

Sent: Tuesday, December 28, 2021 11:35:04 AM

Good Morning,

As you may already be aware, on Monday, December 27, OSHA announced that it is withdrawing the non-recordkeeping portions of the Healthcare Emergency Temporary Standard (Healthcare ETS) issued on June 21, 2021. The COVID-19 log and reporting provisions, 29 CFR 1910.502(q)(2)(ii), (q)(3)(ii)-(iv), and (r), remain in effect. These provisions were adopted under a separate provision of the OSH Act. OSHA intends to continue to work expeditiously to issue a final standard that will protect healthcare workers from COVID-19 hazards, and will do so as it also considers its broader infectious disease rulemaking.

With the rise of the Delta variant this fall, and now the spread of the Omicron variant this winter, OSHA believes the danger faced by healthcare workers continues to be of the highest concern and measures to prevent the spread of COVID-19 are still needed to protect them. Given these facts, and given OSHA's anticipated finalization of this rule, OSHA strongly encourages all healthcare employers to continue to implement the ETS's requirements in order to protect employees from a hazard that too often causes death or serious physical harm to employees.

As OSHA works towards a permanent regulatory solution, employers must continue to comply with their obligations under the General Duty Clause, the Personal Protective Equipment (PPE) and Respiratory Protection Standards, as well as other applicable OSHA standards to protect their employees against the hazard of COVID-19 in the workplace. OSHA will vigorously enforce these ongoing requirements. In doing so, OSHA will accept compliance with the terms of the healthcare ETS as satisfying employers' related obligations under the general duty clause, respiratory protection, and PPE standards. Continued compliance with the requirements of the healthcare ETS is the simplest way for employers in healthcare settings to protect their employees' health and to comply with their OSH Act obligations.

For more information, please refer to OSHA's COVID-19 Healthcare ETS webpage. Please share this information with your members and stakeholders, as appropriate.

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[COVID-19 Healthcare ETS | Occupational Safety and Health Administration \(osha.gov\)](https://www.osha.gov/covid-19-healthcare-ets)

