

**STATEMENT OF JORDAN BARAB
ACTING ASSISTANT SECRETARY FOR
OCCUPATIONAL SAFETY AND HEALTH
U.S. DEPARTMENT OF LABOR
BEFORE THE
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES**

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Chairman Miller, Ranking Member McKeon, Members of the Committee:

Thank you for this opportunity to discuss the Occupational Safety and Health Administration's (OSHA's) strategy for the protection of American workers from the new strain of Influenza A (2009-H1N1) virus. During an influenza pandemic, transmission can occur in the workplace just as it takes place in other settings. A pandemic may also disrupt many work operations and could conceivably cause major losses to our economy. Fortunately, because of the work OSHA has done in preparing for a possible outbreak of a pandemic related to the Avian Influenza (H5N1) virus, the agency is fully prepared to address the dangers of the 2009-H1N1 virus. The full range of OSHA's training, education, enforcement, and public outreach programs will be used to help employers and workers protect themselves at work.

Preparation is critical. Proper planning will allow employers in the public and private sectors to better protect their employees and lessen the impact of a pandemic on society and the economy. OSHA has developed guidance to help employers determine the most appropriate work practices and precautions to limit the impact of an influenza pandemic.

Because pandemic-related health and safety risks are greater in certain workplaces, OSHA is focusing its direct efforts on educating employers and employees in the higher-risk exposure categories. OSHA uses its “Occupational Risk Pyramid for Pandemic Influenza” to determine those workplaces that are at a higher exposure risk level. The Pyramid visually demonstrates that only a small portion of workers are at the highest exposure risk level (see <https://www.osha.gov/Publications/OSHA3327pandemic.pdf>).

In response to the 2009-H1N1 outbreak, OSHA’s current outreach efforts are aimed at high-risk and very-high risk workers – those who have direct contact with infected individuals as part of their job responsibilities – such as health care workers and first responders. OSHA recognizes the importance of protecting healthcare workers on whom this country will rely to identify, treat and care for individuals with the flu. Our frontline healthcare workers are the foundation upon which our health care system is built. If they are not able to work due to illness, or unwilling to work due to fears for their health, individual patients and the country’s entire health care structure will suffer. To help health care employers and workers prepare for an influenza pandemic, OSHA has developed “Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Employers.” The publication is available on OSHA’s website, and provides valuable information and tools about healthcare facility responsibilities during pandemic alert periods.

If we are to expect our healthcare workforce to come to work each day during a pandemic, then their employers have a responsibility to ensure they have the best

protection, including appropriate respirators and other personal protective equipment. And let's not forget the custodians, security guards, administrative employees and maintenance workers who support those high-risk workers. While generally not at high exposure risk themselves while performing their normal job duties, if we are to expect them to come to work each day to carry out critical functions, they must be educated about the virus, their level of risk, what situations increase their risk and how to protect themselves.

OSHA is developing guidance to employers, including in the health care industry, on how to determine the need to stockpile respirators and facemasks. The proposed guidance is publicly available on OSHA's website. Once finalized, this guidance will be added as an appendix to OSHA's existing guidance to employers on how to prepare for a pandemic. It is our expectation that most of this nation's hospitals and healthcare institutions, where workers are clearly at exposure risk, are fully prepared to provide that training, equipment and protection. And if they are not now prepared, that they are working hard to prepare and finalize plans to ensure that they are ready for an outbreak in their area or for a severe pandemic. These plans should include ordering and stockpiling respirators and other personal protective equipment, conducting fit testing, medical evaluation and training workers.

Employers play a key role in protecting employees' safety and health and OSHA will continue to provide them with technical assistance, guidance and other information about steps to be taken to protect their workforces.

OSHA stands prepared to use its existing authority to aggressively enforce safe work practices to ensure employees receive appropriate protection. Although OSHA has no specific standard on influenza exposure, in appropriate circumstances the agency will use the “General Duty Clause” of the Occupational Safety and Health Act, which requires employers to provide employment free from recognized hazards, to ensure that employers follow the practices that public health experts agree are necessary to protect workers’ health. OSHA and the Centers for Disease Control and Prevention (CDC) have distributed extensive information about how to protect workers from influenza exposure in the workplace.

