

# City of Philadelphia



## Council of the City of Philadelphia Office of the Chief Clerk Room 402, City Hall Philadelphia

(Resolution No. 200313)

### RESOLUTION

Urging the City Health Commissioner to issue an emergency order, under the authority vested in Section 6-205 and Section 8-407 of The Philadelphia Code, requiring hospitals and other healthcare institutions to provide an adequate supply of personal protective equipment (PPE) to employees during the duration of the novel coronavirus pandemic.

WHEREAS, As the novel coronavirus spreads across the United States, there are increasing reports of doctors, nurses, and other healthcare professionals going without adequate personal protective equipment (PPE) in the workplace; and

WHEREAS, Providing inadequate PPE to healthcare workers on the front lines of a global pandemic is unconscionable and likely violates federal workplace regulations; and

WHEREAS, According to the United States Department of Labor and the Occupational Safety and Health Administration (OSHA), PPE is defined as “specialized clothing or equipment, worn by an employee for protection against infectious materials,” and includes face masks, gowns or aprons, respirators, goggles, and face shields; and

WHEREAS, Section 1910.132 of the Code of Federal Regulations (CFR) states, “Protective equipment, including personal protective equipment shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact”; and

WHEREAS, Despite COVID-19 being labeled as a global pandemic, and its highly transmissible qualities well-documented, many healthcare workers are not being provided adequate protection, leaving nurses, doctors, and their families at higher risk of infection; and

WHEREAS, National Nurses United (NNU), one of the largest healthcare unions in the nation, have led protests in six states due to the lack of PPE for front line healthcare workers; and

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WHEREAS, HCA Healthcare, one of the largest healthcare corporations in the United States which employs 94,000 people in 21 states and has netted over \$23 billion in profits in the past decade, has thus far only provided N-95 masks to 35% of nurses according to the NNU; and

WHEREAS, While these violations are investigated and enforced by the federal government, our local Health Department in Philadelphia is vested with the authority to require hospitals and healthcare institutions to procure adequate supplies of PPE to protect their employees during these unprecedented times; and

WHEREAS, Section 6-205 of The Philadelphia Code, titled Emergency Epidemic Control, states that, in conjunction with the Mayor's suspension of Section 8-407 of the Charter, "the Department of Health shall have the authority to issue orders, which shall be effective until the Board may meet and promulgate regulations, listing said disease as a quarantinable disease and providing for quarantine or isolation of persons who have, or are reasonably suspected of having, or have been exposed to such disease, providing for the control of animals, the control of environmental sanitation, and for such other measures as are necessary to prevent the spread of said disease"; and

WHEREAS, All hospitals and healthcare institutions in Philadelphia must procure PPE sufficient to protect its workers and ensure compliance with all applicable provisions and OSHA standards during the duration of this public health crisis; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby urges the City Health Commissioner to issue an emergency order, under the authority vested in Section 6-205 and Section 8-407 of The Philadelphia Code, requiring hospitals and other healthcare institutions to provide an adequate supply of personal protective equipment (PPE) to employees during the duration of the novel coronavirus pandemic.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-first day of May, 2020.

Darrell L. Clarke  
PRESIDENT OF THE COUNCIL

Michael A. Decker  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Oh

Sponsored by: Councilmembers Oh, Green and Squilla