

President Biden Issues Orders on COVID-19 Worker Safety

By Karen Adinolfi

President Biden has ordered the Occupational Safety and Health Administration (OSHA) as well as the Mine Safety and Health Administration to evaluate whether a need exists for emergency temporary standards that protect workers from on-the-job COVID-19 infections. The White House also issued a 200-page National Strategy for the COVID-19 Response and Pandemic Preparedness on January 21, 2021, which also calls for OSHA to issue updated guidance on COVID-19 worker protections. The executive order also directed OSHA to issue any emergency rules by March 15, 2021. OSHA has not previously issued a COVID-19 rule, and the Trump administration had simply relied on the “general duty” clause of the existing Occupational Safety and Health Act for COVID-19 issues.

An emergency rule, lasting at the most six months, would require OSHA to determine that “employees are exposed to grave danger” by a new hazard, the practical effect being that the agency could avoid the lengthy public comment period typically required of federal rulemaking.

OSHA is also ordered by the President’s order to review its COVID-19 enforcement efforts and identify areas to improve.

If you have any questions, please do not hesitate to contact any of the listed Roetzel attorneys.

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