

DOUG A. TULINO
DEPUTY POSTMASTER GENERAL AND
CHIEF HUMAN RESOURCES OFFICER



January 4, 2022

Assistant Secretary for Occupational Safety and Health
Director Office of Technical Programs and Coordination Activities
Occupational Safety and Health Administration
United States Department of Labor
Room N3655
200 Constitution Ave., NW
Washington, D.C. 20210

Copy sent via e-mail to: VarianceProgram@dol.gov

Re: Request for Temporary Variance and Interim Order

Pursuant to Sections 6 and 16 of the Occupational Safety and Health Act of 1970 (OSH Act) and the implementing rules contained in the Code of Federal Regulations (29 C.F.R. 1905 and 1904.38), the United States Postal Service (Postal Service) requests a temporary variance from the newly published Occupational Safety and Health Administration (OSHA) “COVID-19 Vaccination and Testing; Emergency Temporary Standard” (ETS) (hereinafter “Temporary Variance Application”). The Postal Service also requests an Interim Order allowing the Postal Service to use its proposed alternate means of protection, on a temporary basis, while the courts determine the legality of the ETS, and until OSHA renders a final decision on the Temporary Variance Application or revokes the Interim Order by publishing a notice in the Federal Register.

Given the significant challenges that our nation’s supply chains are already experiencing, we respectfully suggest that the nation cannot afford the additional potential substantial harm that would be engendered if the ability of the Postal Service to deliver mail and packages is significantly negatively impacted. As you may be aware, the Harris Poll “Essential 100,” which measures public perception of corporate responses to the pandemic, ranked the Postal Service as the No. #1 most essential company during the COVID-19 pandemic. Given our essential role to the nation, particularly during these challenging times, we believe that it is critical to avoid disruption to our vital operations. For that reason, we are seeking temporary relief from the ETS and maintenance of the status quo on an interim basis.

The Postal Service hereby submits the following responses to the questions provided in OSHA’s Temporary Variance Application.

1. Applicant company

United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260

2. Contact information for authorized representative

Linda DeCarlo
Sr. Director, Occupational Safety & Health
475 L'Enfant Plaza, SW
Washington, DC 20260
(202) 360-9339

3. Multiple site addresses

The Postal Service would implement the temporary variance at all postal facilities nationwide. Because the Postal Service has over 30,000 facilities, it would not be practical to list specific addresses for each postal facility.

4. The newly published OSHA standard from which the applicant is requesting the temporary variance.

COVID-19 Vaccination and Testing; Emergency Temporary Standard (86 FR 61402, Docket No. OSHA-2021-0007, RIN 1218-AD42)

5. Statement of when applicant expects to be able to comply with the standard, and describe in detail what steps the applicant has taken and will take (during the period of the temporary variance), with specific dates when appropriate, to come into compliance as quickly as possible with the new standard from which the applicant is requesting the temporary variance.

As required in Question 5 of the Temporary Variance Application, the Postal Service provides the following statement of when it expects to be able to comply with the ETS and a description of the steps the Postal Service has taken, and will take, during the period of the temporary variance to bring the Postal Service into compliance with the requirements of the ETS as quickly as possible.

The Postal Service requests a temporary variance that would extend each deadline set forth in the ETS (December 4, 2021 and January 4, 2022, with enforcement beginning January 10, 2022 and February 9, 2022) by 120 days. The basis for requesting additional

time is set forth in more detail in our response to Questions 6 and 8 of this application. But in sum, inadequate staffing and resources combined with legal requirements to use and collect medical information and bargain over the policies implemented to comply with the ETS will prevent the Postal Service from being able to implement the extensive measures set forth in the ETS. The Postal Service is also requesting an interim order preserving the status quo pending OSHA's decision on this temporary variance application.

The Postal Service's request for additional time in implementing the ETS is directly related to our critical and unique role in American life. The Postal Service is an independent establishment of the executive branch of the federal government with the specific mission of binding the nation together through our universal service mission which requires us to deliver mail and packages to the American people six days a week (and in some instances seven) to every address in the country. We are now in the middle of our Peak Season (mid-October through January), which is our busiest and most challenging time of year. The American people are relying on us to timely deliver their mail and packages throughout the holiday season – which aren't limited to holiday packages but include critical items like Treasury checks, COVID-19 tests, and pharmaceuticals. Moreover, mail and package delivery enable the American people to spend more time safely at home, rather than frequenting crowded indoor establishments, which is a benefit to public health.

