

OSHA Launches National Emphasis Program Targeting Industries and Worksites at High Risk for COVID-19

By Monica L. Frantz

On March 12, 2021, the Occupational Health and Safety Administration (OSHA) launched a new national emphasis program (NEP) aimed at protecting workers in high-hazard industries from contracting COVID-19. NEPs are temporary programs that focus OSHA's resources on particular hazards and high-hazard industries.

OSHA's recently launched NEP is aimed at supplementing OSHA's current efforts to address "unprogrammed" COVID-19-related activities (e.g., complaints, referrals, and severe incident reports) by enhancing enforcement efforts regarding specific-hazard industries where the risk of contracting COVID-19 is significant. The NEP will use a combination of inspection targeting, outreach, and compliance assistance to achieve its stated goal of significantly reducing or eliminating worker exposures to COVID-19. Inspections will target worksites with the highest concentration of workers who are at risk of contracting COVID-19, such as healthcare facilities, food processing facilities, and supermarkets. The new NEP formalizes components for planned and follow-up inspections in high-risk workplaces and reaffirms OSHA's longstanding policy of conducting on-site inspections.

The NEP also includes an added focus on ensuring that workers are protected from retaliation for complaining about unsafe or unhealthy working conditions. The NEP aims to accomplish this by distributing anti-retaliation information during inspections, providing outreach opportunities, and promptly referring allegations of retaliation to the Whistleblower Protection Program.

OSHA's latest NEP comes in response to an executive order issued by President Biden during his first days in office. On January 21, 2021, President Biden directed the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, to launch a national program focusing OSHA enforcement efforts related to COVID-19 on hazardous conditions that place the largest number of workers at serious risk, and on employers that engage in retaliation against employees who voice concerns about unsafe or unhealthy working conditions.

The NEP will remain in effect for one year, with OSHA having the option to amend or cancel it.

For more information and insight on this matter, please contact one of the listed Roetzel attorneys.

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