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


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,

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

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