While the legal validity of the ETS is currently being challenged in federal court, the Postal Service is taking several steps to ensure it can fully comply with the requirements of the ETS, as quickly as possible, assuming the ETS is upheld. Unlike many other entities covered by the ETS, the Postal Service is covered by the Privacy Act, which requires that a number of administrative actions be undertaken **before** the Postal Service can legally begin collecting the personally identifiable information (PII) from its employees as required by the ETS. To get ahead of these administrative requirements, the Postal Service has started the process of modifying the appropriate system of record (SOR) to allow the Postal Service to collect the information required by the ETS. Specifically, the ETS, among other things, requires employers to collect information related to COVID-19 vaccination status, testing results and accommodation status. Without modifications to its current SOR, the Postal Service cannot legally begin to collect, store, and/or disclose such information from its more than 650,000 employees without potentially running afoul of the Privacy Act and various other recordkeeping obligations.

The Postal Service is also actively analyzing its recordkeeping systems and mechanisms with an eye toward creating an effective and efficient process for tracking vaccination status, testing results, and related accommodations for a workforce that consists of over 650,000 employees. Obtaining this information from such a large pool of employees is a

prodigious undertaking. At the same time, we are in the process of determining what, if any, additional technological infrastructure will be needed to ensure the information is stored safely and securely. As detailed in response to Question 6, this burden is unique to the Postal Service as a government agency subject to both the Privacy Act and the ETS.

Given the requirements regarding compensation and leave related to employee vaccination, recovery from vaccine side effects, and testing, the Postal Service is also undertaking a comprehensive review of its accounting and payroll systems to make any necessary changes to account for these requirements.

The Postal Service is also in the process of engaging with its union partners on the aspects of the ETS over which it will bargain to ensure it can come into compliance as quickly as possible when necessary. In that regard, the General Counsel for the National Labor Relations Board, recently made it clear in a published memorandum that employers have a duty to negotiate with unionized workers over discretionary aspects of the ETS.¹ In her memo, Ms. Sullivan stated that although an employer is relieved of its duty to bargain where a specific change in terms and conditions of employment is statutorily mandated, the employer may not act unilaterally so long as it has some discretion in implementing those requirements.² Moreover, she suggested that the ETS clearly affects terms and conditions of employment – including the potential to affect the continued employment of employees who become subject to it – and gives covered employers discretion in implementing certain of its requirements.³

The Postal Service is drafting a revised COVID-19 Vaccination, Testing and Face Covering policy using the OSHA-provided template and is exploring options to prepare for the required collective bargaining concerning discretionary items within the ETS. But its ability to finalize its policy and training materials and to procure any needed supplies is necessarily dependent on the results of the required bargaining that we expect to accomplish within the requested 120-day variance period. Finally, the Postal Service anticipates working on training materials and additional communications that will be necessary to adequately advise employees of the various ETS obligations.

6. Describe why the applicant is unable to comply with the new standard by the effective date.

As required in Question 6 of the Temporary Variance Application, the Postal Service provides the following description of why it is unable to comply with the ETS by its effective date.

¹ See Exhibit 12.

² *Id.*

³ *Id.*

The Postal Service is one of the Nation's largest civilian employers, with over half a million employees holding thousands of separate and distinct positions at over 30,000 postal facilities nationwide. A not insignificant portion of our workforce are temporary employees hired for the sole purpose of helping the Postal Service get through its Peak Season, which extends through January, and another approximately 25% of our workforce are non-career employees. The overwhelming majority of postal employees are covered by one of its eight collective bargaining agreements. By virtue of being a massive, unique, and complex agency, it can be very difficult and time consuming to make even modest changes to policies and procedures that impact the working conditions of its employees. This is especially true when the collection and use of medical information is involved. And while it would be nearly impossible for the Postal Service to meet the ETS deadlines in normal times, the required deadlines fall during the Postal Service's Peak Season – a time when the Postal Service sees dramatic increases in mail and package volume,⁴ which in turn requires dramatic increases in the number of employees and employee work hours to meet its congressional mandate to “provide prompt, reliable, and efficient” delivery to all of its customers nationwide.

The Postal Service does not currently have in place adequate staffing, including those with medical or professional backgrounds, to make the necessary alterations to its processes or to otherwise meet the ETS' requirements by the current deadlines. Peak Season requires a laser-focused approach to ensure the Postal Service continues to meet its congressional delivery mandate despite the enormous increase in volume. If we are forced to comply with the ETS by the current deadlines, significant resources will need to be allocated during the pivotal Peak Season to develop the processes outlined in the ETS, which could severely impact our ability to deliver a successful Peak Season.

