Biden administration withdraws federal COVID-19 safety standards for health care workers

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The Occupation Safety and Health Administration (OSHA) has announced it is withdrawing most of its Emergency Temporary Standards regarding workplace COVID-19 protections for hundreds of thousands of health care workers. The federal agency took the little publicized action Monday evening, one week after it allowed the six-month emergency temporary standard, or ETS, to expire without establishing permanent standards to replace them.

In a brief statement on its website, the agency wrote, "OSHA announces today that it intends to continue to work expeditiously to issue a final standard that will protect healthcare workers from COVID-19 hazards. … However, given that OSHA anticipates a final rule cannot be completed in a timeframe approaching the one contemplated by the OSH Act, OSHA also announces today that it is withdrawing the non-recordkeeping portions of the healthcare ETS…"

The expired standards were originally applied on June 21, 2021, at health care settings where COVID-19 patients were treated. While OSHA never aggressively enforced the rules, they nevertheless required employers with more than 10 employees to develop and implement written plans for workplace protections.

This included requirements for facemasks and PPE, HVAC systems, health screening and medical management, protections while using aerosol-generating procedures on persons with suspected or confirmed COVID-19, physical distancing, workstation barriers and cleaning and disinfection protocols. Other requirements included paid leave for vaccinations and vaccination recovery, protections against management retaliation for reporting violations of COVID-19 protections, employee COVID-19 logs and reporting work-related COVID-19 fatalities and in-patient hospitalizations.

OSHA claims it will continue to enforce recordkeeping provisions requiring COVID-19 logs and case reports, since they were established under separate provisions of the Occupational Safety and Health Act (OSH Act). In reality, employers already flout such provisions and regularly conceal information about the outbreaks and deaths from workers.

While OSHA claims it is preparing permanent standards, the decision by the Biden administration's health and safety agency essentially gives the giant health care companies a free hand to continue endangering the health and lives of frontline health care workers, who are already being worked beyond the breaking point in chronically understaffed and underequipped hospitals and long-term care facilities.

In its statement, OSHA lamely adds that it "strongly encourages all healthcare employers to continue to implement the ETS's requirements in order to protect employees from a hazard that too often causes death or serious physical harm to employees."

The dropping of the safety standards was only reported by Bloomberg Law and a few health care industry and legal publications. It was also reported by a coalition of unions, including National Nurses United (NNU), the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU), which had petitioned OSHA to set a permanent standard. The federal agency ignored the appeal and gave no public response.

The move follows last week's decision by the Centers for Disease Control and Prevention (CDC) to reduce the quarantine time for those infected by COVID-19 or exposed to an infected person from 10 days to five. The Biden administration took this action, which has been widely denounced by scientists and workers, after the airline industry lobbied the CDC for the reduction to force

infected workers back on the job as soon as possible.

Prior to that, on December 23, the CDC issued new guidelines for the health care industry which reduced the quarantine period to seven days with a negative test, and that "isolation time can be cut further if there are staffing shortages." It added, "Healthcare workers who have received all recommended COVID-19 vaccine doses, including a booster, do not need to quarantine at home following high-risk exposures."

As of December 22, 4,702 health care workers have died of COVID-19, including 476 registered nurses, according to NNU tracking data. To date, more than 1 million US health care workers have been infected, including 14,696 in the last month alone. On Wednesday it was reported that 30 percent of New York City's 4,400 emergency medical services (EMS) staff were out sick.

According to the Centers for Medicare & Medicaid Services there have been 696,711 confirmed COVID-19 cases among nursing home and assisted living center staffs and 2,184 deaths since the pandemic began. The human toll in these facilities themselves is horrific, with 744,526 confirmed cases and 141,595 deaths.

Facing the explosive anger of health care workers, the NNU and other unions felt compelled to issue a statement denouncing OSHA's decision. "Nurses applauded the Biden administration when OSHA issued an emergency temporary Covid standard (ETS) in June of 2021," NNU President Zenei Triunfo-Cortez said. "And now we are dumbfounded and enraged that OSHA is rescinding those protections at the same time that the CDC is weakening isolation guidelines to seven days for health care workers and even less time 'if there are staffing shortages.'

"OSHA's assertion that it 'intends to work expeditiously to issue a final standard that will protect health care workers from COVID-19 hazards' is welcome but wholly insufficient until such a standard is actually promulgated and has the force of law," Triunfo-Cortez continued. "The Department of Labor has had more than six months to make this happen, and yet the administration will be leaving nurses and other health care workers defenseless if the ETS is rescinded. Despite President Biden's promises that he would protect nurses, we can see in his administration's actions this week that those were just empty words."

Far from conducting a serious fight to protect the lives of health care workers, the unions have blocked a unified struggle by workers against the corporations and the Biden administration. Strikes by nurses and other health care workers in New York, Massachusetts, Illinois, West Virginia and other states have been sold out. In November, a coalition of unions shut down a planned strike by 32,000 Kaiser Permanente workers in California, Oregon and Washington state with a last-minute deal which sanctioned continued understaffing and helped management to pressure workers to come in even if they are sick.

Opposition is growing against these conditions. Earlier this month, overworked nursing home workers in Findlay, Ohio, walked out in opposition to understaffing and terrible working conditions. The state of Ohio responded by deploying National Guardsmen to the facility.

Nurse Ajaih Insley at Fox Run of Findlay Assisted Living told WTVG, "It got to a point where us nurses were working anywhere from 18-21 hours, and we would reach out to management and the only response we would get was, 'Oh boy, that sucks' and 'Oh boy, I hate that.'

"They would go hours at a time without staff, five or six hours with no nurse. So even my father-in-law was a resident there, and he wasn't getting his medication. And diabetics who were there who weren't getting insulin because there was no nurse, and there was nobody there in case there was an emergency," Insley said. The exhaustion meant the nurses were in no state of mind to be giving out meds but leaving the shift meant major consequences.

"So, on Monday, December 20, she said the nurses felt they had no other choice and walked out," WTVG reported.

To organize a collective struggle to protect healthcare workers' lives, we urge workers to follow the lead of the Kaiser Workers Rank-and-File Committee and join the growing national and international network of rank-and-file committees. We also urge healthcare workers to contact the WSWS to report on conditions in your workplaces. We will honor all requests for anonymity.

To contact the WSWS and the Socialist Equality Party visit:

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