

### **Essential Transportation Employee Safety Act of 2021**

This legislation would require the Secretary of Transportation to work with the Centers for Disease Control and Prevention (CDC) and the Federal Emergency Management Agency (FEMA) to support the efforts of state and local governments to provide for priority testing of transportation workers. The bill would also implement personal protective equipment and cleaning, disinfection, and sanitization requirements for owners and operators of equipment or facilities used by certain transportation employers. Finally, the bill would codify a mask mandate on certain modes of passenger transportation. Specifically, the bill would:

- **Address Priority Testing for Essential Transportation Employees.**
  - Require the Secretary of Transportation to adopt the categorization of certain transportation workers as “essential critical infrastructure workers” in accordance with current Department of Homeland Security guidance.
  - Require the Secretary of Transportation to coordinate with CDC and FEMA to support the efforts of state and local governments to provide for priority testing of transportation workers categorized as essential critical infrastructure workers with respect to the Coronavirus Disease 2019 (COVID–19).
- **Implement Requirements for Owners and Operators of Equipment or Facilities Used by Passenger or Freight Transportation Employers.**
  - Require owners and operators to clean, disinfect, and sanitize equipment and facilities in accordance with guidance issued by the CDC.
  - Require owners and operators to ensure that facilities, including enclosed facilities, owned, operated, and used by passenger or freight transportation employers, including facilities used for employee training or the performance of indoor or outdoor maintenance, repair, or overhaul work, are disinfected and sanitized frequently in accordance with guidance issued by the CDC.
  - Require owners and operators to provide to at-risk employees with personal protective and sanitizing equipment and training on its proper use.
  - Require owners and operators to establish guidelines, or adhere to any existing applicable guidelines, for notifying an employee of the owner or operator of a confirmed diagnosis of COVID–19 with respect to any other employee of the owner or operator with whom the notified employee had physical contact or a physical interaction during the 48-hour period preceding the time at which the diagnosed employee developed symptoms.
  - Require that passengers wear masks or protective face coverings while in or using a passenger transportation carrier, with an exception related to ADA compliance.
- **Address Market Unavailability of Necessary Items.**
  - Allow owners or operators to submit written notice to the Department of Transportation if they are unable to acquire one or more items necessary to comply with the requirements of the bill due to market unavailability of the items.
  - Require the Secretary of Transportation to identify owners or operators that have made reasonable efforts to acquire unavailable items based upon the written notice.
  - Require the Secretary of Transportation to publish a public list of owners or operators that have submitted a written notice and have made reasonable efforts to acquire unavailable items.
  - Require the Secretary of Transportation to remove owners or operators from the list after 90 days or once the owner or operator provides written certification that they are in compliance with the requirements of the bill.
    - An owner or operator that fails to perform the duties prescribed under this legislation is liable to the Federal Government for a civil penalty of \$1,000 for each employee affected by each violation, to be distributed to those affected employees
    - An owner or operator on the public list will not be subject to penalties.
- **Implement Requirements for Aviation Workplace Safety.**
  - Require each flight crew member to wear a mask or protective face covering while on board an aircraft and outside the flight deck.
  - Require an air carrier to submit to the Administrator of the Federal Aviation Administration (FAA) a proposal to permit pilots to wear masks or protective face coverings in the flight deck, including a safety risk assessment with respect to that proposal.
  - Require the FAA to provide air traffic controller and airway transportation systems specialist with personal protective and sanitizing equipment and to ensure that each air traffic control facility is cleaned, disinfected, and sanitized frequently in accordance with CDC guidance.