As an example, to collect vaccine, testing and roster information and to monitor employees for testing requires the attention and training of tens of thousands of local supervisors and managers throughout the county – immediately. Moreover, because the collection of this data involves medical information, which the Postal Service classifies as sensitive-enhanced, the Postal Service must have personnel that have the appropriate level of background investigation and that are trained in the collection of medical information to ensure such collection is done in compliance with our employees' privacy rights. Moreover, sensitive-enhanced information must be well protected. During Peak Season, the Postal Service will not be able to coordinate the necessary security protections to ensure that the data, wherever it might be stored, is protected to the degree necessary, in keeping with the Postal Service's regulatory obligations in that regard. Similarly, these same supervisors, managers, and medical personnel will also be required to review the many likely requests for accommodation that are explicitly contemplated by the ETS, further stretching the Postal Service's limited resources. Simply put, the Postal

⁴ See Exhibit 11.

Service does not currently have adequate resources to meet the current ETS deadlines – especially during Peak Season.

The ETS requirements for employers to track the vaccination status of their employees and to track the testing results of its unvaccinated employees create additional unique problems for the Postal Service. Unlike private employers, as a federal entity, the Postal Service is covered by privacy, security, and recordkeeping obligations, such as the Privacy Act and the Freedom of Information Act (FOIA). While the Privacy Act would generally allow the Postal Service to collect and maintain information regarding employee vaccination status, as data necessary to perform its agency functions, if the agency intends to collect, store and maintain this information, additional steps are necessary to update relevant SORs and ensure full legal compliance with the Postal Service's notification and disclosure requirements. Those updates must include the data elements the Postal Service intends to collect, the purposes for collecting them, and how they will be used, among other items. To draft these updates, the Postal Service must have a clear understanding of how it intends to implement the ETS requirements. While the Postal Service anticipated some of the items that would be necessary, it did not know for certain until publication of the ETS requirements. Once the ETS was published, the Postal Service began formulating a plan to make the necessary changes to the SOR.

Importantly, making changes to the SOR is a process that has multiple procedural and administrative steps and requires significant time. The modification process is cumbersome and complicated given the numerous internal and external stakeholders who will need to review the SOR prior to publication in the Federal Register. These stakeholders include our unions, management organizations, Congress and the Office of Management and Budget (OMB), all of which will have input on the SOR. These steps alone will necessarily slow the Postal Service's ability to implement the new SOR and take weeks if not months.

After finalization of the SOR, it is submitted to OMB and Congress. Those entities have ten days for comment.⁵ At the expiration of that ten-day period, the clearance package is provided to the Federal Register. The Federal Register takes anywhere from a few days, up to a week, to publish SORs. Once the SOR is published, the public has a 30-day comment period.⁶ If the Postal Service receives comments, it must address those comments in a subsequent Federal Register publication.⁷ Finally, once the SOR is updated, the Postal Service must present its employees with a Privacy Act notice at the point of collection that adequately describes the Postal Service's legal authority, purposes, uses, and the effects of not providing the information.⁸ That SOR would also

⁵ See 5 U.S.C. § 552a(r).

⁶ See 5 U.S.C. § 552a(e)(4).

⁷ See *id.*

⁸ See 5 U.S.C. § 552a(e)(3).

need to protect the confidentiality of the employee information consistent with the requirements of the Rehabilitation Act of 1973 (Rehabilitation Act), and those security requirements would need to be approved by the Postal Service's Corporate Information Security Office (CISO).

It will take no less than three months to complete this entire process, making it impossible to comply with the current ETS implementation deadlines.

The Postal Service also may need to revise its timekeeping and payroll systems to provide for the two types of mandatory paid leave the ETS makes available to employees. This includes paid leave to get vaccinated, for testing, and to recover from side effects of vaccination. If changes need to be made, these changes need to be communicated to employees and they need to be trained on implementing the changes. As the Postal Service has recently experienced with the Families First Coronavirus Response Act and Emergency Federal Employee Leave under the American Rescue Plan Act, creating new leave categories can take several months to implement, due in part to bargaining obligations. It also requires resources to be diverted from programming initiatives necessary to the Postal Service's business continuity and operations.

