

July 1, 2021

Submitted via the Federal eRulemaking Portal: <http://www.regulations.gov>

James Frederick  
Acting Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health Administration  
200 Constitution Ave NW  
Washington, DC 20210

**Re: Occupational Exposure to COVID-19; Emergency Temporary Standard (OSHA-2020-0004)**

Dear Acting Assistant Secretary Frederick,

Vizient, Inc. appreciates the opportunity to provide feedback to the Occupational Safety and Health Administration (OSHA) regarding the interim final rule, “Occupational Exposure to COVID-19; Emergency Temporary Standard” (hereinafter, “IFR”). According to the IFR, OSHA is issuing the emergency temporary standard (ETS) to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. The IFR became effective on June 21, 2021, and key compliance dates are July 6, 2021 and July 21, 2021.

Vizient, Inc. provides solutions and services that improve the delivery of high-value care by aligning cost, quality and market performance for more than 50% of the nation’s acute care providers, which includes 95% of the nation’s academic medical centers, and more than 20% of ambulatory providers. Vizient provides expertise, analytics, and advisory services, as well as a contract portfolio that represents more than \$100 billion in annual purchasing volume, to improve patient outcomes and lower costs. Headquartered in Irving, Texas, Vizient has offices throughout the United States.

**Vizient urges OSHA to delay the comment deadline for the IFR to provide stakeholders with needed time to review the IFR and develop a response.** Currently, comments for the IFR are due by July 21, providing 30 days from its initial release. The IFR is not only lengthy, it also incorporates by reference several other publications, including those that have changed over the course of pandemic. Stakeholders may want to review these resources again to inform their response and potentially suggest alternatives based on their past and current experiences. In addition, the IFR impacts many employers (562,510 entities and 748,816 establishments)<sup>1</sup> across the country, which may lead some to question the appropriateness of a 30-day comment period. Further, the IFR provides two compliance deadlines during the period in which

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<sup>1</sup> 86 FR 32488

stakeholders are expected to review and comment on the IFR. As such, it is even more difficult for stakeholders to provide meaningful feedback during the short, 30-day comment period while they are also working towards implementation. Therefore, Vizient believes it is critical that OSHA extend the comment period for the IFR by at least 30 days.

**In addition, Vizient urges OSHA to delay the IFR's compliance deadlines to better align with stakeholders' capabilities and minimize disruption.** The IFR requires hospitals and other impacted employers to comply with numerous requirements by July 6, 2021, and others by July 21, 2021. Since the comment period ends July 21, 2021, it is foreseeable that the requirements in the IFR may change, adding burdens on hospitals having to meet new or different requirements. In addition, Vizient is concerned this compliance timeline cannot be reasonably achieved. In creating such a short compliance timeline, Vizient is concerned OSHA has not adequately considered variable circumstances across the country. For example, some states are seeing higher COVID-19 rates than others, states have different standards in place, and some states have even ended public health emergency declarations. Yet, the IFR seems to presume that each healthcare employer is in the same position, which results in burdens being underestimated and opens the door to unintended consequences. Therefore, Vizient requests OSHA delay the compliance deadlines until after stakeholder comments have been received and considered by OSHA.

Vizient membership includes a wide variety of hospitals ranging from independent, community-based hospitals to large, integrated health care systems that serve acute and non-acute care needs. Additionally, many are specialized, including academic medical centers and pediatric facilities. Individually, our members are integral partners in their local communities, and many are ranked among the nation's top health care providers. In closing, on behalf of Vizient, I would like to thank OSHA for providing us the opportunity to comment on this important IFR. Please feel free to contact me at (202) 354-2673 or [jenna.stern@vizientinc.com](mailto:jenna.stern@vizientinc.com), if you have any questions or if Vizient may provide any assistance as you consider these issues.

Respectfully submitted,



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