

Organization Name

Name of Meeting or Conference

City, State, and Date

OSHA's Actions to Protect Workers from COVID-19

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Emergency Temporary Standard (ETS) to Protect Healthcare Workers

Emergency Temporary Standard to Protect Healthcare Workers

- OSHA issued an Emergency Temporary Standard for Healthcare Workers on June 10, 2021.
- The ETS provides protections for workers facing the highest COVID-19 hazards— those in healthcare settings where suspected or confirmed COVID-19 patients are treated.

osha.gov/coronavirus/ets

Emergency Temporary Standard to Protect Healthcare Workers

- Creates requirements for employers in healthcare settings involving patient care to keep their workers safe from COVID-19.
- Includes measures familiar to most Americans, such as physical distancing, masks, and paid medical removal.
- Closely follows CDC guidance for healthcare workers, and uses several overlapping approaches to better protect workers.

Emergency Temporary Standard to Protect Healthcare Workers

ETS Exemptions

- Non-hospital care settings where all non-employees are screened before entry.
- Hospital outpatient care settings where all employees are fully vaccinated and all non-employees are screened before entry.
- Home healthcare settings where all employees are fully vaccinated, non-employees are screened prior to entry, and no suspected or confirmed COVID-19 cases are present.
- ETS applies only to embedded healthcare settings within non-healthcare settings.
- Fully vaccinated workers exempted from masking, distancing, and barrier requirements in well-defined areas with no reasonable expectation of suspected or confirmed COVID-19 cases present.

Emergency Temporary Standard to Protect Healthcare Workers

ETS Requirements

- Written plan
- Patient Screening
- Facemasks and Respirators
- Paid Medical Removal Protection
- Vaccination
- Physical distancing and barriers
- Ventilation and cleaning
- Reporting
- Anti-retaliation provision.

Emergency Temporary Standard to Protect Healthcare Workers

Compliance Directive

- Ensures consistent enforcement of the ETS by establishing:
 - Inspection methods;
 - Guidance for verifying exemptions and assessing compliance;
 - Citation guidance;
 - CSHO training and protection; and
 - Other supplemental instructions.

[osha.gov/coronavirus/ets](https://www.osha.gov/coronavirus/ets)

Emergency Temporary Standard to Protect Healthcare Workers

ETS effective dates

- Effective on June 21, 2021.
- July 6, 2021: Employers must comply with most provisions.
- July 21, 2021: Employers must comply with the remaining provisions.

OSHA will continue to monitor COVID-19 vaccination efforts, virus variants, and other factors as the pandemic continues, and will update the ETS as appropriate.

Updated Guidance on COVID-19 for All Industries

Updated Guidance for All Industries

- June 10, 2021: OSHA issued updated guidance to help employers and workers in non-healthcare industries protect workers who are still not fully vaccinated or who are otherwise at-risk.
- Guidance was issued in conjunction with the ETS for healthcare.

Updated Guidance for All Industries

■ Updated Guidance:

- Emphasizes vaccination as optimal step to protect workers.
- Provides information on measures to protect unvaccinated and at-risk workers in higher-risk workplaces with mixed-vaccination status workers.
- Places special emphasis on manufacturing, meat, poultry and seafood processing, and high-volume retail and grocery settings.

Updated Guidance for All Industries

Multi-layered controls to protect workers:

- Providing workers time off to get vaccinated
- Isolating sick workers and instructing them to stay home
- Implementing physical distancing for unvaccinated/at-risk workers in common areas
- Implementing flexible worksites (e.g., teleworking) and flexible work hours
- Providing face coverings to unvaccinated and at-risk workers
- Maintaining and improving ventilation systems.

Updated Guidance for All Industries

- **Best Practices regardless of vaccination status:**
 - Conducting a workplace risk assessment
 - Preparing a response plan with multi-layered controls
 - Taking steps to improve ventilation
- **Multiple layers of protection are even more important in high-risk mixed-vaccination settings.**
- **OSHA will continue to update and develop guidance based on the shape of the pandemic.**

Revised National Emphasis Program

Protecting Workers from COVID19 Exposure

National Enforcement Program for COVID-19

- March 2021: OSHA first issued an NEP to protect workers from COVID-19.
- July 2021: OSHA issued a Revised NEP for COVID-19, canceling March NEP.
- Revised NEP is based on the latest scientific guidance, a review of enforcement data from the March NEP, and issuance of the ETS for COVID-19 in healthcare.