OSHA also has standards addressing personal protective equipment, as well as a respirator standard that requires a complete respiratory protection program including training, medical evaluation and fit testing when respirators are needed to protect workers’ health. It is the employer’s responsibility to ensure these workers have the protection and training they need: when to wear a respirator, what kind of respirator, how to get the respirator fit-tested and wear it properly; when to wear gloves; and how to put on and take off personal protective equipment.

OSHA has been addressing the issue of an influenza pandemic in the workplace for a number of years. The agency first issued guidelines on this hazard in March 2004. The guidelines were updated and expanded in February 2007 in a document entitled, *Guidance on Preparing Workplaces for an Influenza Pandemic*. This publication, issued

jointly by DOL and the Department of Health and Human Services, is an excellent source of information for employers on how to prepare for a pandemic and to select appropriate administrative, work practice, and engineering controls and the personal protective equipment to reduce the impact a pandemic could have on business operations, employees, customers and the general public.

In addition, based on our existing guidance and the current virus, OSHA is developing numerous sources of information for workers and their employers on pandemic influenza. They include Fact Sheets and *Quick Cards* written in both English and Spanish. The agency's website (www.osha.gov) contains comprehensive information on dealing with a pandemic, including frequently asked questions for healthcare workers and copies of OSHA's guidance documents. OSHA plans to post answers on this site to common incoming questions about 2009-H1N1 from workers and employers. The agency's webpage not only contains helpful information but also is linked to the Federal website at www.pandemicflu.gov. That site has up-to-the-moment information on the status of the 2009-H1N1 outbreak and advises people of measures they can take to minimize the risk of their own exposure and how best to avoid exposing others.

If the 2009-H1N1 outbreak becomes severe, OSHA will be fully integrated in public communication efforts. We will distribute news releases and public service announcements to media outlets, employers, trade associations, and unions, directing the viewer to OSHA's more detailed on-line resources.

OSHA's consultation program, with offices located throughout the nation that provide assistance to small businesses, is also part of the pandemic flu response. The state consultants are knowledgeable about the mix of workplaces and industries in their states and can determine which worksites most need to be informed. Consultants will deliver advice and information both to individual worksites and government or business headquarters. OSHA can provide similar assistance to federal government agencies by having OSHA compliance safety and health officers fulfill requests for technical assistance.

Particularly since September 11, 2001, the ensuing anthrax attacks and Hurricane Katrina, as well as throughout the extensive pandemic planning, OSHA has worked closely with other agencies involved in emergency response such as the Department of Homeland Security, the Environmental Protection Agency, the Department of Agriculture, and HHS, including the National Institute for Occupational Safety and Health (NIOSH) and the CDC. The Department of Labor has representatives participating daily in interagency conference calls and working groups related to pandemic preparedness and updates on and the coordinated response to the 2009-H1N1 flu. OSHA, working closely with CDC and NIOSH, has taken the lead role in establishing worker protection protocols for pandemic flu and providing advice and assistance to other government agencies.

OSHA recognizes it plays an essential role in protecting critical emergency responders and workers in such professions as health care, border security, and transportation – as

well as the general workforce. Based on OSHA efforts since the World Trade Center tragedy, response organizations have been coming to OSHA for technical assistance. Through planning and preparedness practice, OSHA has worked closely with state and local public health agencies to deal with emerging health hazards. I am confident that the numerous exercises we have carried out in emergency planning at both the federal and local levels in the past eight years will pay off in our ability to work together in combating this threat to the workplace.

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Mr. Chairman, in addressing an influenza pandemic that threatens the workplaces of this nation, we are confronting an unprecedented hazard. In OSHA's 38-year history, America has never experienced a flu pandemic. However, I would characterize this situation for the workforce just as the President has described it for the nation: "Cause for deep concern, but not panic." I am very confident in the expertise of OSHA's medical, scientific, compliance assistance and enforcement personnel. OSHA is prepared to address this threat and we will protect our workforce. I will keep you informed about OSHA efforts to protect America's working men and women from pandemic flu exposure.