seven days for health care workers unless hospital employers say there is a staffing shortage. The removal of this OSHA standard as hospital

resources and workers are strained from grappling with record-breaking numbers of cases of COVID-19 and increasing hospitalizations underscores the dire need for a permanent standard – and retention of the emergency temporary standard until the permanent standard takes effect – for the duration of the pandemic to protect our health care professionals.

We have heard from frontline workers how they are exhausted and scared after combating this virus for nearly two years. They have gone beyond their call to duty, and they are past their breaking points. Rescinding this standard now, during one of the largest surges of this virus, puts them, their families, and their communities at risk. These workers have labored and sacrificed for the duration of the pandemic and it is unconscionable to remove critical protections that allow them to operate in a safe working environment without a meaningful permanent standard in place.

We are in desperate need of a continued strong, enforceable standard to provide full protections for these workers for the duration of the pandemic. Any delay in issuing a final standard directly puts these workers across the country at risk of illness and death as a result of COVID-19. We respectfully request an immediate resolution and urge OSHA to issue a permanent health care standard to protect these at-risk workers for the duration of the COVID-19 pandemic, and retention of the temporary standard so there is not further lapse in protections.

Thank you for your urgent attention to this matter. We would be pleased to discuss this further with you and your staff at your earliest convenience.

Sincerely,

Debbie Dingell  
Member of Congress

Raúl M. Grijalva  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Jan Schakowsky  
Member of Congress

Lucille Roybal-Allard  
Member of Congress

Thomas R. Suozzi  
Member of Congress

Anthony G. Brown  
Member of Congress

Jimmy Gomez  
Member of Congress

Ritchie Torres  
Member of Congress

Jesús G. “Chuy” García  
Member of Congress

Stephen F. Lynch  
Member of Congress

Barbara Lee  
Member of Congress

Joe Neguse  
Member of Congress

Rashida Tlaib  
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Betty McCollum  
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Ayanna Pressley  
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Marcy Kaptur  
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Ted W. Lieu  
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Daniel T. Kildee  
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Andy Levin  
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Grace Meng  
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Mondaire Jones  
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Mary Gay Scanlon  
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Yvette D. Clarke  
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Alexandria Ocasio-Cortez  
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Suzanne Bonamici  
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Earl Blumenauer  
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Bonnie Watson Coleman  
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Danny K. Davis  
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Frederica Wilson  
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Jamaal Bowman, Ed.D.  
Member of Congress

Joe Courtney  
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Jahana Hayes  
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Judy Chu  
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Donald M. Payne, Jr  
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Zoe Lofgren  
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Jamie Raskin  
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Nanette Diaz Barragán  
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Pramila Jayapal  
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Raja Krishnamoorthi  
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Brendan F. Boyle  
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Lloyd Doggett  
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Grace F. Napolitano  
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Brenda L. Lawrence  
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Veronica Escobar  
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Charlie Crist  
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Jason Crow  
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Steven Horsford  
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Cori Bush  
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Cindy Axne  
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Ted Deutch  
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Ro Khanna  
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Adam B. Schiff  
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Doris Matsui  
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Bill Foster  
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Tim Ryan  
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Carolyn Bourdeaux  
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Deborah K. Ross  
Member of Congress

Ann McLane Kuster  
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Conor Lamb  
Member of Congress