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Interim President & CEO
Wade Henderson

January 19, 2022

Doug Parker
Assistant Secretary
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue
Washington DC 20210

Submitted via regulations.gov

**RE: OSHA Emergency Temporary Standard on COVID-19 Vaccination and Testing,
Docket No. OSHA-2021-0007**

Dear Assistant Secretary Parker,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 organizations to promote and protect the rights of all persons in the United States, we write to urge the Occupational Safety and Health Administration (OSHA) to adopt a COVID-19 standard. COVID-19 is the greatest occupational health crisis that our nation has faced since the passage of the Occupational Safety and Health Act and the establishment of the agency in 1970.

Since the onset of the COVID-19 pandemic, workplace exposures have been a major driver of new cases, hospitalizations, and deaths. This has been the case across geographical and industry lines: from farm workers to supermarket and restaurant workers, to transportation and construction workers, to warehouse workers, office workers, and more, COVID-19 workplace outbreaks have been a constant threat to the health and safety of workers in every industry across our nation. Government characterized many of these workers as essential. It is up to government to ensure that they are protected to the fullest extent possible while carrying out the work that allows our economy and society to function.

As we enter the third year of this pandemic, workers are still facing a grave and significant risk from COVID-19. Within one week in mid-November, Michigan reported 162 COVID-19 outbreaks, 157 of which were in workplaces. That same week, Tennessee reported 280 COVID-19 outbreaks, 161 of which were in workplaces, and Washington reported 65 outbreaks, of which 58 were in workplaces. Other states similarly experienced outbreaks predominantly in the workplace.¹ These figures preceded the Omicron variant-fueled surge that our nation is currently experiencing, which has only made the crisis more dire.

¹ https://affordablecareactlitigation.files.wordpress.com/2021/12/20211230111100851_union-petitioners-opposition-brief-signed.pdf

Protecting workers is an economic justice and racial equity imperative. When we fail to protect workers, it affects the health and economic well-being of all our families and communities, especially communities of color. Black and Latino workers and other workers of color are more likely hold frontline jobs, and these communities have disproportionate rates of illness and death related to COVID-19.² Black, Latino, and immigrant workers in meatpacking and poultry plants were disproportionately impacted by the devastating spread in those workplaces. The Centers for Disease Control and Prevention (CDC) estimates that 87% of all infections in the meat industry occurred among racial and ethnic minorities.³

Because of a lack of any comprehensive contact tracing or workplace data collection by the CDC, we don't know the full scope of how many workers got sick at work, how many were hospitalized, how many continue to suffer from long COVID, and how many have died in their effort to draw a paycheck. However, we do know that, for example, more workers have died from COVID-19 in meat and poultry plants to date during the pandemic than died from all causes in the industry in the past 15 years.⁴

OSHA's mission, as enacted by Congress, demands swift action to mitigate the spread of COVID-19 in the workplace and to protect workers across industries from this level of occupational risk. A COVID-19 standard must include, at minimum, provisions for:

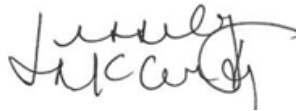
1. A COVID-19 worker protection plan for each workplace, in writing, created with input from workers and their representatives. Workers must be trained on its policies and procedures.
2. Implementation of mitigation measures at no cost to employees, including vaccines, regular testing, high quality face coverings, physical distancing, improved ventilation, routine cleaning, provision of hand sanitizer or the ability to wash hands frequently, and isolation/quarantine requirements for sick and exposed workers. Workers should have access to paid time off for vaccination, isolation, and quarantines.
3. Reporting and recording requirements that include notification to public health agencies and OSHA of COVID-19 cases in the workplace, noting work-related cases and cases that lead to hospitalization and death in particular.
4. Protections from retaliation for workers who report a possible or confirmed infection, request improved safety measures, or raise concerns about workplace protection levels in any forum.

Please reach out to Josh Boxerman, policy analyst, at boxerman@civilrights.org with any questions.

Sincerely,



Wade Henderson
Interim President and CEO



Jesselyn McCurdy
Executive Vice President of Government Affairs

² <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/disparities-illness.html>

³ <https://www.cdc.gov/mmwr/volumes/69/wr/mm6927e2.htm>

⁴ <https://www.bls.gov/iif/oshcfoi1.htm>