



**Mark Gordon**  
Governor

# State of Wyoming

## Department of Workforce Services

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**Robin Sessions Cooley, J.D.**  
Director

**Elizabeth Gagen, J.D.**  
Deputy Director

July 15, 2021

Dear Healthcare Provider;

The Department of Workforce Services (DWS) and Wyoming OSHA Program (WYOSHA) would like to provide an update and clarification to the adoption of the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration Subpart U-COVID-19 Emergency Temporary Standard (ETS), which can be found at (<https://www.osha.gov/coronavirus/ets>) to protect healthcare workers from contracting coronavirus. As required by the U.S. DOL, the WYOSHA program must be "at least as effective" as the Federal program. That said, because WYOSHA is a state plan, the WYOSHA Commission (Commission) must adopt some portions of the ETS. However, it has some latitude to not adopt sections of the Standard if it believes equally effective measures are already practiced in the state.

On July 1, 2021, WYOSHA and the Commission began the process to **partially** adopt these standards. However, due to the unique circumstances of this ETS, WYOSHA must promulgate an emergency rule specific to Wyoming. Until the rule adoption process in Wyoming is complete, the COVID-19 Healthcare ETS is **not** enforceable in Wyoming. Once WYOSHA has the approved emergency rule in place, it will post notice of the effective date of the emergency rule on its website and social media. It will also send a formal notice to potentially affected healthcare employers.

**The Commission and WYOSHA are proposing to adopt all of the following sections:**

1910.502 Healthcare:

- |   |   |
|---|---|
| a) Scope & application  | j) Cleaning and disinfection                                  |
| b) Definitions  | k) Ventilation  |
| c) COVID-19 plan  | m) Vaccination  |
| e) Standard and Transmission-Based Precautions                                    | n) Training   |
| f) Personal protective equipment (PPE)  | o) Anti-Retaliation   |
| g) Aerosol-generating procedures of a person with suspected or confirmed COVID-19 | p) Requirements implemented at no cost to employees,          |
| h) Physical distancing  | r) Reporting COVID-19 fatalities and hospitalizations to OSHA |
| i) Physical barriers  | s) Dates  |

**The Commission and WYOSHA are proposing to not adopt any of the following sections:**

1910.502 Healthcare

- d) Patient screening and management
- l) Health screening and medical management
- q) Recordkeeping

**The Commission and WYOSHA are proposing the complete adoption of:**

1910.504-Mini Respiratory Protection Program

1910.505-Severability

1910.509-Incorporation by Reference

WYOSHA understands the concerns this ETS may present to employers in the healthcare field. Please know that it is working to eliminate overly burdensome and redundant protocols that it adopts in Wyoming, while still remaining compliant with its obligation to be “at least as effective” as the Federal program.

In the meantime, while we go through the rule adoption process, we encourage affected employers to begin taking the following measures to prepare for the effective date of the ETS:

- 1) Conduct a hazard assessment of the workplace to identify risk and potential for exposure.
- 2) Develop and implement a written COVID-19 plan for each workplace (or workplace type if multiple similar workplaces exist) to mitigate virus spread.
- 3) Provide appropriate PPE and respiratory protection to specific employees at high risk.
- 4) Ensure social distancing of 6 feet between workers where possible, and if not feasible erect barriers between employees as necessary.
- 5) Provide paid time off for workers to support vaccination.

As always, our two program area staff remain available for any questions or assistance that may be needed to enact the details of this ETS. These two program areas are:

1. Wyoming OSHA Consultation: <http://wyomingworkforce.org/businesses/osha/consultation/>
2. Workers' Compensation Safety and Risk: <http://wyomingworkforce.org/businesses/workerscomp/wcsr/>

We know that you will agree that your employees' health and well-being are paramount. We hope that this information is helpful, but please feel free to reach out to our WYOSHA Division to help answer any of your questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Robin Sessions Cooley". The signature is fluid and cursive.

Robin Sessions Cooley, J.D.  
Department of Workforce Services, Director

File Reference: RSC-21-017