

LEGAL UPDATE

OSHA Reopens Rule-making Record for COVID-19 Health Care Rule

On March 22, 2022, OSHA partially [reopened](#) the rule-making record and scheduled an informal public hearing to seek comments on specific topics that relate to the development of a final standard to protect health care and health care support service workers from workplace exposure to COVID-19.

The notice announcing this OSHA measure is set to be published in the Federal Register on March 23, 2022. The public is invited to submit written comments regarding the final standard by April 22, 2022. Individuals interested in testifying at the hearing must submit their intent to appear no later than 14 days after the notice is published in the Federal Register (April 6, 2022). The public hearing will begin on April 27, 2022.

Reopening of the Record

In 2021, OSHA issued an emergency temporary standard (ETS) to protect workers in health care settings from occupational exposure to COVID-19. The ETS also served as a proposed rule and focused on health care workers most likely to have contact with people infected with the virus. OSHA is reopening the rule-making record to allow for new data and comments on the topic, including (but not limited to):

- Aligning the standard with the Centers for Disease Control and Prevention's recommendations for health care infection control procedures
- Providing additional flexibility for employers
- Removing some exemptions
- Tailoring controls to address interactions with people suspected or confirmed to have COVID-19

Impact on Employers

This OSHA notice does not create any new or additional obligation on employers. Employers must continue to comply with current requirements under the general duty clause, personal protective equipment and respiratory protection standards to prevent and mitigate COVID-19 cases.

Important Dates

March 23, 2022

Publication of OSHA notice for reopening the COVID-19 health care rule.

April 6, 2022

Deadline for submitting written intent to appear at the hearing due.

April 22, 2022

Deadline for submitting written comments.

April 27, 2022

Expected start date for public hearing .

OSHA is reopening the rule-making record to allow for new data and comments on the COVID-19 rule for health care employers.

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