

# OSHA's New National Emphasis Program for COVID-19

## Article

*Amundsen Davis OSHA Alert*

March 16, 2021

In response to an executive order signed by President Biden in January, OSHA recently launched a new national emphasis program focusing enforcement efforts on industries and employers most impacted by COVID-19.

The national emphasis program puts primary emphasis on inspecting workplaces where there have been COVID-19 related fatalities, serious illnesses, outbreaks, and employee complaints. Secondarily, the national emphasis program requires OSHA to compile a list of employers to inspect based on industry and employer 300A data. This list will include employers in health care, meat processing, food handling and processing, warehousing and storage, agriculture, construction, and manufacturing with elevated illness rates according to the employer's individual 300A data.

The program further provides that OSHA will issue citations under OSHA's General Duty Clause when it is determined that the employers are not adhering to OSHA and/or CDC guidance in protecting employees from COVID-19. As noted in our alert from last month, OSHA recently issued updated guidance outlining steps employers should be taking to protect employees from COVID-19:

- Conduct a hazard assessment relating to COVID-19 exposure;
- Identify control measures to limit the spread of COVID-19 (such as distancing, masks, barriers, work-from-home, staggered shifts, etc.);
- Adopt policies that encourage sick workers to stay home and not come into work;
- Communicate and train employees on the policies and procedures implemented (in their native languages); and
- Implement protections from retaliation for workers who raise COVID-19 related concerns and issues.

On the bright side, it appears that OSHA is not going to be issuing its own Emergency COVID-19 Standards, as initially contemplated in the executive order—at least not yet. However, employers that meet any of the criteria of the new national emphasis program would be well advised to ensure that they are in

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compliance with all OSHA and CDC guidance relating to COVID-19, and to prepare for the inevitable OSHA inspection.

To learn more about the national emphasis program and OSHA's guidance, please sign up for our webcast on those topics scheduled for March 18, 2021 at 8:00 am.

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