

COVID-19 health and safety updates



Manuel L. Peralta Jr.

In late January, the U.S. Supreme Court issued a decision finding that the Emergency Temporary Standard (ETS) issued by the Occupational Health and Safety Administration (OSHA) had exceeded the intended authority granted by Congress when OSHA was created.

Beginning on page 6 of the Court ruling, the following is explained (emphasis added):

The question, then, is whether the Act plainly authorizes the Secretary's mandate. It does not. *The Act empowers the Secretary to set workplace safety standards, not broad public health measures.*

Although COVID-19 is a risk that occurs in many workplaces, it is not an occupational hazard in most. COVID-19 can and does spread at home, in schools, during sporting events, and everywhere else that people gather. That kind of universal risk is no different from the day to day dangers that we all face from crime, air pollution, or any number of communicable diseases. Permitting OSHA to regulate the hazards of daily life—simply because most Americans have jobs and face those same risks while on the clock—would significantly expand OSHA's regulatory authority without clear congressional authorization.

This Court is not a public health authority. But it is charged with resolving disputes about which authorities possess the power to make the laws that govern us under the Constitution and the laws of the land.

“The [Supreme] Court’s ruling should not be taken as an indictment against wearing masks, nor an endorsement of false narratives.”

The Court then goes on to explain that the ETS, as issued:

...fails to account for the distinction—between occupational risk and risk more generally—and accordingly the mandate takes on the character of a general public health measure, rather than an ‘occupational safety or health standard.’

The Court's finding did not negate the severity of the pandemic that hangs in the air we breathe. The Court did not find that we need to ignore the advice of the experts who have observed, studied and made recommendations to protect society as a whole. The Court's ruling should not be taken as an indictment against wearing masks, nor an endorsement of false narratives. The Court simply ruled that the OSHA ETS exceeded the authority granted to OSHA by Congress.

Now what?

Experts continue to gather and study the body of information acquired since the inception of the pandemic. Those experts are making recommendations that seek to provide the greatest possible protection to the general public. Those experts also recognize that there is a need to return, if possible, to a pre-pandemic type of life and that we have to find a balance that allows the economy to continue while at the same time providing safety for all, both in and out of work.

NALC continues to seek to protect our membership from exposure to COVID-19, to the extent possible, in your workplace. In March, NALC posted current COVID-19 tools and procedures on our website, which you can find at the following link: nalc.org/news/covid-19/guide.

We recommend that you go to this page and bookmark, read and apply the information that is there. It contains a number of links that will be updated as instructions change.

Employee Assistance Program services

April is Employee Assistance Program (EAP) Awareness month. Each year, the National Joint Committee challenges EAP committees in the field to promote EAP services and to share what steps were taken by these committees to raise awareness. (For more on the program, please see the EAP story on page 10 of this magazine.) Sadly, due to the 2020-2021 restructuring of USPS, very few of our committees are meeting, and very few are promoting the program as intended.

If you are a member of the District Advisory Committee but are not receiving the necessary support of your district management team, I ask you to contact your national business agent or me to discuss what needs to be done to hold the required meetings and to support the program as intended.

COVID-19 has seriously affected our ability to hold meetings in person; however, until we are able to turn to a new normal, we still need to meet.

Keep an eye on each other.