

**STATEMENT OF THOMAS GALASSI
DIRECTOR, TECHNICAL SUPPORT AND EMERGENCY MANAGEMENT
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
U.S. DEPARTMENT OF LABOR
BEFORE THE
SUBCOMMITTEE ON THE FEDERAL WORKFORCE, POSTAL SERVICE
AND THE DISTRICT OF COLUMBIA
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES**

May 14, 2009

Chairman Lynch, Ranking Member Chaffetz, 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 America's Federal workers, including those at the front-line of the Federal government's response to the new strain of Influenza A (2009-H1N1) virus. During an outbreak of a novel influenza virus like the 2009-H1N1 virus or an influenza pandemic, transmission can occur in the workplace just as it takes place in other settings. Federal agencies need to be prepared for these unusual public health emergencies so that the Federal workforce is protected and essential Federal programs and services are sustained. Fortunately, because of the work OSHA has done in preparing for a possible pandemic related to the Avian Influenza (H5N1) virus, the agency is prepared to address the dangers of the 2009-H1N1 virus. The full range of OSHA's training, education, technical assistance, enforcement, and public outreach programs will be used to help protect the Federal workforce, especially those at the front-line of the response.

Preparation is critical. OSHA has been engaged in the efforts associated with the “National Strategy for Pandemic Influenza” and the “National Strategy for Pandemic Influenza Implementation Plan,” which together direct all Federal departments and agencies to plan and prepare for a possible influenza pandemic. To support the preparations of all employers, including Federal agencies, OSHA published two guidance documents to help employers better protect their employees and lessen the impact of a pandemic on society and the economy. First, DOL/OSHA jointly published with HHS “Guidance on Preparing Workplaces for an Influenza Pandemic” (OSHA 3327-02N 2007, <https://www.osha.gov/Publications/OSHA3327pandemic.pdf>), which provides information of value in all workplaces. The guide includes an “Occupational Risk Pyramid for Pandemic Influenza” to help employers select appropriate administrative, work practice, and engineering controls and personal protective equipment based on exposure risk associated with specific tasks.

In response to the current 2009-H1N1 outbreak, OSHA’s outreach efforts have been aimed primarily at high-exposure risk and very-high-exposure 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 health care workers, like those working for the Department of Veterans Affairs, on whom this country will rely to identify, treat and care for individuals with the flu. To help health care employers and workers prepare for an influenza pandemic, OSHA also issued in 2007 “Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Employers” (OSHA 3328-05 2007,

<https://www.osha.gov/Publications/3328-05-2007-English.html>). The publication provides valuable information and tools about health care facility responsibilities during pandemic alert periods.

OSHA is also developing guidance for employers, including those 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.

In addition, based on our existing guidance and available information about the current outbreak, 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 health care workers and links to OSHA's guidance documents. OSHA plans to post on this site answers to common questions about the 2009-H1N1 flu from workers and employers. The agency's webpage is linked to www.pandemicflu.gov where employers can find additional frequently asked questions and answers on work place safety and health issues

As part of the 2009-H1N1 outbreak, OSHA has been fully engaged in Federal coordination on issues related to worker protections. Through formal structures like the

Homeland Security Council's Domestic Readiness Group and the Health and Human Services Secretary's Operation Center, as well as through the informal network of Federal safety and health contacts developed since 2001, OSHA is providing technical assistance to our Federal partners on general and agency-specific issues related to the health and safety of their staffs. OSHA and the Centers for Disease Control and Prevention (CDC) have distributed information to the general public as well as Federal agencies about how to protect workers from influenza exposure in the workplace.

OSHA is charged with providing leadership, guidance, technical assistance, and other information about steps agency heads need to take to protect their workforces, but Federal agency heads play a central role in protecting their employees' safety and health.

Section 19 of the Occupational Safety and Health Act establishes broad requirements for agency heads to establish and maintain comprehensive occupational safety and health programs. Executive Order 12196 requires each Executive Branch agency to establish an occupational safety and health program in accordance with the basic program requirements established by the Secretary of Labor. (Enlisted military personnel, and conditions associated with uniquely military equipment, systems, and operations are excluded from the requirements of Section 19 of the Act, Executive Order 12196, and 29 CFR Part 1960. The US Postal Service is treated as a private sector employer from an OSHA perspective.) Those program elements are established in regulations at 29 CFR Part 1960. The head of every Federal agency must implement a safety and health program for the agency's employees. As part of their programs, qualified safety and

health inspectors must inspect and identify hazards in the workplace and investigate accidents and employee complaints. Among the OSHA standards applicable to Federal agencies are regulations addressing personal protective equipment, including 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. Based on the findings from the investigations, agencies establish the use of engineering and work practice controls and, pursuant to OSHA standards, provide respiratory protection and personal protective equipment as necessary. It is the employer's responsibility to ensure that 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 performs inspections of Federal agency workplaces and enforces the standards in a manner similar to the approach existing in the private sector. One notable difference is that Federal agencies are cited but not financially penalized for non-compliance.

Most Federal agencies have made great progress in planning for needed training, equipment and protection during a pandemic. The current outbreak has provided Federal agencies with an opportunity to evaluate their pandemic influenza plans to ensure the protection of the workforce and continued operation of critical government functions. OSHA strongly encourages Federal agencies to conduct such reviews and adjust plans accordingly to ensure that the Federal workforce is protected in the event that the virus returns in a more virulent form. These plans should include evaluating the exposure risk

of their employees, determining appropriate controls to mitigate exposure risk, and then, if personal protective equipment is needed to protect Federal workers, ordering and stockpiling respirators and other personal protective equipment, conducting fit testing, medical evaluation and worker training.

OSHA recognizes that it plays an essential role in supporting and ensuring employers protect 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 during the World Trade Center tragedy, the anthrax terrorist attack, and Hurricane Katrina response, organizations have learned to come to OSHA for technical assistance. OSHA, in close coordination with the CDC, has also been working to ensure that the guidance issued by all Federal agencies is consistent with the current level of scientific knowledge about the 2009-H1N1 flu and the most effective methods that can be taken to protect workers.

Through planning and preparedness practice, OSHA has worked with the Federal community 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.

Mr. Chairman, in addressing the current 2009-H1N1 outbreak and the potential of 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 issue and we will protect OSHA's workforce in the process of assisting and ensuring all workers are protected.

We appreciate the Subcommittee's interest in OSHA's efforts to protect America's Federal employees.