



October 31, 2025

The Honorable David Keeling
Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
200 Constitution Avenue N.W.
Washington, D.C. 20210

Re: Docket No: OSHA-2020-0004-2542; Occupational Exposure to COVID-19 in Health Care Settings

Dear Assistant Secretary Keeling:

Thank you for allowing the National Safety Council (NSC) to respond with comments to the Occupational Safety and Health Administration (OSHA) “Deregulatory Rulemaking” agenda. While the items listed for deregulatory action may seem insignificant on their face, NSC is concerned that actions taken to limit the scope of OSHA regulatory authority may balloon to where the agency is unreasonably hobbled in key safety oversight actions. OSHA has a moral, financial and statutorily required imperative to ensure employers are safeguarding their employees from currently known and future occupational hazards. As you begin your tenure leading the agency, NSC respectfully requests you thoughtfully and thoroughly consider the implications of any deregulatory posture on the safety and welfare of the nation’s workforce.

The National Safety Council

The National Safety Council (NSC) is America’s leading nonprofit safety advocate – and has been for over 110 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace and roadway. We create a culture of safety to protect people from hazard and injury in the workplace and beyond so they can live their fullest lives. Our more than 13,000 member companies and federal agency partners represent employees at nearly 41,000 U.S. worksites.

The Cost of Inaction

In 2023, there were 4,543 preventable deaths in workplace settings throughout the country.¹ These deaths represent family members no longer at the dinner table and community members no longer contributing to the success of their local municipalities. In addition to deaths, there were more than

¹ <https://injuryfacts.nsc.org/work/work-overview/work-safety-introduction/>

4 million medically consulted injuries from occupational hazards in 2023.² These injuries and fatalities are more than moral failings – they stem from inaction, mistakes and, at times, policy choices we must remedy.

In addition to the familial and community impact of occupational injuries and fatalities, there is also an economic cost and burden. In 2023, the total cost of work injuries was \$176.5 billion.³ This figure includes wage and productivity losses of \$53.1 billion, medical expenses of \$36.8 billion, and administrative expenses of \$59.5 billion. Employers' uninsured costs totaled \$15.7 billion while damages to motor vehicles and fire losses totaled \$5.9 billion and \$5.6 billion respectively.⁴

Each and every single worker in the United States deserves to work safely and return home when the workday is complete. OSHA ensures this is possible through trainings, educational programming, consultative efforts and, when necessary, regulation and enforcement. NSC believes each of these tenets works in a collaborative fashion to create an occupational safety and health framework that is rivaled by other nations. It is in the United States' best interest to continue to have a collaborative agency and strong oversight framework – ensuring both protections for workers and compliance assistance for employers.

Emergency Temporary Standards Save Lives

Section 6 of the OSH Act grants OSHA the ability to issue emergency temporary standards in select cases. These cases include when “employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards and such emergency standard is necessary to protect employees from danger.”⁵ The COVID-19 pandemic ushered in a wave of disease and death many in the United States have never experienced. As of September 25, 2025, the Centers for Disease Control and Prevention (CDC) estimates that COVID-19 contributed to the deaths of 1,235,651 people in the United States.⁶ Given the prevalence of COVID-19 throughout the United States, OSHA issued an emergency temporary standard on June 21, 2021 to “protect workers in healthcare settings from exposure” to the COVID-19 virus.⁷

In June 2020, NSC issued a policy position titled: Occupational Health and Safety Administration (OSHA) Regulatory Authority during the Coronavirus Pandemic.⁸ In this policy position, NSC called

² <https://injuryfacts.nsc.org/work/work-overview/work-safety-introduction/>

³ <https://injuryfacts.nsc.org/work/costs/work-injury-costs/>

⁴ Ibid.

⁵ <https://www.osha.gov/laws-regs/oshact/completeoshact>

⁶ <https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm>

⁷ <https://www.federalregister.gov/documents/2025/07/01/2025-11625/occupational-exposure-to-covid-19-in-healthcare-settings>

⁸ <https://www.nsc.org/getattachment/08ddfeaf-99ca-4d0e-a982-57b186c2b593/hc-osh-regulatory-authority-during-pandemic-160>

for OSHA to issue an emergency temporary standard to protect workers in all settings, not just limited to health care. At the time, NSC believed the emergency temporary standard should have included the following items:

1. Accessibility to hand-washing in accordance with the Centers for Disease Control and Prevention (CDC) recommendations
2. Physical distancing requirements following CDC guidelines
3. Facial coverings that may include personal protective equipment (PPE) or cloth facial coverings based on the work environment and risk assessment
4. Utilization of the hierarchy of controls to include engineering and administrative controls and PPE use
5. Workplace COVID-19 symptom screening protocols
6. Workplace response plan development

While OSHA did not choose to implement an emergency temporary standard for all industries relative to COVID-19 safety practices, it did so for the health care industry but sadly stopped enforcement except for recordkeeping and reporting provisions in December 2021.⁹ While the time may be now to sunset the emergency temporary standard from the Code of Federal Regulations (CFR) given the lapse of the public health emergency declaration, NSC encourages OSHA to continue to use its statutory authority to implement emergency temporary standards when necessary to save lives across industries. Additionally, OSHA should move quickly to adopt these science-based emergency temporary standards when public health emergencies occur. The over year-long delay between the beginning of the COVID-19 pandemic and OSHA issuing its emergency temporary standard should concern the agency given the total number of fatalities resulting from COVID-19. To shorten this timeline in the future, OSHA should continue to deepen its relationship with the National Institute for Occupational Safety and Health (NIOSH) given its connection to the Centers for Disease Control and Prevention (CDC). If the CDC is activated for a public health emergency, OSHA and NIOSH should begin collaborating immediately on enforceable workplace actions, based in science, that can keep employees safe from illness or death. This is especially prudent for industries that may experience the negative effects of a public health emergency at higher rates, such as health care professionals and first responders.

Sound safety practices enforced by OSHA are not siloed to workplaces. These safety practices, including properly fitting personal protective equipment (PPE), ladder safety and first aid preparedness, are integrated at the community level and keep countless people safe every single day. OSHA is right to remember this as it looks to the future and prepares for future responses where an emergency temporary standard may be needed.

⁹ <https://www.federalregister.gov/documents/2025/07/01/2025-11625/occupational-exposure-to-covid-19-in-healthcare-settings>

Conclusion

OSHA is an agency that bears a great moral weight: ensuring employers keep their employees safe and healthy. OSHA shares this moral weight with employers across the United States and safety organizations that are committed to helping employers comply with safety standards and frameworks. As new workplace challenges arrive, OSHA will be at the forefront in helping organizations think through what it means to be safe at work.

NSC believes OSHA has the staff and expertise to meet this vital mission. We encourage the agency to not dilute the power of the General Duty Clause, use its emergency temporary standard authority when appropriate and continue to prioritize the safety of workplaces by focusing on MSD reporting and injury interventions. OSHA standards, compliance assistance mechanisms and safety campaigns are key to keeping employees safe and now is not the time to weaken any practices which are aimed at protecting workers.

If you have any questions, please do not hesitate to email Anthony Abron, Government Affairs Manager, at Anthony.Abron@nsc.org. NSC looks forward to continuing to work with OSHA to ensure employers have access to vital tools which help keep their employees safe.

Best,



Lorraine Martin
CEO
National Safety Council