Also, the Postal Service must comply with various bargaining obligations created by its eight collective bargaining agreements (which cover most of its employees). As stated above, the NLRB has made it clear that employers have an obligation to bargain over discretionary aspects of the ETS.⁹ Thus, to enforce the terms of the ETS effectively and meaningfully, the Postal Service must negotiate in good faith all aspects of the ETS that are discretionary, including those specifically contemplated by the ETS. The Postal Service needs additional time to determine what issues need to be negotiated and to engage in good faith discussions with its union partners accordingly. At Peak Season, such negotiations would be very challenging to orchestrate.

Finally, as seen with other private and government mandates, the ETS is likely to result in the loss of many employees – either by employees leaving or being disciplined – particularly given the higher level of temporary employees at this time of year. Of course, assuming the ETS is upheld, the Postal Service will have to adjust to the impacts of implementation, and it accepts that. However, it is the timing that is particularly problematic. While the impact to our service could be devastating at any time of year, requiring the Postal Service to absorb what could inevitably be a dramatic loss of employees at a time when the labor market is extremely tight and in the middle of the Postal Service's Peak Season would have a potentially catastrophic impact on our ability to provide service to the American public when demand is at its highest. The real and palpable harm would be to our millions of customers nationwide who are relying on the

⁹ See Exhibit 12.

Postal Service to provide prompt, reliable, and efficient delivery of their mail and packages at a critical time.

7. The names, occupations, and contact information of qualified person(s) who can confirm the applicant's explanation and assertion that it is unable to comply with the new standard by its effective date.

Dr. Joshua Colin, Chief Retail & Delivery Officer
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260
(202) 268-6900

Mark Guilfoil, Vice President, Supply Management
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260
(202) 268-4040

Simon Storey, Vice President, Human Resources
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260
(202) 268-3784

David Ellis, Managing Counsel, Employment Law
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260
(202) 268-2981

Joseph Bruce, Sr. Director, National Human Resources
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260
(202) 268-3666

Linda DeCarlo, Sr. Director, Occupational Safety & Health
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260
(202) 360-9339

8. Detailed Description of the steps taken to safeguard workers against the hazards covered by the standard.

As required in Question 8 of the Temporary Variance Application, the Postal Service provides the following detailed description of the steps taken to safeguard workers against the hazards covered by the ETS.

The Postal Service has been at the forefront of protecting our workforce during the COVID-19 pandemic. In that regard, we have shown an unwavering commitment to both the health and safety of our employees, given the essential role they play as a part of the nation's critical infrastructure, as well as to the collective bargaining process that is embedded in our culture. The number of memoranda of understanding that we have reached with our unions (see Exhibit 2 below) demonstrates the diligence of the Postal Service and our unions towards protect our workforce. While the bargaining process can be time consuming, agreed upon solutions often reflect the best possible outcomes.

As an overview of the comprehensive measures we have taken we would offer the following. First, throughout the crisis, the Postal Service has maintained a dedicated COVID-19 Command Response leadership team that has and continues to focus on employee safety and operational, business, and customer continuity during this entire long-lasting pandemic. Throughout the COVID-19 pandemic, the Postal Service has continued to closely adhere to the strategies and measures recommended by the Centers for Disease Control and Prevention (CDC) and public health departments.

The Postal Service has taken many steps to safeguard workers against the dangers of COVID-19.¹⁰ The Postal Service has a Pandemic Influenza Plan and Maintenance Management Order– Influenza and Coronavirus Cleaning Contingency (the “MMO”) to address the proper cleaning protocol during this pandemic. The MMO, attached to this application, complies with CDC and OSHA guidance. It requires an increased focus on high-contact areas, such as doorknobs, handles, employee entrances, drinking fountains, time clocks, handrails, and telephones. Custodial employees at all Postal Service facilities are instructed to follow the MMO. Also, consistent with OSHA guidance, the Postal Service is currently allowing employees to work from home if their in-person presence is not necessary to do their work, and it continues to revisit that policy to ensure maximum utilization of telework options.

Moreover, since the beginning of the pandemic, employees have been required to monitor for COVID-19 symptoms daily and to stay home if they experience any COVID-19 symptoms. And when management receives confirmation of a positive COVID-19 case, the Postal Service has a robust contact tracing program that must be followed by all facilities. Pursuant to the contact tracing program, management works closely with the

¹⁰ See Exhibits 1-10.

local public health department and the District Occupational Health Nurse Administrator to identify and notify any employees who may have had close contact with the positive employee (notably, the resources available for contact tracing would be significantly reduced if these same individuals are forced to focus on ETS implementation). All employees are made aware of confirmed positive cases in their worksites through communications that are delivered as soon as possible upon receipt of confirmation.

