

OSHA Announces New National Emphasis Enforcement Program on COVID-19

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PRACTICES OSHA, Employment Litigation, Food, Beverage and Restaurant, Healthcare and Life Sciences, Labor and Employment, Litigation

On January 21, 2021, President Biden issued an Executive Order that, among other things, directed the Secretary of Labor to launch a national program to focus on OSHA enforcement efforts related to COVID-19. The President's Order directed OSHA to address hazardous conditions from COVID-19 that put the largest number of workers at serious risk.

In response, on March 12, 2021, OSHA announced a National Emphasis Program ("NEP") to ensure that employees in high-hazard industries are protected from COVID-19. The NEP augments OSHA's ongoing efforts of responding to complaints, referrals, and severe incident reports, by adding a component targeting specific high-hazard industries or activities where the COVID-19 hazard is considered prevalent. National emphasis programs are nothing new to OSHA as they are commonly used when the agency has identified a trend with a particular hazard that requires heightened enforcement attention.

This new COVID-19 NEP will require OSHA Area Offices to conduct planned/programmed and follow-up inspections in workplaces where employees have a high frequency of close contact exposures as to be at greater risk to COVID-19.

The NEP was effective as of March 12, 2021 and will expire (unless extended) after twelve months. The NEP applies to all states that operate under federal OSHA. OSHA strongly encourages states with state OSHA plans to adopt the NEP, but the agency does not require identical adoption. These state plans must submit a notice of intent indicating whether they already have a substantially similar policy in place, intend to adopt new policies and procedures, or do not intend to adopt the NEP.

Unprogrammed COVID-19-related inspections (e.g., when OSHA responds to a complaint or a report of a fatality or serious injury) will continue to be conducted at worksites where employees have a high frequency of close contact exposures. OSHA anticipates that the majority of the inspections will continue to occur in general industries, particularly in healthcare, based on current OSHA enforcement data showing higher COVID-19-related complaints, referrals and severe incident reports at healthcare worksites.

Read the full alert [here](#).