March 27, 2020

Ms. Loren Sweatt  
Principal Deputy Assistant Secretary of Labor  
U.S. Department of Labor  
Occupational Safety & Health Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Dear Ms. Sweatt:

The Association of Equipment Manufacturers (AEM) asks OSHA to clarify standards related to the recordability of exposure to the COVID-19 virus.

AEM is the U.S.-based trade association representing the off-road equipment industry. Our over 1,000 member companies are involved in the manufacture of products and services used worldwide in the agricultural, construction, forestry, mining and utility sectors.

Our manufacturers have been deemed essential by the Department of Homeland Security as the equipment our members produce are vital to society. Understanding the importance of their jobs, many of our industry’s employees are reporting for work each day. Equipment manufacturers and distributors are closely adhering to the guidelines provided by the CDC, as well as their state and local jurisdictions.

OSHA has stated COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties.

Given the nature of this public health concern, determining the nexus of exposure that results in an infected worker would be very difficult.

AEM urges OSHA to issue a statement indicating employers that have not been required to report illnesses caused by health pathogens in the past will not likely need to report such
exposure to COVID-19, unless their work procedures or job tasks have changed significantly in recent weeks.

AEM and our member companies stand ready to help in any way to ensure public safety while maintaining America’s economic livelihood. If we can provide useful information to you and the Administration towards meeting these goals, please know we would be happy to provide more detail or help in any way.

Sincerely,

Dennis J. Slater
President