The Postal Service also has a mandated face covering policy that covers all employees in the workplace. The Postal Service requires all employees and contractors who interact with the public — regardless of the employee or contractor’s vaccination status — to wear face coverings when there is a state, local or tribal directive in place that requires face coverings to be worn. Additionally, face coverings are required for employees and contractors who do not deal directly with the public and who cannot achieve or maintain social distancing in the workplace, regardless of the employee or contractor’s vaccination status. Employees and contractors in administrative office buildings who cannot maintain social distance must likewise wear a face covering regardless of vaccination status. The Postal Service has required signage at all of its facilities advising both employees and visitors of the Postal Service’s face covering requirements. When at work, the Postal Service provides employees with face coverings, gloves, and hand sanitizer. The Postal Service has adequate COVID-19-related supplies for use by employees at all of its facilities. The Postal Service has actively pursued measures to ensure social distancing is adhered to at its various facilities. These efforts include the use of markings on floors, creating space in break rooms and other facilities, and specific work instructions for various activities that require adherence to proper social distancing.

The Postal Service has issued many stand-up talks during the course of the pandemic that address the various policies and procedures the Postal Service has implemented to ensure our employees and customers remain safe during the pandemic. Additional posters and a dedicated website reinforce these policies and procedures and the Postal Service plans to continue to provide safety talks as needed.

Finally, since COVID-19 vaccines and related booster shots became available, the Postal Service has encouraged all of its employees who wish to get vaccinated to do so. And it has advised employees that according to the CDC, widespread vaccination for COVID-19 is a critical tool to help stop the spread of the virus.

Despite employing nearly 650,000 employees at 30,000 locations across the United States, it is significant that during the 18 months of the pandemic the Postal Service has only received a handful of citations related to COVID-19, and all but one of those citations pertain to alleged recordkeeping violations (all of which the Postal Service contested). This illustrates that the Postal Service’s established COVID-19 mitigation measures have been extremely successful to date.

Attached to this detailed description are copies of the documents both directly and indirectly referenced in the above summary. These documents lay out the many steps the Postal Service has taken to safeguard workers against the hazards covered by the ETS.

Exhibit 1 –

Maintenance Management Order (MMO) MMO-031-20 – Influenza and Coronavirus Cleaning Contingency issued February 2020.

Exhibit 2 –

Memoranda of Understanding (MOUs) with all major bargaining units concerning operations during the COVID-19 PANDEMIC:

1. MOU Between USPS AND National Rural Letter Carriers' Association (NRLCA) dated 4/15/2020: Temporary Workplace Changes to Promote Social Distancing – COVID-19.
2. MOU Between USPS and National Association of Letter Carriers (NALC) dated 3/30/2020: Temporary Workplace Changes to Promote Social Distancing – COVID-19.
3. MOU Between USPS and NALC dated 4/20/2020: Exception to MOU Re: Transfers – COVID-19 Related Absences.
4. MOU Between USPS and National Postal Mail Handlers Union (NPMHU) dated 4/21/2020: Exception for MOU Transfers – COVID-19 Related Absences.
5. MOU Between USPS and American Postal workers Union (APWU) dated 4/9/2020: Temporary Motor Vehicle Craft Staffing –COVID-19.
6. MOU Between USPS and American Postal Workers Union (APWU) dated 4/22/2020; Exception for MOU Re: Transfers – COVID-19 Related Absences.

Exhibit 3 -

Standup Talks:

- SUT 69 – Face Covering Policy Reinstated 09.08.20
- SUT 68 – Face Covering Policy Update 07.27.2021
- SUT 66 – COVID-19 face covering and mask update 05.19.2021
- SUT 64 – COVID-19 vaccine eligibility expanded to everyone over 16
05.07.2021
- SUT 62 - COVID-19 vaccine availability update – 01.20.2021
- SUT 61 - COVID-19 vaccine availability – 01.07.2021
- SUT 60 - Staying respectful – 12.29.2020
- SUT 59 - Face covering and mask update – 12.16.2020
- SUT 58 - Essential Service Provider Letter – 12.7.2020
- SUT 56 - COVID-19 symptoms – 11.27.2020
- SUT 55 - Social distancing reminder – 11.18.2020
- SUT 54 - Protecting everyone’s safety and wellness – 11.13.2020
- SUT 53 - Protecting everyone’s safety and wellness – 10.30.2020
- SUT 49 - Face covering and mask reminder – 08.20.2020
- SUT 46 - New face coverings and labels – 07.10.2020
- SUT 44 - Essential services update - 06.02.2020
- Essential Services Provider Letter
- SUT 42 - Supplier on-site COVID-19 procedures – 05.21.2020
- SUT 38 - Updates from CDC – 05.01.2020
- SUT 37 - Heat illness prevention – 04.27.2020
- SUT 34 - Face covering and mask update – 04.21.2020
- Retail Posters – Face covering and social distance guidance
- SUT 32 - Additional CDC guidance – 04.06.2020
- SUT 32 - (DIY cloth face covering instructions)
- SUT 30 - Handling the media – 04.21.2020
- SUT 29 - COVID-19 supplies-purchasing updates – 04.03.2020
- SUT 28 - Interacting with VMF personnel – 04.03.2020
- SUT 20 - Steps to work through government-imposed travel restrictions –
03.27.2020
- SUT 20 - Attachment: Essential Service Provider Letter – 03.27.2020
- SUT 19 - Protecting employee privacy – 03.30.2020
- SUT 16 - EAP available – 03.25.2020
- SUT 14 - Operations continue: USPS is essential service - -3.23.2020
- SUT 9 - Guidance on Social Gathering – 03.18.2020
- SUT 7 - Staying Vigilant: Customer Interactions for carriers – 03.16.2020
- SUT 6 - COVID-19 employee resources available – 03.11.2020
- SUT 5 - PMG video update: special edition – 03.09.2020

SUT 3 - Staying vigilant: Flu and respiratory disease prevention tips –
02.25.2020

SUT 2 - Health Tips: Flue and respiratory diseases including coronavirus
– 02.11.2020

SUT 1 - Staying healthy: Take steps to avoid flu, other illnesses –
01.24.2020

Exhibit 4 - USPS Public Health Poster: “Please Protect Yourself and Others”

Exhibit 5 - Letter to Postal Customers regarding alternative means of delivery during the COVID-19 pandemic – 03.26.2020

Exhibit 6 - DC Poster: Stop the Spread of Germs

Exhibit 7 - Maintenance Update: Special COVID-19 Addition – Donning and Doffing PPE for COVID-19 Cleaning – 04.10.2020

Exhibit 8 - Maintenance Update: Special COVID-19 Addition – Updated Cleaning Information After a Confirmed COVID-19 Case – 04.01.2020

Exhibit 9 - USPS Close Contact Tracing Program COVID-19 – updated several times since the beginning of the pandemic

Exhibit 10 – Standard Work Instructions for Social Distancing – issued on various dates since the beginning of the pandemic

Exhibit 11 – Mail and Package Volume Charts

Exhibit 12 – NLRB Memo – Responding to Inquiries Regarding Bargaining Obligations Under OSHA’s Emergency Temporary Standard.

9. Means used to notify employees of the variance application and of their right to petition the Assistant Secretary for a hearing.

The Postal Service informed its employees of the variance application and their right to petition the Assistant Secretary for Occupational Safety and Health for a hearing by providing a copy of the Temporary Variance Application to each of the Postal Service’s unions and management associations. The Postal Service also posted the Temporary Variance Application, along with a notification that employees had the right to petition the Assistant Secretary for a hearing, on its COVID-19 webpages, which are accessible by employees.

10. State Plans involved

The Postal Service has not filed an application for a temporary variance on the same material facts for the same place(s) of employment with any State Plans.

11. State Citations

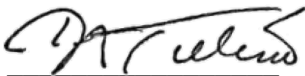
The Postal Service is not presently contesting any citations involving the standard that is the subject of this application.

12. Facts and Argument explaining why OSHA should issue an Interim Order.

The reason for seeking an Interim Order is the same as the reason for seeking a Temporary Variance. The facts and arguments set forth in Responses to Questions 5, 6, and 8 are the same facts and arguments explaining why OSHA should issue an Interim Order.

13. Certification

The Postal Service certifies by the signature below that it is taking all available steps to safeguard its workers against the hazards covered by the standard and has an effective program for coming into compliance with the standard as quickly as possible. It certifies that it has informed its employees of the variance application and their right to petition the Assistant Secretary for a hearing by the methods outlined above in its response to Question 9. The Postal Service certifies that it has not filed an application for temporary variance on the same material facts for the same place(s) of employment with any State Plan. And the Postal Service certifies that the information contained in the application is accurate and true to the best of the applicant's knowledge.



Doug A. Tulino
Deputy Postmaster General
and Chief Human Resources Officer

January 4, 2022

Date