**DATE:** March 14, 2022

**TO:** PRR, OSH Forum

**FROM:** Helen Cleary

**RE:** National Advisory Committee for Occupational Safety and Health (NACOSH) Meeting Highlights

On February 22, 2022, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) held a National Advisory Committee for Occupational Safety and Health (NACOSH) [meeting](https://www.federalregister.gov/documents/2022/02/04/2022-02379/occupational-safety-and-health-administration-national-advisory-committee-on-occupational-safety-and). The [agenda](https://www.regulations.gov/document/OSHA-2022-0002-0009) included agency updates from OSHA and the National Institute for Occupational Safety and Health, and discussions on OSHA’s efforts regarding heat injury and illness prevention and risk-based safety.

All supporting documents can be downloaded via Docket [OSHA-2-22-0002](https://www.regulations.gov/docket/OSHA-2022-0002).

### [NIOSH Update](https://www.regulations.gov/document/OSHA-2022-0002-0011) with NIOSH Director Dr. John Howard

NIOSH Budget

In April of 2021, the Biden Administration proposed a budget of $345.3 million for FY22; on July 27, 2021, the House passed the Consolidated Appropriations Act providing $460.3 million in funding for NIOSH. In October of 2022, the Senate Appropriations Committee approved $347.3 million.

NIOSH and USG COVID-19 Response

* NIOSH continues to make significant contributions to the federal COVID-19 response
* NIOSH has transitioned the activities of the Worker Safety and Health Team within the CDC COVID-19 Response back to NIOSH programs
* This includes business outreach, technical assistance, PPE research and approvals, mask research, occupational epidemiology projects, and science and research coordination
* Given the availability of updated OSHA COVID—19 guidance for workplaces and the need to streamline federal COVID-19 resources, NIOSH began archiving its many workplace guidance documents, fact sheets and toolkits in August 2021

COVID-19 Recent Research Findings and Publications

* Effectiveness of Barriers: A [study](https://www.medrxiv.org/content/10.1101/2021.07.26.21261146v1) found that barriers do actually block 68% of particles between 0.35 - 3 μm generated from a simulated cough
* Public Health Workers’ Mental Health: A [MMWR](https://www.cdc.gov/mmwr/volumes/70/wr/mm7048a6.htm?s_cid=mm7048a6_w) reported that 53% of public health workers reported symptoms of at least one mental health condition in the past 2 weeks
* Maximizing Fit: Cloth and Medical Procedure Masks: NIOSH held team published an [MMWR report](https://www.cdc.gov/mmwr/volumes/70/wr/mm7007e1.htm) describing experiments to assess two ways of improving the fit of medical procedure masks: fitting a cloth mask over a medical procedure mask and knotting the ear loops of a medical procedure mask and then tucking in and flattening the extra material. Both substantially improved source control and reduced wearer exposure.
* SARs-CoV-2 Infections, Including Vaccine Breakthrough Infections, Associated with Large Public Gatherings: This [MMWR](https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w) was part of the evidence that supported the CDC update on guidance for vaccinated people.

Selected COVID-19 Research Projects

* Adding work related questions to an existing survey
* Collecting Industry and occupation for the 2022 BRFSS and analyze vaccination data by industry and occupation
* Impact of school bus ventilation and airflow variables on risk of exposures to SARS CoV-2

Barrier Face Coverings

* ASTM International, with subject matter expertise support from NIOSH’s National Personal Protective Technology Laboratory, released a new standard, ASTM 3502-21 Standard Specification for Barrier Face Coverings - <https://www.astm.org/products-services/standards-and-publications/covid-19.html>
* NPPTL developed a webpage that provides a table of BFC’s and Workplace Performance/Performance Plus masks that conform to the ASTM standard and NIOSH recommendations – <https://www.cdc.gov/PPEInfo/RG/Facecovers.html>

Consensus Study Report on Protecting Workers and the Public From Inhalation Hazards

* February 2022, the [National Academies of Sciences, Engineering and Medicine](https://www.nationalacademies.org/) published a [consensus report](https://www.nap.edu/catalog/26372/frameworks-for-protecting-workers-and-the-public-from-inhalation-hazards), Frameworks for Protecting Workers and the Public from Inhalation Hazards, to address respiratory protection needs not addressed by OSHA and the general public.

Additional Resources

<https://www.osha.gov/heat>

<https://www.osha.gov/dts/osta/otm_iii/otm_iii_4.html031019964.html>

<https://www.nihhis.cpo.noaa.gov/>

<https://www.osha.gov/heat-exposure>

<https://www.osha.gov/heat-exposure/illness-first-aid>

<https://www.osha.gov/sites/default/files/publications/heat_stress.pdf>

<https://www.osha.gov/heat-exposure/prevention>

**Q1:** Can you talk about the ongoing heat stress related research NIOSH has toward simpler quantified measurement of heat stress/ heat strain?

**A1:** NIOSH has been struggling with that for a long time. Our research is derivative of the U.S. Department of Defense, U.S. Army research which had a lot of quantitative measures. Coming up with quantitative measures that are fully grounded in solid research finding is the big question. It is an ongoing issue for NIOSH and we would be very interested in the ideas of the members of NACOSH.

**OSHA Update with Doug Parker, Assistant Secretary of Labor, OSHA**

COVID-19 - Reducing the spread of COVID-19 and protecting workers from exposure remains at

the forefront of the work OSHA is performing.