National Enforcement Program for COVID-19

■ Focus:

- Specific high-hazard industries or activities where COVID-19 is prevalent.
- Healthcare and non-healthcare settings most commonly encountered in OSHA COVID-19 enforcement activities.
- Preventing retaliation against workers who complain about unsafe or unhealthful conditions or exercise other rights.

National Enforcement Program for COVID-19

- **Revised NEP was adjusted to focus on industries within the predominant sectors with increased potential exposures.**
 - Removed List of Secondary Target Industries (Appendix B from March NEP).
 - Those industries will no longer be a targeting source for programmed inspections.

National Enforcement Program for COVID-19

- **Inspections will follow current priorities:**
 - Unprogrammed
 - Follow Up
 - Programmed
- **Healthcare inspections will follow the Compliance Directive, Inspection Procedures for the COVID-19 Emergency Temporary Standard.**
- **Non-healthcare inspections will follow the June 2021 Updated Interim Enforcement Response Plan.**

National Enforcement Program for COVID-19

Programmed inspections

- Target list includes only industries in Appendix A.
- Area Offices may use discretion to delete establishments from targeting lists based on local knowledge.
- Two Master Lists for each Area Office to choose from:
 - Master List 1 includes all establishments with NAICS code listed in Appendix A
 - Master List 2 includes establishments based on ITA data, with NAICS listed in Appendix A and an elevated illness rate.

National Enforcement Program for COVID-19

■ Outreach and Compliance Assistance

- Nationwide outreach with industry, labor, and alliances upon issuance of NEP and throughout the duration of the pandemic.
- Continued outreach using products and activities:
 - New information shared through letters, news releases, social media, and QuickTakes.
 - Seminars tailored to specific audiences.
 - Working with national and regional offices of federal agencies.



July 2021 Interim Enforcement Response Plan

July 2021 Interim Enforcement Response Plan

- **Updated Interim Enforcement Response Plan**
 - Updated plan replaces March 12, 2021 guidance
 - Goals:
 - Identify exposures to COVID-19 hazards;
 - Ensure that appropriate control measures are implemented
 - Address violations of OSHA standards and the General Duty Clause.
 - Remains in effect until further notice.

July 2021 Interim Enforcement Response Plan

- **Updated Interim Enforcement Response Plan**
 - Outlines inspection procedures for workplaces not covered by the ETS for healthcare.
 - Provides updated instructions and guidance for CSHOs.
 - Focuses on non-healthcare industries and protections for workers who are not fully vaccinated.
 - OSHA will cease enforcement discretion for temporary noncompliance with the Respiratory Protection standard, if respirator supplies and services are available.

July 2021 Interim Enforcement Response Plan

■ Updated Interim Enforcement Response Plan

– Prioritizes

- COVID-19-related Fatality/Catastrophe inspections and other unprogrammed activities alleging potential exposure to COVID-19-related hazards.
- On-site workplace inspections where practical, or a combination of on-site and remote methods.
- Use of remote methods for employee interviews and collection of documentation to minimize CSHO exposures.

July 2021 Interim Enforcement Response Plan

- **Updated Interim Enforcement Response Plan**
 - Continues to ensure anti-retaliation protections.
 - Uses programmed inspections to target industries with previous OSHA enforcement activity and/or establishments with elevated rates of respiratory illness.

July 2021 Interim Enforcement Response Plan

- **Protecting OSHA Compliance Safety and Health Officers (CSHOs)**
 - Evaluate risks and determine appropriate protective measures for on-site inspections.
 - CSHOs are provided all needed equipment, supplies, and PPE.
 - CSHOs are provided appropriate respiratory protection.
 - Vaccination availability for CSHOs has been a Department/Agency priority.



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