



ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus

Workers and Employers Want to Know

Q. Workers and employers have asked the ILA~USMX Joint Safety Committee (JSC): *“Recently, a Federal District Court invalidated the CDC’s Order of 01 February 2021, entitled “Requirement For Persons To Wear Masks While on Conveyances and at Transportation Hubs.” In consideration of that ruling, is there still a need for personnel who typically ride in transport vans to maintain 6 foot social distancing between one another?”* [28 April 2022]

A: Since marine terminals are, by the foregoing Order’s own definition, considered to be **“transportation hubs”**, personnel were initially required to wear facemasks both indoors and outdoors at those facilities.

On 10 June 2021, however, CDC issued guidance which instructed that it would **“exercise enforcement discretion”** with regard to masking mandates for people who were **“outdoors on transportation conveyances or while outdoors on the premises of transportation hubs.”** In that guidance, the agency explained that **“CDC understands “outdoors” to refer to any open-air area.”**

The JSC is obliged to recognize that neither the Order of 01 February 2021 nor any subsequent guidance relative to that Order provided by CDC made any mention of **“social distancing.”** Thus, the Federal District Court’s overturning of the original Order does not specifically relate to any social distancing protocols that the JSC’s labor and management constituents have adopted or may care to adopt going forward.

The JSC has been asked for its guidance, as to whether it would be wise to continue social distancing recommendations with specific regard to workers obliged to ride in transport vans. Given the virus transmission risks attendant to workers being compelled to sit immediately next to one another within the relatively tight, enclosed space found in typical transport van seating accommodations, the JSC would be hard pressed to drop the social distancing aspect of the COVID-19 mitigation protocols that we have previously recommended. Thus, the JSC will not do that.

Notwithstanding, it must be appreciated that the joint resolution which formed the JSC gave it no authority to insist that our labor and management constituents must follow its recommendations. When rendering recommendations, however, the JSC utilizes the very best, up-to-date data and technical intelligence acquired over the long term.

Working Together For The Benefit Of All

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