



MEMORANDUM

From: James S. Fredrick
Acting Assistant Secretary of Labor
for Occupational Safety and Health Administration

To: Stephanie Tatham
OSHA OIRA/OMB Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget

Subject: Request for Emergency Review and Clearance of Information Collections in
OSHA's Emergency Temporary Standard for COVID-19

Date: June 11, 2021

Pursuant to Office of Management and Budget (OMB) procedures established at 5 C.F.R. Part 1320, *Controlling Paperwork Burdens on the Public*, OSHA is requesting emergency clearance for the proposed information collections under the OSHA Emergency Temporary Standard (ETS) for COVID-19. The Emergency Clearance Request will be processed in accordance with 5 C.F.R. § 1320.13.

The Occupational Safety and Health Act of 1970 (OSH Act) requires OSHA to issue an ETS if the agency determines that “employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards,” and an ETS is “necessary to protect employees from such danger.” 29 U.S.C. § 655(c). OSHA may issue the ETS without regard to the notice-and-comment requirements of the Administrative Procedures Act and any such ETS shall be effective “[u]pon publication” in the Federal Register. *See id.*

On January 21, 2021, President Biden issued Executive Order 13999, which directed OSHA to consider issuing an ETS to protect “healthcare workers and other essential workers” from the coronavirus disease 2019 (COVID-19) pandemic. OSHA is issuing an ETS pursuant to the President’s Order that will include collections of information subject to OMB review under the Paperwork Reduction Act (PRA), 44 U.S.C. § 3501 *et seq.* The agency has determined that this collection of information must be collected prior to the time periods established under 5 C.F.R. Part 1320 and that this collection of information is essential to OSHA’s mission of protecting the health and safety of workers affected by the COVID-19 pandemic.

Given the urgent need to promulgate a standard to address the current crisis as quickly as possible, OSHA cannot reasonably comply with the PRA’s normal clearance procedures prior to

publishing the ETS. To do so would delay the issuance of this emergency standard, resulting in serious public harm.

Pursuant to 5 C.F.R. § 1320.13, OSHA requests a 180-day emergency clearance of the information collection requirements in the ETS. OSHA requests that OMB approve the information collection by June 30, 2021 and waive publication of the 60-day and 30-day Federal Register notices, as permitted under 5 C.F.R. § 1320.13.

If you have any questions, please contact Maureen Ruskin at Ruskin.Maureen@dol.gov or by phone at 202-693-1950.