

**PUBLIC NOTICE OF PROPOSED CHANGES TO THE WYOMING OSHA DIVISION, GENERAL INDUSTRY 1910, CHAPTER 28, COVID-19 REQUIRED RECORDS/LOG, AVAILABILITY OF RECORDS, AND REPORTING COVID-19 FATALITY AND HOSPITALIZATIONS TO OSHA (SUBPART U – HEALTHCARE)**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Wyoming OSHA Commission is proposing to adopt 29 C.F.R. § 1910.502 Subpart U – Healthcare through incorporation by reference.

Under Wyoming Statute § 27-11-105, the OSHA Commission is charged with promulgating, devising, formulating, adopting, amending and repealing rules and regulations. Through this process, standards set by rule and regulation shall take into consideration recognized and accepted national codes, recognized industrial standards or similar standards, in whole or in part, but shall not be limited exclusively to these.

In August, 2021, the OSHA Commission adopted, in part, an emergency rule for Subpart U Covid Emergency Temporary Standard from the Federal OSHA rules. This rule was adopted through incorporation by reference of specified federal standards into a new chapter: OSHA General Industry 1910 Rule under the Department of Workforce Services rules. The emergency rule expired in December, 2021.

In February, 2022, Federal OSHA contacted all State Plan OSHA programs, including Wyoming, stating they must revise their state regulations to either adopt the COVID-19 log and reporting provisions as a permanent regulation or demonstrate why this change is unnecessary (see Attachments A and B). State Plan OSHA programs must have standards that are “at least as effective” as Federal OSHA’s standards.

Federal OSHA has required a response due date of April 14, 2022 and an adoption due date of August 14, 2022 for the State Plans. On April 8, 2022, the OSHA Commission voted unanimously to adopt new regular rules for OSHA 1910 General Industry - Chapter 28 COVID-19 Required Records/Log, Availability of Records, Reporting COVID-19 fatality and hospitalizations to OSHA (U). This rule will be adopted through incorporation by reference of 29 C.F.R § 1910.502 – Subpart U – Healthcare.

Written comments should be submitted to the following address by **July 13, 2022**.

DWS  
ATTN: Marcia J. Price  
5221 Yellowstone Road  
Cheyenne, WY 82002  
(307) 777-6746

Or via email to: [marcia.price@wyo.gov](mailto:marcia.price@wyo.gov)

A public comment period will end at close of business on **July 13, 2022**.

Copies may be obtained by submitting a written request to the Division, with pre-payment by personal check or money order for the total number of copies requested; the fee for each copy is \$4.00. The proposed rules may be downloaded, free of charge, from the Department of Workforce Services (DWS) at:

<http://www.wyomingworkforce.org/news/publicnotices/>