

OSHA Under the Biden Administration

Amundsen Davis OSHA Alert

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President-elect Joe Biden recently picked Boston Mayor and former union leader Marty Walsh to lead the Department of Labor, putting him in charge of OSHA. Walsh, who was supported by many of the large unions, is expected to pursue a pro-union agenda, including implementing rules making it easier for employees to unionize.

Additionally, under Biden's OSHA, we expect a continuation of the trajectory of OSHA under Obama: increased regulation, increased inspections, increased citations, increased fines, and increased repeat and willful citations. Further, specific rules enacted by Obama but rescinded by Trump will likely surface again—such as the rule requiring employers with more than 250 employees to electronically submit the data from their 300 logs, as well as their 301s (in addition to the already-required information from their 300As).

With regard to COVID-19, Biden picked Mr. Walsh to head the Department over Julie Su, who currently oversees CalOSHA. Unlike Federal OSHA, CalOSHA recently implemented a number of employer-crushing COVID-19 standards. Ms. Su surely would have implemented similar standards for Federal OSHA. While we expect Mr. Walsh to take a more pragmatic approach, we would not be surprised to see Federal OSHA quickly roll out its own, COVID-related standards.

Moving forward, employers would be well advised to start tightening up their safety programs, adopting procedures for managing the inevitable OSHA inspections, and preparing for the implementation of COVID-19 standards.

PROFESSIONALS

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