

Congress of the United States
Washington, DC 20515

April 26, 2021

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

Dear President Biden:

Over the past few weeks, the state of Michigan has quickly seen the worst COVID-19 outbreak in the country. Michigan is currently number one in the nation for daily new cases, and deaths have skyrocketed. In the past week alone Michigan has averaged 60.1 new confirmed COVID-19 deaths per day, a number that has more than tripled in the last month. Michigan hospitals' ICU capacity usage is at 84% – the highest in the United States.

Our frontline workers are past their breaking points; last week in a briefing, we heard from members of National Nurses United (NNU) and the Michigan Nurses Association (MNA) that many healthcare workers still do not have access to safe and effective Personal Protective Equipment. Many are still being forced to reuse single-use personal protective equipment, including N95 respirators. While every player on the University of Michigan football team gets a test every day, we heard from nurses working in COVID units who have never received a COVID test from their employer.

On January 21, 2021, you issued Executive Order 13999 entitled “Executive Order on Protecting Worker Health and Safety.” That order called on the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard by March 15th. Current law and regulation permits OSHA to promulgate an “emergency temporary standard” that requires employers to set additional rules to protect workers from exposure to toxic agents or new hazards. It is now April 26th, forty-two days after that deadline, and we are still waiting for the OSHA Emergency Temporary Standard to be issued. In the meantime, nurses and other frontline workers are still being put at risk of exposure to this deadly virus every day. A federal OSHA standard is important not only for protecting workers on the job, but also serves as an essential component of a comprehensive pandemic response to stop the spread of COVID-19.

If an OSHA standard had been issued by the March 15th deadline, frontline workers in Michigan would not be in the situation they are in today. The delay in issuing this standard is resulting in illness and death for our workers. Considering the spike in Michigan cases of the B.1.1.7 variant, which is more transmissible and more deadly than the original coronavirus strain, the timeliness of this issuance remains critical.

Last fall, Michigan OSHA created a state standard to protect workers during this pandemic. While we are proud that our state took action to develop a standard, the state standard does not stop nurses from being forced to reuse single use N95 respirators for multiple shifts, often involving both

COVID-positive and non-COVID patients, when they are intended to be used only for one patient contact. The state standard also does not guarantee a hospital-provided N95 when a nurse is exposed to aerosol transmission from a COVID patient when they are more than 6 feet away. Michigan OSHA also fails to require employers to track COVID infections and deaths among employees. As a result, the data we have from Michigan during this surge is inadequate.

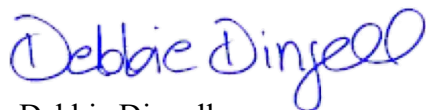
During this pandemic, healthcare workers have been asked to go beyond their call of duty and continue to bravely show up to work each day. It is unconscionable that we are not doing more to protect their health and safety. Our nurses deserve better.

Here in Michigan, we are in urgent need of a strong and enforceable federal Emergency Temporary Standard to provide the full protections that frontline workers need, and they need it now. These standards must include widespread testing of patients and staff, distribution of optimal PPE, and mandated reporting of healthcare worker infections and fatalities, among other critical protections. This emergency standard will address widespread workplace issues and provide much-needed guidance and protections for frontline workers across numerous industries, including healthcare, retail, and manufacturing industries.

Additionally, we request a detailed explanation of why the Emergency Temporary Standard required under Executive Order 13999 has not yet been implemented to date – six weeks after the initial deadline of March 15th.

Given the dire need to protect frontline workers, any action requiring additional time to review these standards, acquire public comment, or further delay its implementation is unnecessary and directly puts workers at risk. 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



Rashida Tlaib
Member of Congress



Andy Levin
Member of Congress