Updates include:

* On December 27th, OSHA announced it would withdraw the non-recordkeeping portion of the ETS while continuing to work on a final healthcare standard
* OSHA will continue to vigorously enforce the General Duty Clause and general standards
* OSHA will be accepting as compliance with General Duty Clause obligations for healthcare facilities, compliance with the terms of the healthcare ETS
* On January 27th, after the decision by the Supreme Court, OSHA announced it would be withdrawing the ETS and focusing Agency efforts on finalizing the healthcare standard
* OSHA will continue its work on a permanent Infectious Disease Standard

Heat Illness – OSHA is working to address Occupational Heat Exposure. Agency updates include:

* Development of a National Emphasis Program (NEP)
* Continuing the rule making process
* Updating the heat illness campaign
* In October, OSHA published an Advanced Notice for Rule Making for Heat Illness and Injury Prevention, for both indoor and outdoor work settings
* NEP will target high-risk industries and focus Agency resources on heat inspections

Other OSHA Priorities

* Redoubling efforts to make sure vulnerable workers are in safe working conditions
* Expanding outreach to underserved communities and employers
* Finding more qualified and diverse OSHA employees
* New and expanded relationships with stakeholders and other partners

**Q1:** In the last 5 or 10 years have we seen any significant increase in Heat Illness and Injury, or are we in the prevention mode now?

**A1:** The last time OSHA looked at data, there was an increase, but I couldn’t quote what that increase was. If you look at a state like California that has a standard for outdoor workers, the fatality trend has been down.

**Q2:** My question is regarding the COVID protection for healthcare workers. We have seen many mixed messages on whether the healthcare ETS is still being enforced. We have not seen clear direction from Federal OSHA and inspectors don’t know if they should be enforcing or not. I am looking for clarification from you.

**A2:** The announcement OSHA made on December 27, 2021, was a non-enforcement position until the withdrawal occurred. We paused on a withdrawal pending the outcome of the litigation. Rather than making a formal withdrawal, we are waiting for direction from the courts. I spoke to the State Plans last week and we informed them that we would be clarifying this through our system of sending out policy and directives. We have clarified with the states, or we were supposed to, the non-enforcement policy.

**Q3:** With regards to staffing, can you clarify if this is to fill the current existing positions or is it additional staffing?

**A3:** OSHA is filling existing positions. There is also a request for increased funding to increase staffing. We also have Recovery Act funding we are spending over the next several years – we are in one year of three years. That funding mechanism allows us to build our COVID-19 related work and frees up funding for other staffing. For example, we are hiring more whistleblower investigators which will exceed our ceiling, in fact, all our targets exceed our ceilings. We have hired around 100 employees in the last six months and that is double our attrition. We are making progress as we are getting ahead of attrition.

**Q4:** Can you talk about the relationships OSHA would like to build and the industries that you are interested in?

**A4:** OSHA has a lot of opportunities to engage through our Alliance Programs versus our traditional channels, and it is important for us to strengthen those relationships. I’m interested in getting input and information from workers and employers who are not necessarily among the groups with which we have regular interaction - underserved workers who don’t necessarily have a voice as well as voices from small businesses. I want to reach the folks who are not engaged right now.

**Discussion on Work and Heat Stress**

Rulemaking Update

OSHA published an [Advanced Notice of Proposed Rulemaking](https://www.osha.gov/sites/default/files/publications/OSHA4142.pdf) for Heat Injury and Illness Prevention in outdoor and indoor Work Settings on October 27, 2021 to consider heat specific work place standards. It contained 114 questions on the nature of heat illness in the workplace and the nature of effectiveness of intervention to prevent the illness. OSHA received over 1,000 public comments. Comments can be viewed on Docket Number OSHA-2021-0009-0001. For more information and updates, go to [www.osha.gov/heat-expsoure/rulemaking.com](http://www.osha.gov/heat-expsoure/rulemaking.com).

Heat Work Group

To help NACOSH provide recommendations to heat illness guidance and OSHA’s rulemaking activities a working group was formed. The first meeting will be held on February 25, 2022. The group consists of three NACOSH members along with twelve public members consisting of either labor or management from various industries. Work Group members have extensive knowledge and experience in the causes of, identification of, and factors that affect heat injury and illness hazards in the workplace, as well as best practices and interventions for mitigating occupational heat injury and illness. The Work Group will evaluate OSHA's heat illness and prevention guidance materials, develop recommendations for guidance materials, evaluate stakeholder input, and develop recommendations on potential elements of a proposed heat injury and illness prevention standard. The Work Group will present its written findings and recommendations on these tasks for consideration by the full NACOSH committee. After deliberations, NACOSH will submit its recommendations to the Secretary of Labor. For more information of the National Advisory Committee on Occupational Safety and Health, click [here.](https://www.osha.gov/advisorycommittee/nacosh)

Charge of the Work Group

The work group will be tasked with the following:

1. Evaluate and provide input and recommendations on existing material strategies, key information, and outreach strategies

2. Critically evaluate stakeholder comments and develop key recommendations on potential elements for rulemaking

*For more information on NACOSH’s Heat Work group and OSHA’s Heat Illness Prevention Campaign, please review PRR’s summary of the February 25, 2022 NACOSH Heat Work group meeting.*