



August 16, 2021

**The Honorable James Frederick
Acting Assistant Secretary
Occupational Safety and Health Administration
U.S. Department of Labor**

Docket No. OSHA-2020-0004

Dear Mr. Frederick:

The undersigned organizations represent our nation's long term and post-acute care providers who care for millions of individuals that are frail, elderly, or disabled. We appreciate the opportunity to comment on OSHA's Occupational Exposure to COVID-19; Emergency Temporary Standard (ETS) and that OSHA extended the deadline to submit comments. While each of our organizations will be submitting individual comments, we are writing to you collectively on our opposition to the ETS being potentially converted into a permanent standard.

COVID-19 has created -- and continues to create with the Delta variant -- unprecedented challenges for our entire health care and public health system. With the population that we serve, there is no doubt that long term care (LTC) communities have been at the forefront of this pandemic. Each of our organizations remain focused on protecting the health care heroes that care for our nation's most vulnerable, and we appreciate the importance of standards that ensure the health and safety of the health care heroes who have already sacrificed so much.

Since February of 2020, LTC facilities have been adhering to numerous evolving guidance and requirements from the Centers for Medicare and Medicaid (CMS) and the Centers for Disease Prevention and Control (CDC) aimed at preventing the spread of COVID-19. This includes infection control measures such as symptom screening, routine testing, cleaning, and the use of personal protective equipment. Many of the requirements in the OSHA ETS are already in place in most LTC communities. We urge OSHA to take into consideration the burden for providers in having to follow similar but different guidance from multiple agencies. This adds a layer of confusion and interferes with the abilities of professionals to make good, clinical decisions. **To this end, we recommend that the ETS not be converted to a permanent standard as CDC, CMS and state and local government/entities already have measures in place to account for staff safety.** In addition, given the pace of vaccinations in the long term care industry and OSHA's intent to promulgate a permanent airborne infectious disease rule, continuing the ETS beyond six months is not reasonable or appropriate.

We request that OSHA work with long term care providers to develop airborne infectious disease standards that are feasible, protect employees, and can serve in various outbreaks to allow for providers to be fully prepared and supported in these efforts. Each of our organizations would be willing to work with OSHA on this and help with identifying stakeholders to participate in these efforts.

Thank you in advance for your consideration of our request. Should you have any questions around this matter, we would be happy to connect OSHA directly with some of our members to hear firsthand the impact this ETS will have on our nation's caregivers and the individuals they serve.

Regards,



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