

MAJORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Chairman

RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
GREGORIO KILLI CAMACHO SABLÁN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
PRAMILA JAYAPAL, WASHINGTON
JOSEPH D. MORELLE, NEW YORK
SUSAN WILD, PENNSYLVANIA
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ANDY LEVIN, MICHIGAN
ILHAN OMAR, MINNESOTA
HALEY M. STEVENS, MICHIGAN
TERESA LEGER FERNÁNDEZ, NEW MEXICO
MONDAIRE JONES, NEW YORK
KATHY E. MANNING, NORTH CAROLINA
FRANK J. MRVAN, INDIANA
JAMAAL BOWMAN, NEW YORK
MARK POCAN, WISCONSIN
JOAQUIN CASTRO, TEXAS
MIKE SHERRILL, NEW JERSEY
JOHN A. YARMUTH, KENTUCKY
ADRIANO ESPAILLAT, NEW YORK
KWEISI MFUME, MARYLAND



COMMITTEE ON
EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,
Ranking Member

JOE WILSON, SOUTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
TIM WALBERG, MICHIGAN
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANK, NEW YORK
RICK W. ALLEN, GEORGIA
JIM BANKS, INDIANA
JAMES COMER, KENTUCKY
RUSS FULCHER, IDAHO
FRED KELLER, PENNSYLVANIA
GREGORY F. MURPHY, NORTH CAROLINA
MARIANETTE MILLER-MEEKS, IOWA
BURGESS OWENS, UTAH
BOB GOOD, VIRGINIA
LISA C. MCCLAIN, MICHIGAN
DIANA HARSHBARGER, TENNESSEE
MARY E. MILLER, ILLINOIS
VICTORIA SPARTZ, INDIANA
SCOTT FITZGERALD, WISCONSIN
MADISON CAWTHORN, NORTH CAROLINA
MICHELLE STEEL, CALIFORNIA
JULIA LETLOW, LOUISIANA
VACANCY

December 14, 2021

The Honorable Doug Parker
Assistant Secretary for Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Mr. Parker:

I write regarding the Department of Labor's Emergency Temporary Standard (ETS) protecting workers in health care and related settings from exposure to COVID-19.¹

In the months following publication of the ETS on June 21, 2021, COVID-19 remains a grave danger to workers. According to the Peterson Center on Healthcare and Kaiser Family Foundation, COVID-19 was the third leading cause of death in the U.S. in November 2021.² The spread of the Delta variant reversed the downward trend in deaths per day from the virus starting in August 2021, and the increase continues: while COVID-19 claimed 1,100 lives per day on average in November 2021, that number climbed to almost 1,600 lives per day in the first eight days of December 2021.³ Additionally, just within the past few weeks, a new variant—Omicron—has been detected and has started to spread in at least 31 states.⁴

The June 2021 ETS was promulgated pursuant to section 6(c) of the Occupational Safety and Health Act, which directs the Department to publish a final standard “no later than six months after publication of the emergency standard.”⁵ That statutory deadline is December 21. Given the approaching deadline, and the ongoing grave danger posed by COVID-19 to some of the

¹ Occupational Exposure to COVID-19; Emergency Temporary Standard; Interim Final Rule, 86 Fed. Reg. 32376 (June 21, 2021).

² Jared Ortaliza *et al.*, *COVID-19 Preventable Mortality and Leading Cause of Death Ranking*, PETERSON-KFF HEALTH SYS. TRACKER, Dec. 10, 2021, <https://www.healthsystemtracker.org/brief/covid19-and-other-leading-causes-of-death-in-the-us/>.

³ *Id.*

⁴ See Centers for Disease Control and Prevention, *Omicron Variant: What You Need to Know*, Dec. 13, 2021, [Omicron Variant: What You Need to Know | CDC](https://www.cdc.gov/media/releases/2021/s0113-omicron-variant.html) (stating that the variant was reported to the World Health Organization on November 24th and reporting that at least one case of the variant has been detected in 31 states).

⁵ 29 U.S.C. § 655(c)(3).

The Honorable Doug Parker

December 14, 2021

Page 2

nation's most essential workers, I request that you indicate whether the Department plans to publish a final COVID-19 standard to protect health care workers and on what schedule. Please provide a reply by Friday, December 17, 2021.

If you have any questions, please contact Tanisha Wilburn at Tanisha.Wilburn@mail.house.gov. Please direct all official correspondence to the Committee's Chief Clerk, Rasheedah Hasan, at Rasheedah.Hasan@mail.house.gov. Thank you for your attention to this matter, and I look forward to your response.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman