



February 17, 2022

The Honorable Marty Walsh
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

The Honorable Douglas Parker
Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210

Dear Secretary Walsh and Assistant Secretary Parker:

On behalf of the Retail Industry Leaders Association (RILA) I am writing to draw your attention to transitional inconsistencies between state and local orders and federal public health guidance and to urge the Department of Labor and the Occupational Safety and Health Administration to recognize the good faith actions of retailers tasked with navigating them.

Since the onset of the pandemic, retailers have resolutely stood on the side of community health. As our businesses rapidly implemented evolving recommendations issued by the Occupational Safety and Health Administration (OSHA), Centers for Disease Control (CDC), National Institute for Occupational Safety and Health (NIOSH) and others to provide a safe environment for employees and customers, we were vocal advocates and partners in the community for sound public health measures, including mask-wearing, testing, and vaccination.

As circumstances changed and recommendations evolved, retailers adapted, frequently navigating inconsistencies between public health guidance and state and local orders. These contradictions have at times caused confusion among the public, subjecting front line associates to confrontation and good faith actors to the threat of enforcement action.

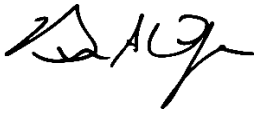
As the recent wave of infection abates, local leaders and public health officials are rightfully revisiting their respective guidance. Retailers are closely watching public reports indicating the CDC is likely to issue new guidance on masking while simultaneously navigating recent orders from Governors easing long-standing public health measures. While these changes are reflective of greatly improving circumstances, they are occurring on inconsistent timelines, and once again risk putting retailers in a difficult position. Specifically, these foreseeable conflicts could subject good-faith actors to enforcement action by OSHA as stores align practices to local orders and the resulting expectations of local communities.



As the CDC contemplates revising their mask guidance it is our hope the Department of Labor and OSHA do not take enforcement actions against retailers who may modify their COVID-19 action plans to align with state and local orders. The sooner the CDC announces new guidance on masks and other safety protocols, the sooner it will help alleviate the confusion among the public and businesses who are operating in good faith.

On behalf of RILA and the leading retailers we serve, thank you for your consideration of this request and we stand ready to assist in any way as you consider how to best safeguard our communities.

Sincerely,

A handwritten signature in black ink, appearing to read "BDodge", written in a cursive style.

Brian Dodge
President
Retail Industry Leaders Association

RILA is the U.S. trade association for leading retailers. RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs, and more than 100,000 stores, manufacturing facilities, and distribution centers domestically and abroad.