

Secretary of the State File Number

**6347**

Emergency Regulation of the

**Department of Labor**

Concerning

**Emergency Temporary Standard – Occupational Exposure  
to COVID-19**

Emergency regulations adopted after October 1, 2016, become effective upon posting to the Connecticut eRegulations System.

Posted to the Connecticut eRegulations System on **September 30, 2021**

EFFECTIVE DATE

**September 30, 2021**

Approved by the Office of the Governor on

**September 21, 2021**

Approved by the Legislation Regulation Review Committee on

**September 28, 2021**

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

**September 29, 2021**

Form ICM-ECOPY 0000 020100  
State of Connecticut  
Secretary of the State



**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**  
This form should be used only for regulations first notified on and after March 23, 2015.

## Electronic Copy Certification Statement

*(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)*

Regulation of the  
**CONNECTICUT DEPARTMENT OF LABOR**  
Concerning  
**Emergency Temporary Standard – Occupational Exposure to COVID-19**

Approved by the Legislative Regulation Review Committee: **September 28, 2021**

eRegulations System Tracking Number: \* ER2021-029

**I hereby certify** that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

**And I further certify** that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

**In testimony whereof**, I have hereunto set  
my hand on **September 28, 2021**



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Danté Bartolomeo  
Interim Commissioner  
Connecticut Department of Labor

R-39 Rev. 03/2012

(Title page)

**IMPORTANT:** Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut  
**REGULATION**  
of

NAME OF AGENCY	<b>Connecticut Department of Labor</b>
SUBJECT MATTER OF REGULATION	<b>Concerning</b> Emergency Temporary Standard - Occupational Exposure to COVID-19

Section 1. Sec. 31-372-101-1910 of the Regulations of Connecticut State Agencies is amended by adding the following:

**Section 31-372-101-1910. Safety and health standards for general industry**

<u>Standard</u>	<u>Subject</u>	<u>Fed. Reg.</u>	<u>Action</u>
<u>Affected</u>	<u>Subject</u>	<u>Date</u>	<u>Action</u>
Subpart U 1910.501	COVID-19 Emergency Temporary Standard.	6/21/21 7/14/21	New
1910.502	Healthcare.	6/21/21 7/14/21	New
1910.504	Mini Respiratory Protection Program.	6/21/21 7/14/21	New
1910.505	Severability.	6/21/21 7/14/21	New
1910.509	Incorporation by Reference.	6/21/21 7/14/21	New

R-39 Rev. 03/2012

(Statement of Purpose page)

### **Statement of Purpose**

*Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.*

**Statement of Purpose:** The adoption by reference of these revisions to the Federal Occupational Safety and Health Standards will serve to update Connecticut Occupational Safety and Health Standards in accordance with Section 31-372 of the Connecticut General Statutes. On June 21, 2021 and July 14, 2021, the federal Occupational Safety and Health Administration published notification of the Interim Final Rule; Emergency Temporary Standard (ETS) related to Occupational Exposure to COVID-19.

Conn. Gen. Stat. 31-372 requires, as an element of Connecticut's approved Public Sector-Only State Plan, that the Department of Labor's Occupational Safety and Health Division (CONN-OSHA) adopt all occupational health and safety standards, amendments or changes adopted or recognized by the United States Secretary of Labor under the authority of the Occupational Safety and Health Act of 1970.

These proposed adoptions by reference aim to protect workers facing the highest COVID-19 hazards—those working in healthcare settings where suspected or confirmed COVID-19 patients are treated. This includes employees in hospitals, nursing homes, and assisted living facilities; emergency responders; home healthcare workers; and employees in ambulatory care facilities where suspected or confirmed COVID-19 patients are treated. The ETS exempts fully vaccinated workers from masking, distancing, and barrier requirements when in well-defined areas where there is no reasonable expectation that any person with suspected or confirmed COVID-19 will be present. The main section of the ETS (1910.502 – Healthcare) requires employers to develop and implement effective COVID-19 plans (which must be written if employer has ten or more employees), which includes a designated safety coordinator, and must also include non-managerial staff and their representatives, if any, in the hazard assessment, development and implementation of the plan. The plan requires the development of requisite policies and procedures, and overall should encapsulate topics such as, personal protective equipment, vaccinations (paid leave for vaccinations and side effects), training, and anti-retaliation.

[Occupational Exposure to COVID-19; Emergency Temporary Standard; Interim Final Rule | Occupational Safety and Health Administration \(osha.gov\).](#)



**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**  
This form is to be used for proposed emergency regulations on and must be completed in full

**AGENCY CERTIFICATION**

**Connecticut Department of Labor**

Management Resources and Training Commission

**Emergency Temporary Standard - Occupational Exposure to COVID-19**

eRegulations System Tracking Number **ER2021-029**

**I hereby certify the following:**

The above referenced emergency regulation is proposed

(check one and complete as applicable)

without prior notice or hearing as permitted by Section 11-800 of the Connecticut General Statutes. **or**

upon the foundation described abbreviated notice and hearing.

The statutory authority under which the regulation is proposed is as follows: **CGS §§ 4-8; 31-372.**

Subject to approval of the Legislative Regulation Review Committee, **the final emergency regulation shall be effective**

(Check one and complete as applicable)

when electronically submitted to the Secretary of the State.

**OR**  on \_\_\_\_\_.

(Date must be a specific calendar date less than twenty days after submission to the Secretary of the State)

**SIGNED**  
(Head of Board, Agency or Commission,  
or duly authorized deputy)

Interim Commissioner, Dept. of Labor

OFFICIAL TITLE

8/13/21

DATE

# The Connecticut General Assembly

## Legislative Regulation Review Committee

Senator James Maroney  
Senate Chair



Representative Nicole Klarides-Ditria  
House Chair

### Official Record of Committee Action

September 28, 2021

Agency: Department of Labor  
Description: Emergency Temporary Standard – Occupational Exposure to COVID-19  
LRRC Regulation Number: E2021-003  
eRegulation Tracking Number: ER2021-029

The above-referenced regulation has been

### Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance with CGS Section 4-170.

Kirstin L. Breiner  
Committee Administrator



State of Connecticut  
Office of the Secretary of the State

## Confirmation of Electronic Submission

Re: Emergency regulation of the Department of Labor concerning Emergency  
Temporary Standard – Occupational Exposure to COVID-19  
eRegulations System Tracking Number ER2021-029  
Legislative Regulation Review Committee Docket Number E2021-003

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on September 29, 2021.

Said regulation is assigned Secretary of the State File Number 6347.

The effective date of this regulation is September 30, 2021.

A handwritten signature in black ink that reads "Denise W. Merrill".

Denise W. Merrill  
Secretary of the State  
September 30, 2021

By:

/s/ Kristin M. Karr

Kristin M. Karr  
Administrative Law  
Information Systems Manager